TUPUNA AWA AND TE AWA TUPUNA

AN ANTHROPOLOGICAL STUDY OF COMPETING DISCOURSES AND CLAIMS OF OWNERSHIP TO THE WAIKATO RIVER

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Abstract

This thesis argues that the Waikato River lies at the heart of tribal identity and chiefly power and has therefore become a key focus of ongoing local struggles for prestige and *mana* among Waikato Maori. By analysing competing discourses about the river it examines some of the tensions and internal conflicts within the modern *iwi* entity of Waikato-Tainui, as well as the contestations for power between *iwi* and the State. These themes are observed most clearly in Treaty of Waitangi claims by Maori for ownership and guardianship rights. The process of claiming culminated in Waikato-Tainui and the Crown signing a Deed of Settlement for the river in 2009. The major outcome of this deed, as the thesis explains, is a new co-governance structure for the river that will have equal Maori and Crown representation. What has also transpired from the agreement, however, is the emergence of a new guard of Maori decision-makers who have challenged and displaced Kingitanga leaders as the main power brokers of the river.

This thesis explores the bureaucratic processes and the unique river discourses that have been created by Maori, the Crown and other groups, such as Mighty River Power, and asks what role the politics of language plays in transforming identities, power-relations and socio-political hierarchies? A major focus of this thesis is the shifting relationships between identity, knowledge and power. Its hypothesis is that subtle shifts in discourse reflect wider social and symbolic struggles. Long before negotiating Waikato-Tainui's river claim, Kingitanga leaders such as Princess Te Puea Herangi and Sir Robert Mahuta established a discourse for the Waikato River using the idiom of *Tupuna Awa* that defined the Waikato River as an important tribal ancestor. In contrast, more recently Waikato-Tainui's river negotiators and Crown officials have embraced the idiom of *Te Awa Tupuna*, translated as 'ancestral river', which redefines Waikato Maori understandings of the river. This discourse emphasises *iwi* identity, *iwi* partnerships with the Crown and a 'vision' of co-managing the Waikato River. While much has been written about a singular 'Maori worldview' this study highlights the cultural specificity of Waikato Maori and their sense of place and ownership. It does this by drawing on thick descriptions and the multiple perspectives of the different actors who share interests in the river.

KEY WORDS: co-governance, discourse, leadership, *mana,* ownership, Treaty claims, Tupuna Awa.

Acknowledgements

At the conclusion of this thesis we have experienced a very sad moment, the passing of Lady Raiha Mahuta. Waikato shares the loss with Ngati Manu of Te Taitokerau.

No reira e te whaea rangatira e Rai, kua hoki atu koe ki nga ringaringa o to tatou matua nui i te rangi. No reira moe mai ra. I oti ia koe nga mahi nui mo te iwi me te awa o Waikato. No reira me mihi atu ki a koe. Kua tae atu koe ki to hoa a Te Kotahi raua ko Te Arikinui Te Atairangikaahu e tatari nei ki a koe.

> *No reira moe mai ra*
> *I te putahi nui o Rehua,*
> *Te po tu tanganui o Pipiri*
> *Te urunga, te taka, te moenga, te whakaarahia,*
> *Moe mai, moe mai ra e kui.*

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Table of Contents

List of Figures

List of Maps

List of Photographs

Glossary

ariki	paramount chief
awa	river
awa tupuna	ancestor river
hapu	group of related whanau, family or district group, lineage communities
hinaki	eel trap
iwi	people of related descent, tribal group, nation, people
kahui ariki	Waikato iwi's senior lineage family, paramount family
kaitiaki	iwi, hapu or whanau group with customary guardianship responsibilities
kaitiakitanga	the duty of care, passed down from ancestors to tangata whenua to nurture and protect: places, natural resources and the taonga in their tribal areas
karakia	incantations, prayers
kaumatua	elders, decision-makers for whanau and marae
kaupapa	topic, subject area
kokopu	native trout
kuia	female elder
mana	authority, respect, dignity, status, influence power
mana whakahaere	authority, rights of control
mana whenua	traditional status, rights and responsibilities of Maori groups in relation to local tribal lands
marae	clusters of family who belong to a local Maori community, Maori settlement which includes people and buildings
maunga	mountain
mauri	spiritual essence, essential life principle, life-force
pa	fortified site, Maori village
pepeha	tribal sayings, identity proverbs
pou	post, stake, stakeholder

