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MĀORI ISSUES

The 2017 general election delivered twenty-nine members of Parliament of Māori descent, twenty of whom are in government, with eight of those becoming ministers. Māori also featured in sporting successes, especially women's rugby and men's softball. At the same time, racism against Māori became more blatant as decisions to allow Māori to have their own representation in local government were all successfully overturned. Māori continue to be disproportionately impacted by the effects of poverty in stark contrast to the Pākehā (European) population, which enjoys relative affluence. That drew criticism

yet again from two United Nations treaty bodies as Māori continue to be denied our rights under both Te Tiriti o Waitangi and the United Nations Declaration on the Rights of Indigenous Peoples. Since coming to power in late 2017, the new government has appeared to be more caring than the last, but little has changed for the large number of Māori struggling to survive in increasingly harsh socioeconomic conditions while still trying to protect our natural resources from overexploitation. Before reviewing these issues, we will pause to remember a number of leaders we lost during this period, all of whom spent their lives fighting to achieve justice for Māori.

Ngāi Tahu of Te Waipounamu (the South Island) lost some well-loved and widely respected elders and leaders. Trevor Howse passed away in May 2017. He helped organize and drive Ngāi Tahu's treaty claim behind the scenes, collating a vast amount of the information that was presented to the Waitangi Tribunal. He was also part of the Ngāi Tahu team that spearheaded the negotiation process and resulted in one of the biggest treaty claims settlements to date (Te Rūnanga o Ngāi Tahu 2014). So too was Kuaō Langsbury, who passed away in October. He first took a leadership role in Ngāi Tahu in 1961 when he was elected the chair of Ōtākou Rūnanga at the age of twenty-five (Waatea News 2017a). Then in January 2018 it was the gentle elder, leader, and Māori language, culture, and history teacher Kukupa Tirikātene. He provided advice and support for Ngāi Tahu's leadership and contributed to the recovery of their dialect of the Māori language. Tirikātene came from a family of

long-serving members of Parliament. His father, Sir Eruera, his sister, Whetū (Tirikātene-Sullivan), and his nephew, Te Rino, have all served as members of Parliament for the Southern Māori or Te Tai Tonga electorate (Waatea News 2018b).

Artist, teacher, master carver, and heritage advocate Dr Cliff Whiting of Te Whānau a Apanui passed away in July 2017. He worked on a number of modern-day meetinghouses including the spectacular Te Hono ki Hawaiki on Rongomaraeroa Marae at the Museum of New Zealand Te Papa Tongarewa, Te Kupenga o Te Mātauranga at Palmerston North Teachers' College, Maru Kaitatea on Takahanga Marae in Kaikoura, and Tahu Pōtiki on Te Rau Aroha Marae in Bluff. He also undertook large-scale murals for a number of government buildings including the New Zealand MetService, the National Library of New Zealand, and the Christchurch High Court (Hunt 2017).

Strong, outspoken, yet gentle Māori rights advocate Nuki Aldridge of Ngāpuhi passed away in November 2017. His expertise and knowledge of northern history was legend, particularly that relating to the formation of the collective of leaders, Te Whakaminenga o Ngā Hapū o Nu Tirenī, who were responsible for the country's first constitutional document, the 1835 He Whakaputanga o te Rangati-ratanga o Nu Tirenī, or the declaration of hapū (grouping of extended families) sovereignty often referred to in English as the Declaration of Independence. Nuki was a key witness in the hearings of the Waitangi Tribunal on the mid-northern claims. The tribunal went on to issue in 2014 its

groundbreaking findings that Ngāpuhi did not cede sovereignty to the British when they signed Te Tiriti o Waitangi in 1840. New Zealand's constitutional arrangements and parliamentary institutions have all been built on the false assumption that Māori had ceded sovereignty.

Ngāpuhi also lost another dedicated Māori rights advocate, the highly respected broadcaster, Māori language expert, and Vietnam War veteran Kingi Taurua. He passed away in May 2018. Taurua was steeped in the history, traditions, and values of his ancestors and used his radio programs to bring them to the fore. His broadcasts of the discussions he held with other holders of such knowledge from around the country are greatly treasured. He was well known for challenging those he considered as not upholding the honor and integrity of their ancestors, and he had little regard for those who bullied the people. His patience and calm consistency often averted crises at Waitangi, especially during Waitangi Day commemorations.

Keita Walker of Ngāti Porou of the East Coast also passed away in May. She was a champion of Māori language and culture. After a long career in education, she joined the Waitangi Tribunal in 1993. She also sat on many tribal and land boards on the east coast, including chairing Radio Ngati Porou (Waatea News 2018a).