rahui	temporary protection of resources through tapu, restrictions on access or harvest, mark to warn against trespass
rangatira	chief, leader, owner
rangatiratanga	the authority of an iwi or hapu to make decisions and control resources
raupatu	unfair confiscation, conquest
rohe	territory of an iwi or hapu
tangata whenua	people belonging to a particular rohe or tribal area
taniwha	water denizen, custodial water creature, chief, guardian, metaphysical sign post
taonga	anything highly prized or treasured, important resources
tapu	sacred, quality where something is restricted
Te Arikinui	highly regarded paramount chief
Te Awa Tupuna	Ancestral River
teina	younger brother of a male, a younger sister of a female and a cousin of the same sex in a younger branch of the family
Te Kingitanga	The Maori King Movement
Te Ture Whaimana	new 'vision and strategy' policy document for the Waikato River
tikanga	tribal rules and customs
tongi	prophesy, saying of Kingitanga leaders
tono	betrothal of marriage
tuakana	older brother of a male, an older sister of a female and a cousin of the same sex in an older branch of the family
tuna	eel
tupuna	ancestor
Tupuna Awa	River Ancestor
uri	descendant, offspring
wai	water
waka	canoe
waka taua	ceremonial war canoe
whai	owned

whaikorero	formal speech, public address
whakapapa	genealogy
whakatauki	tribal saying, proverb
whanau	extended family
whanaungatanga	relatedness, relatives
whenua	land

The Maori words in this thesis are used in these contexts in the Waikato. They may have different meanings in other tribal regions. Written Maori in the Waikato uses 'double vowels' to indicate long vowel sounds. This distinction was promoted by Bruce Biggs and Robert Mahuta. For personal style reasons this thesis does not use double vowels or macrons when spelling Maori words with long vowels.

List of Abbreviations

CEO	Chief Executive Officer
DSIRWR08	2008 Deed of Settlement (22 August 2008)
DSIRWR09	2009 Deed of Settlement (17 December 2009)
ECNZ	Electricity Corporation of New Zealand Ltd
GEC	Guardians Establishment Committee
MOP	Memorandum of Partnership
MOU	Memorandum of Understanding
MRP	Mighty River Power Ltd
RMA	Resource Management Act 1991
SOE	State Owned Enterprise
TMTB	Tainui Maori Trust Board
WRAIP	Waikato River Agreement in Principle December 2007
WRCSA	Waikato Raupatu Claims Settlement Act 1995
WRDAIP	Waikato River Draft Agreement in Principle March 2007
WRLT	Waikato Raupatu Lands Trust
WRRSIP	Waikato Raupatu River Settlement Information Package August 2008
WRTC	Waikato Raupatu Trustee Company
WTMRPMOP	Waikato-Tainui and Mighty River Power Memorandum of Partnership 2003