Dr Koro Wetere of Ngāti Maniapoto passed away in June. He was the Labour member of Parliament for Western Māori from 1969 until 1996 and the minister of Māori Affairs from 1984 until 1990. He extended the mandate of the Waitangi Tribunal so

that it could hear claims dating back to 1840. He was a strong supporter of the Waikato-Tainui Kīngitanga and was influential in the 1995 settlement of Waikato's Tiriti o Waitangi claims (E-tangata 2018).

We bade each of these leaders and many others farewell over the past year as they commenced their journey to join their ancestors.

The results of the 2017 General Election included the usual mixture of wins and losses for Māori. The Māori Party had the biggest loss; none of its members returned to Parliament. They had made too many concessions in order to sit on the government benches with their National Party coalition partner, denying the very Māori treaty and human rights they had been elected to defend. In the lead-up to the elections, the Māori Party's minister of Māori Development had become increasingly embattled with his own constituents.

The election results indicated that no fewer than 29 members of Parliament of Māori descent are now in the House, spread across five parties: National, Labour, the Greens, New Zealand First, and ACT New Zealand. These members owe allegiance to their parties first, not to Māori. There are only 7 members (in a 120-seat Parliament) who are specifically mandated to represent Māori. However, even they must put their party's wishes ahead of the needs of their constituents. All 7 Māori seats went to Labour and resulted in 8 Māori becoming ministers. Voter turnout of 67 percent in the Māori seats continued to be much lower than the overall turnout of 80 percent (Electoral Commission 2018).

The new prime minister, Jacinda Ardern, presented a softer, more caring, and better-informed approach than that of previous governments when she visited Waitangi for the annual Waitangi Day commemorations in February. She acknowledged the 1835 basis for New Zealand's constitution, He Whakaputanga o te Rangatiratanga o Nu Tirenī, the Declaration of Māori Sovereignty. Te Tiriti o Waitangi, the 1840 treaty between Māori and the British Crown, is derived from the declaration. All previous governments, in keeping with their colonizing agenda, have eschewed the declaration because it threatens the legitimacy of their constitutional arrangements. The prime minister made commitments to lift Māori out of poverty, create more jobs, reduce the high incarceration and youth suicide rates of Māori, and ensure that Māori have adequate housing (TVNZ 2018). Her comments followed on from Governor-General Patsy Reddy's comments at the opening of Parliament at the end of 2017 when she pointed out, "No one should have to beg for their next meal. No child should be experiencing poverty. That kind of inequality is degrading to us all" (New Zealand Government 2017). What Reddy did not mention was that it is Māori who disproportionately bear the burden of poverty in New Zealand and that the gap between Māori poverty and New Zealand European affluence is now a gulf. At the last count in 2015, the median wealth of New Zealand Europeans was NZ\$114,000, five times more than that of Māori at NZ\$23,000 (Stats NZ 2016).

Achieving desperately needed

improvement for Māori in all areas will not be straightforward. Some Pākehā who have derived great privilege and prosperity off the back of Māori poverty and deprivation are adamant that the status quo must be retained. They continue to fight to stop Māori recovering our rights and the resources they stole from us. None has been as blatantly racist as the group calling themselves Hobson's Pledge, led by a past leader of the National Party. In 2017 and 2018, they successfully campaigned and overturned the decisions of five city and district councils to have Māori represented on their councils. They exploited discriminatory legislation that allows council decisions relating to Māori membership of councils (but not other types of membership) to be overturned by a referendum. To do so, Hobson's Pledge used their extensive resources to organize large turnouts of their membership to vote against Māori becoming decision makers in local government (Hobson's Pledge 2017).

The Human Rights Commission received a number of complaints about the leaflets distributed by the group but was unable to take any action to prevent the behavior. The commission had earlier run a campaign against racism that was fronted by 2017 New Zealander of the Year and award-winning filmmaker, actor, and comedian Taika Waititi (Mutu 2018a, 176). He has been talking for many years now about how racist New Zealand is. In April, Waititi was reported in an English magazine as saying that New Zealand is "racist as fuck" (Cafolla 2018). It went unreported by New Zealand media for four days until Waititi

himself goaded them into reacting by noting their silence in a Twitter post. Predictably, racist elements in Pākehā media attacked him mercilessly, proving Waititi's point. But his message drew support from the race relations commissioner and the prime minister (Cafolla 2018), as well as from a number of other commentators.

Any hope that New Zealand might be moving away from its White supremacist foundations have been quickly squashed by the government's deeply racist and divisive treaty claims settlement process (Mutu 2018a, 178–180), which has continued to pit Māori against Māori over the past year. Divisions within Ngāpuhi, the country's largest iwi (nation) over the mandate have continued and are reported on frequently by the media (Mutu 2018a, 178–179). Like Ngāpuhi, Whakatāohea of Te Moana a Toi (the eastern Bay of Plenty) and Ngāti Wai of Northland went to the Waitangi Tribunal over their disputes arising from the government's mandating process. The tribunal found that for Whakatāohea there had been “a failure to fulfill the Crown's duty to act reasonably, honourably, and in good faith” and recommended that there be a temporary halt to negotiations until the issues identified in relation to the mandate could be addressed (Waitangi Tribunal 2018). For Ngāti Wai, they found that the body the Crown had recognized (the Ngātiwai Trust Board, which had been established to administer trust funds), was “not fit for purpose” to negotiate treaty settlements (Waitangi Tribunal 2017). Meanwhile, tensions have been high between a collective of Hauraki iwi and neighboring Tauranga Moana

iwi and Tāmaki Makaurau iwi after lands of the latter two were included in the settlement of the Hauraki iwi. Large numbers joined protest marches during 2017 and 2018 in an attempt to persuade the government to adhere to tikanga (Māori law), but they were largely ignored.

The new minister of Treaty of Waitangi negotiations indicated that he was prepared to discuss the problems associated with the treaty claims settlement policy with the National Iwi Chairs Forum. However, no discussions have eventuated. For nearly twenty-five years now, the policy has been controlled by government servants who have ensured adherence to its original intent—an intent that was determined unilaterally by the government in the early 1990s but is not widely known or understood (McDowell forthcoming; Mutu 2018b). Recent research has focused on government documentation that spells out the aim of successive governments' treaty claims settlement policy: it is not to “settle” claims but rather to remove Māori legal rights. That includes the legal rights won in the Court of Appeal in the 1980s to have governments relinquish lands that they stole and return control and ownership of those lands to the Māori from whom they stole them. The policy also aims to remove our human rights as spelled out in Te Tiriti o Waitangi and in the United Nations Declaration on the Rights of Indigenous Peoples, particularly our right to self-determination (McDowell forthcoming; Mutu 2018b). Its overarching aim is to uphold the Doctrine of Discovery in New Zealand, a doctrine that falsely asserts that Whites are inher-

ently superior and therefore can take over the lands, lives, and resources of Indigenous peoples as and when they choose (Miller and others 2010; Mutu 2018b). Government servants are striving to meet these goals by a deadline of 2020. During the period under review the government legislated the extinguishment of the claims of five claimant groupings: Ngāti Pūkenga of Tauranga, Rangitāne of Wairarapa and Tāmaki Nui-a-Rua, Ngāti Kahu ki Whangaroa of the Far North, Ngāti Kahungunu ki Heretaunga Tamatea of southern Hawke's Bay, and Ngāi Tai ki Tāmaki of Auckland (Office of Treaty Settlements 2018).

The Doctrine of Discovery persists in the former British colonies of New Zealand, Australia, Canada, and the United States of America to this day (Miller and others 2010). It has resulted in numerous atrocities being perpetrated against Māori in the same or very similar ways that the other three states have abused and mistreated the Indigenous peoples in the territories that they took over. Since the 1970s, New Zealand's persistence with this White supremacist approach has led Māori to call on the United Nations for support and assistance.

The United Nations has repeatedly criticized New Zealand for its treatment of Māori (Daes 1988; Stavenhagen 2006; Anaya 2011). During the period under review, two United Nations treaty bodies issued further criticisms and strongly worded recommendations for how to remedy the New Zealand government's unacceptable treatment of Māori. In August 2017, one of the recommendations of the UN Committee on the Elimination of Racial Discrimina-

tion was that the government "issue, without delay, a timetable for debating, in partnership with Maori, . . . the proposals contained in the report of Matike Mai Aotearoa" for constitutional transformation (United Nations Committee on the Elimination of Racial Discrimination. 2017; see also Jackson and Mutu 2016). Predictably, nothing happened. Then in March 2018, the UN Committee on Economic, Social and Cultural Rights held an interactive dialogue with the New Zealand government as part of New Zealand's periodic reporting. During the dialogue, committee members noted repeatedly that they were mystified that a developed and comparatively wealthy nation such as New Zealand has such appalling levels of socioeconomic deprivation, and especially among Māori. The committee's report was released in May (United Nations Economic and Social Council 2018) and strengthened the recommendation of the Committee on the Elimination of Racial Discrimination on constitutional transformation by recommending that the government "take immediate steps, in partnership with Māori representative institutions, to implement . . . the proposals put forward in the 2016 Matike Mai Aotearoa report" (Jackson and Mutu 2016). They also recommended that the government