Socio-Cultural Map of Waikato River Maori
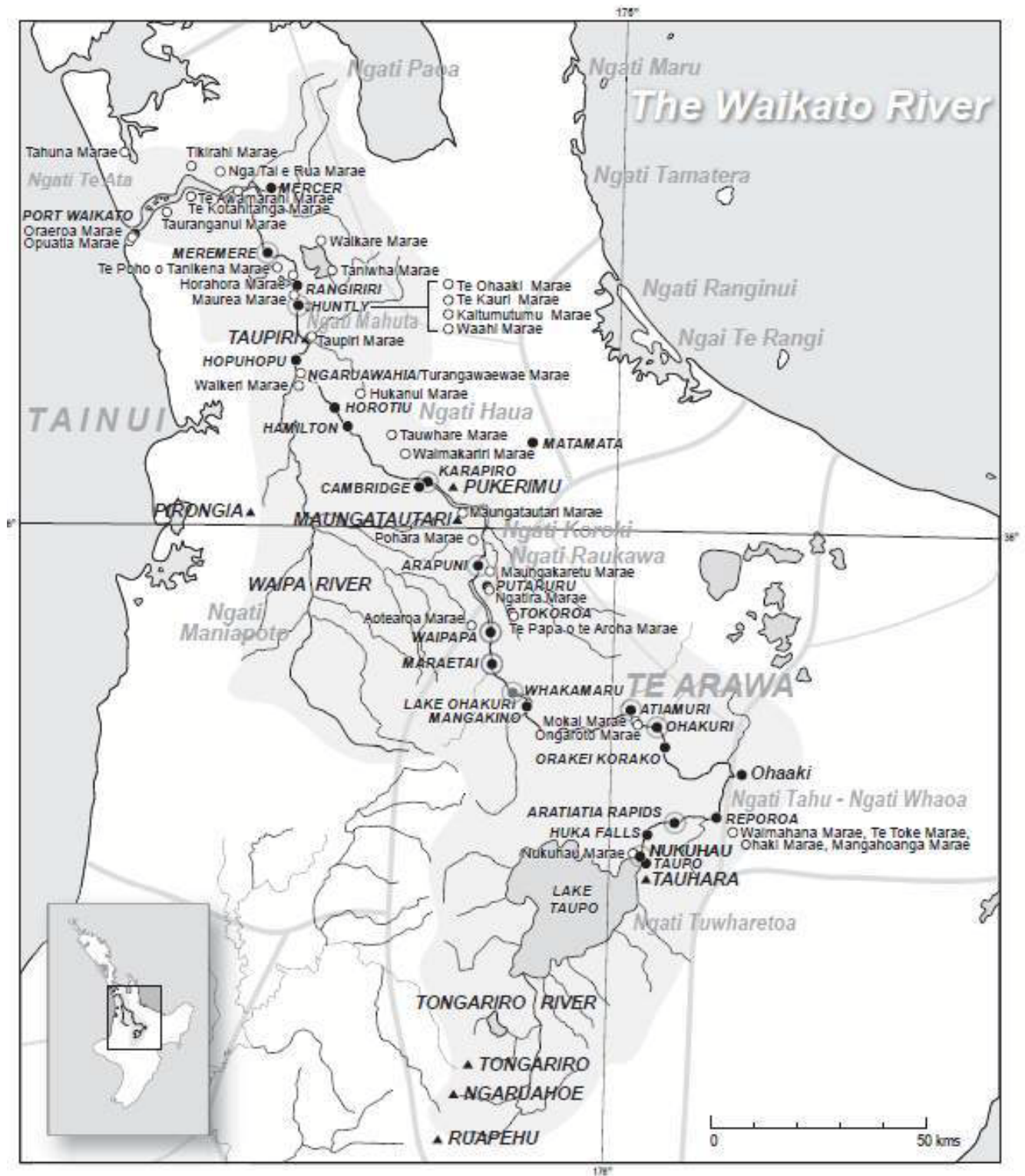
Map 1

Introduction

WAIKATO RIVER CO-GOVERNANCE: WINNERS AND LOSERS
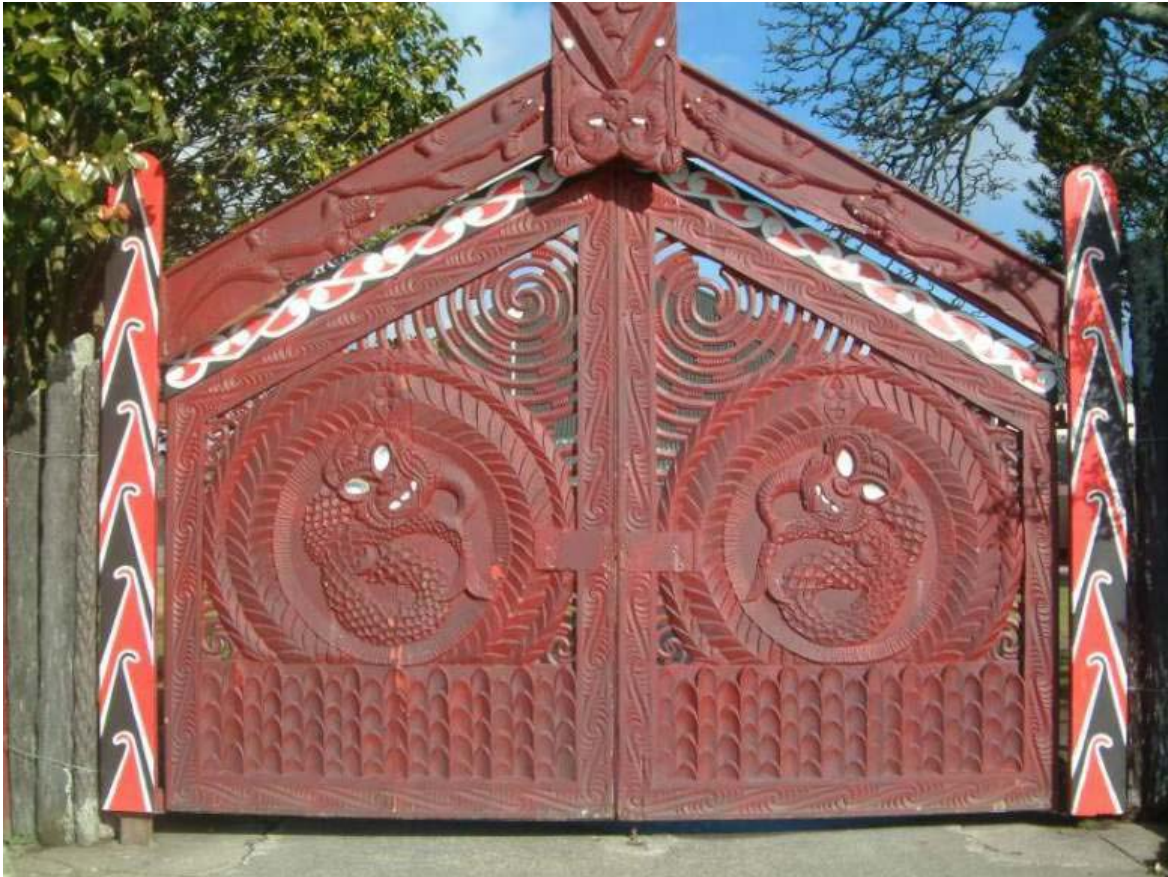
Photo 1. Taniwha Carved on the Main Gate at Turangawaewae Marae in Ngaruawahia

This thesis is about the Waikato River and the people who have interests in it. The Waikato River has a long history of people making claims to it, including Treaty of Waitangi claims by Maori for ownership and guardianship rights.[1] The claiming process has most recently culminated in Waikato-Tainui and the Crown signing a 2009 Deed of Settlement for the river. This deed established a new co-governance structure for the river, with equal Maori and Crown representation. But what has also transpired from the agreement is the emergence of a new guard of Maori decision-makers who have challenged and displaced the traditional

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[1] Treaty of Waitangi claims have been a significant feature of New Zealand race relations and politics since 1975. Over the last 35 years, New Zealand governments have provided opportunities for Maori tribes to seek redress for Crown breaches that were outlined in the Treaty of Waitangi of 1840. Because the Treaty of Waitangi has limited legal standing, the primary means of registering and researching Treaty claims is through the Waitangi Tribunal. Waitangi claims are settled through negotiations between Maori tribal and government representatives. For more on Treaty Claims in New Zealand see Kawharu (1996 [1989]) and Ward (1999).

Kingitanga leaders as the main power-brokers of the river. A key observation of this thesis is that the Waikato River lies at the heart of Waikato Maori tribal identity and chiefly power and is, therefore, a key focus of the ongoing local struggles for prestige and *mana.* Long before negotiating Waikato-Tainui's river claim, Kingitanga leaders such as Te Puea Herangi and Robert Mahuta, established a discourse for the Waikato River using the idiom of *Tupuna Awa* that defined the Waikato River to be an important tribal ancestor.[2] In the past five years, however, the Waikato-Tainui river negotiators, Tukoroirangi Morgan and Raiha Mahuta, in collaboration with Crown officials, have embraced the idiom of *Te Awa Tupuna*, translated as 'ancestral river', and redefined Waikato Maori relationships and understandings of the river. This new discourse emphasises *iwi* identity, *iwi* partnerships with the Crown and a vision of co-governing the Waikato River.