- develop a national strategy to bring legislation and public policy in line with the provisions of the United Nations Declaration on the Rights of Indigenous Peoples;
- put in place effective mechanisms to ensure meaningful participation of Māori in all decision-making processes affecting their rights;

- take effective measures to ensure compliance with the requirement of obtaining the free, prior, and informed consent of Indigenous peoples, notably in the context of extractive and development activities.

There were also strong recommendations regarding family violence and child abuse, and adequate resourcing to address problems such as unemployment, poverty, housing and homelessness, health, and education as they impact Māori. A number of the recommendations reflected submissions made to the committee by the National Iwi Chairs Forum's Independent Monitoring Mechanism. The mechanism has been working through this and other United Nations treaty bodies and the Expert Mechanism on the Rights of Indigenous Peoples in an attempt to shift the New Zealand government toward compliance with its international obligations regarding Māori.

Despite the worsening socio-economic situation of most Māori, we have continued to fight against excessive and unsustainable exploitation of our natural resources. Fresh water continues to pose major problems. Māori own the water but governments, including local governments, have usurped and then denied Māori ownership in order to retain the benefits for themselves. As a result, many rivers are now polluted and aquifers are coming under threat from freshwater bottling companies who pay nothing for the water they take and then sell overseas. In some rare cases, such as the Porotī springs in Northland, Māori have been legally recognized as the owners of water. But that has not stopped the local govern-

ment selling licenses to developers to take water that does not belong to them from the aquifer that supplies the springs for commercial bottling. The hapū (grouping of extended families) of Porotī have been reduced to protesting in the streets, most recently in September 2017, in order to stop their water being stolen and their springs being damaged (Radio New Zealand 2017).

Water-bottling consents are now a pressing issue not only at Porotī but also in Whakatāne, with Ngāti Awa appealing against resource consents that would allow a company to take water for bottling (More 2018). The Waikato Regional Council put on hold an application to take water for bottling from the Blue Springs near Putaruru after an objection from the Raukawa Settlement Trust (Waatea News 2017b). Ngāti Tama at the top of the South Island are continuing to pursue a water conservation order for their Waiporopupū springs after successfully appealing a consent to take water for bottling in 2017 (Hindmarsh 2018). Underlying the objections of Māori owners is the government's ongoing refusal to address the fact that Māori own the water, despite promises made to the Supreme Court in 2013 that it would do so.

In other areas of resource management, consents for sand mining in south Taranaki are awaiting the decision of the High Court on appeals from Ngāti Ruanui, Ngā Rauru, and various other groups (Stowell 2018). The members of a marae (communal meeting complex) in Northland are fighting to stop the largest poultry factory farm in the country being

built next to their cemetery (Earley and Lambly 2018). Hapū members from Ihumātao near Auckland airport drew support from the United Nations Committee on the Elimination of Racial Discrimination in their fight to stop a housing development on their sacred stone fields (United Nations Committee on the Elimination of Racial Discrimination 2017). And Ngāti Kahungunu of Hawke's Bay led a protest against a consent issued without their knowledge for a walking track that has scarred the face of their sacred Te Mata o Rongokako range (Treacher 2018).

On a brighter note, we were proud to celebrate the performance of our Black Ferns Women's Rugby team as they won not only the Women's Rugby World Cup in Ireland in August 2017 but also the Rugby World Cup Sevens–Women's Tournament held in San Francisco in July 2018 (Rugby World Cup Women's 2017; Rugby World Cup Sevens 2018). Almost all of the team are either Māori or Pacific Islanders. Likewise, our national softball team, the Black Sox, won their seventh world title in the Men's World Softball Championship in Canada in July 2017. They are one of New Zealand's most successful sporting teams (Smith 2017).

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NIUE

Niue's political scene has been marked by several significant events and activities over the past year. Most notably, Niue Premier Sir Toke Talagi secured a fourth term in government following elections in May 2017, despite coming in third in common roll polls behind former member of Parliament (MP) and Niue High Commissioner to New Zealand O'Love Tauveve Jacobsen and long-serving common roll MP Terry Coe.

The postelection atmosphere quietly echoed the determination of those who were looking for a change in government and working to challenge an administration whose politics were dominated by a generation of