The Waikato Maori groups discussed in this thesis are:
- Waikato River Maori – this group comprises Maori who live on *marae* and in traditional tribal settlements (*whanau* and *hapu* lands) along the Waikato River. There are more than 60 *marae* along the Waikato River. The most politically active tribes of the river today are: Ngati Tuwharetoa, Ngati Tahu-Ngati Whaoa, Ngati Raukawa, Ngati Koroki-Kahukura, Ngati Haua and Waikato *iwi*.
- Waikato *iwi* – this group is also referred to as the Waikato Confederation in this thesis. Waikato *iwi* is the tribal group located in the northern-most third of the river. On Map 1 this is the area of the river between Maungatautari and Port Waikato (see page xiv). The assembly of smaller tribes that make up Waikato *iwi* are discussed in Chapter Four. The people of Waikato *iwi* are the main supporters of the Kingitanga.
- The Kingitanga – also referred to as the Maori King Movement is a long-standing political grouping that was established in the 1850s to resist British appropriations of Maori land (Ward 1999:19, 54). The movement was the 'first effort to create a Maori nation and a new polity with which to confront the onslaught of colonisation' (Ballara 1996:1). The initiative of having a single paramount chief who assumed the role of Maori King representing all Maori tribal interests in the country saw the emergence of a unified pan-tribal identity. This new role altered the autonomy of many *iwi* and *hapu* in the central North Island. The movement has transformed considerably since its inception and these changes are examined in Chapters Two, Three and Four of this

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[2] Te Puea Herangi and Robert Mahuta are discussed in Chapters Two, Three, and Four of this thesis.

thesis.

- Waikato-Tainui - is Waikato *iwi's* modern corporate identity. This identity was formally established after Waikato *iwi* signed their 1995 Deed of Settlement with the Crown.[3] Robert Mahuta's construction and composition of Waikato-Tainui as an *iwi* is examined in Chapter Four.

Revealing the subtle differences between the tribal groups of the Waikato River, this thesis asks why Maori groups located along the northern-most third of the river have collectively embraced an identity that emphasises the Waikato River? While worldviews may differ between Maori tribal groups, this study concurs that, like other Maori tribes, Waikato Maori share an interest in the process of naming and claiming local lands and resources.[4] This study highlights the cultural specificity of Waikato Maori's sense of place and ownership. It does this by drawing on the thick descriptions and the multiple perspectives of the different actors who share interests in the river.

There are two main aims for this thesis. The first is to investigate the bureaucratic processes and the unique river discourses that have been created by Maori, the Crown and other groups, such as the electricity generating company Mighty River Power (MRP). In doing so, this thesis asks: what role does the politics of language play in transforming identities, power-relations and socio-political hierarchies? This study will show that an analysis of the competing discourses of the river provides a lens onto some of the tensions and internal conflicts within Waikato-Tainui, as well as illuminating the contests for power between *iwi* and the State. The second major aim of this thesis is to show that, contrary to arguments in favour of an overarching 'Maori worldview', Waikato Maori and members of the Kingitanga have their own experiences of being Maori and a view of the world that is specific and distinct.

It is important to state from the outset what this thesis is *not* about. Firstly, it is not a cognitive study about how people conceptualise and rationalise property and ownership. Nor is it a study whose principle 'or even secondary purpose' is to establish or further the Treaty

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[3] The 1995 Deed of Settlement acknowledged the Crown's unfair confiscation of Waikato tribal lands in the 1860s. Waikato *iwi* were compensated for the Crown's actions.
[4] Greg Sarris (1993:8-9) discusses the naming and claiming of Pomo and Miwok Indian lands in North America, Keith Basso (1996) discusses naming and claiming for Apache Indians, Deborah Rose Bird (1996) discusses naming and claiming for Aboriginal peoples in Australia, Paulo Freire (2004) critiques the colonial act of naming and claiming.

claims process currently underway between Maori and the State. It is also not a comparative study of indigenous people's struggle for control over local resources. Rather, my study focuses on local political processes and strives for a non-partisan treatment of the issues which are too often politicised to the point that impartiality is rarely achieved or valued.

Thesis Outline

In order to address the questions raised above, this thesis is organised as follows: Chapter One describes the methodology used, and discusses reflexively my ambiguous position as a member of Waikato *iwi* and the Kingitanga. It brings together two strands of literature about Maori claims to lands and resources, and considers why these seldom engage in constructive dialogue. Importantly, the chapter also introduces the main theoretical framework of the thesis which draws on a combination of insights from Michel Foucault (1973, 1977, 1979, 1980, 2003 [1972]) and Fredrik Barth (2002). The works of these scholars have been critical in developing my understanding of the social meanings and discourse of the Waikato River. Chapter Two describes the setting, using a traditional Maori trope for representing relationships between people and territory. It highlights these relationships and the significance of the river as a cultural resource and boundary-making entity. Chapter Three takes up the issue of property and explores different understandings of the concept of ownership. It argues that the discourse of 'owning' in the Waikato is shaped by considerations of hierarchy and *mana*, particular to the Kingitanga. The chapter also examines the significance of the term *Tupuna Awa* for Waikato *iwi*. It illustrates how cross cultural understandings of ownership can be obtained through analysing the meanings of key Maori words and concepts. Chapter Four explores the process of claiming property and rights through descent group identities. It looks at the way that the State, through the Treaty claims process, reconfigured Maori group identities and political structures, elevating the corporate *iwi* above *hapu* and *whanau* groups. The chapter also details how Kingitanga leader Robert Mahuta successfully advanced Waikato Maori claims to land and the river, by effectively representing Waikato-Tainui as an enduring and important super-*iwi*. Chapter Five looks at the politics of naming in the post-Mahuta era, as different river stakeholders such as MRP compete for recognition, influence and power in the management of the river. It shows how changes in the structures of governance have had major implications for the status and influence of particular Waikato Maori groupings. Chapter Six further develops the themes of Chapter Five and looks more closely at rivalries and tensions within Waikato-Tainui. It considers the three most prominent competitors for influence and control in terms

of Weber's (1949) classic model of leadership and authority. In particular, it shows how the new discourse of *Te Awa Tupuna* has served to undermine the authority of the Kingitanga whilst promoting the influence of Tukoroirangi Morgan as the most important mediator between *iwi* and Crown. Unlike previous secular leaders of Waikato *iwi,* such as Te Puea Herangi, Robert Mahuta and Tumate Mahuta, Tukoroirangi Morgan is not a member of the Kingitanga's senior lineage. The basis of his authority comes from being elected on to the Te Kauhanganui (Waikato-Tainui's tribal parliament) and being the elected Chairperson of Te Arataura (Waikato-Tainui's governing executive). [5] In recent years he has gained considerable status and influence from his role as co-negotiator in the Waikato River claim, along with Raiha Mahuta (who is Robert Mahuta's widow). Thus, much of his authority and power stems from negotiating legal and financial matters with the Crown. Chapter Seven concludes the thesis by drawing on some of the main findings and their implications for debates around how particular discourses are used by actors and groups to frame issues, so that particular meanings and ways of representing ideas prevail. In demonstrating how discursive practices have been used to manage and direct river negotiations, as well as empower and disempower specific groups along the river, this ethnographic study identifies some of the winners and losers of Waikato River co-governance.

Before addressing these substantive conceptual and methodological issues I begin with an account of a recent event in which Waikato-Tainui's revised Deed of Settlement for the river was officially and ceremonially confirmed. This ethnographic account serves two purposes. First, it introduces the main actors and protagonists in the story of Waikato Maori's ongoing negotiation processes around the river; and, secondly, it provides an illustration of how power relations and social tensions within and between the different stakeholders are played out in practice.

A 'Situational Analysis' of the Deed Signing Ceremony

On 3 December 2009, a headline in New Zealand's most well known newspaper, *The New Zealand Herald,* read 'Deal to streamline river management'.[6] For most Maori in the Waikato, this news came as a surprise, as it was only in the previous year that a major deed of

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[5] A comprehensive discussion of Waikato-Tainui's Te Kauhanganui and Te Arataura can be found in Chapter Four.

[6] See for example, Tahana, Y 'Deal to streamline river management' *The New Zealand Herald* (3 December, 2009); Tahana, Y 'Waikato waterways co-management settlement could apply elsewhere' *The New Zealand Herald* (18 December, 2009) online at http://www.nzherald.co.nz.

settlement for the Waikato River (2008 Deed of Settlement) had been agreed to and signed by the outgoing deputy Prime Minister, Michael Cullen.[7] The newspaper article explained that the Crown believed that the previously proposed co-management model for the river would be unworkable, and therefore needed to be renegotiated. Earlier in the year, the National Party's new Minister for Treaty Negotiations, the Honourable Chris Finlayson, had commissioned an independent panel to assess the feasibility of the co-management framework proposed in the 2008 agreement. For Tukoroirangi Morgan and Raiha Mahuta, Waikato-Tainui's river negotiators, the findings of the review were undoubtedly very disappointing. It is likely that the news was highly embarrassing for Tukoroirangi Morgan who had staked his reputation on the agreement which sought to have Waikato-Tainui *iwi* legally recognised as key 'guardians' of the Waikato River.

Despite the significant changes to the deed, Waikato-Tainui's river negotiators agreed to the Crown's new terms. The changes to the Deed of Settlement were signed off less than two weeks later, on 17 December 2009, at a low-key ceremony in the Tainui Endowed College at Hopuhopu.[8] The signing ceremony was attended by about 180 people. The main representative for the Crown was Chris Finlayson who headed a party of around 20 people, including the National Party MPs Georgina Te Heuheu, Tau Henare, Wayne Mapp and David Bennett, various Crown legal and policy advisors, and employees from Te Puni Kokiri[9] and the other government departments. Another significant figure in the Crown party was the Ngati Tuwharetoa paramount chief, Tumu Te Heuheu. Ngahuia Dixon, an elder at the gathering, explained that his role in the Crown party was symbolic. He was the *kaitiaki* (guardian) for the overall proceedings of the ceremony. A second *kaitiaki* present at the ceremony was the Tainui talisman, Korotangi that was placed on the table next to the unsigned Deed of Settlement documents. Korotangi is the mythical bird that is said to have travelled with the Tainui canoe and crew on its maiden voyage from Hawaiki to Aotearoa-New Zealand. The stone bird which was in museum storage in Wellington for many years was 'handed back' to Waikato-Tainui by the Crown in a symbolic gesture of goodwill at the signing of the 1995 Deed of Settlement for confiscated lands.

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[7] The full name of the agreement was the Deed of Settlement in Relation to the Waikato River 22 August 2008 (DSIRWR08).
[8] Hopuhopu land which was previously an army training base was returned to Waikato *iwi* in the tribe's 1995 land settlement. Robert Mahuta and the Tainui Maori Trust Board built the tribe's parliament building called Te Kauhanganui and the Tainui Endowed College on the land.
[9] Te Puni Kokiri is the Ministry of Maori Development.

Other important figures attending the ceremony included Waikato-Tainui's paramount chief, King Tuheitia[10]; the Chairperson of Te Kauhanganui, Tom Roa[11]; the Ngati Maniapoto statesman, Koro Wetere and the river negotiators Tukoroirangi Morgan and Raiha Mahuta. There were also officials from MRP, Genesis Power, Environment Waikato, Federated Farmers and the Hamilton City Council. The gathering drew together all the key leaders and stakeholders of the river, but the absence of ordinary Waikato tribal members was notable. Holding the signing ceremony at the Tainui Endowed College rather than a Waikato *marae* further contributed to the sense of exclusivity. The Tainui Endowed College was established by Robert Mahuta with monies from the 1995 settlement and was intended to be a postgraduate research centre. However in 2001, not long after the College was completed, Robert Mahuta died and the College buildings were taken over by the Waikato Raupatu Lands Trust CEO, Hemi Rau. For many years Kingitanga loyalists have argued that Hemi Rau and his staff should not be based at the College.[12]

The arrangement of people and space at the ceremony was indicative of the power relations between the various groups. As Max Gluckman illustrated through what he termed 'extended case method' (1953, 1958), and which others have labelled 'situational analysis' (Van Velsen 1967:129), the seating and proceedings of rituals and ceremonial gatherings can be highly revealing of power relations. In a study that examined the ceremonial opening of the first bridge built in Zululand, Gluckman set out to show:

> [H]ow individuals in certain key positions could create and exploit social situations in terms of their power and their culture, and yet how certain other processes, arising from the larger society, led to standardized but unplanned relationships and associations (1967:xx).

The social and political outcomes for individuals and groups participating in rituals and ceremonies are generally planned. Thus the social drama played out in the staging and process of the Deed of Settlement signing ceremony was a modification of a traditional Maori encounter between *tangata whenua* (home people) and *manuwhiri* (guests) on *marae*. The 'ritual units' of traditional Maori gatherings generally consist of a *wero* (ritual challenge), a *karanga* (call), a *powhiri* (action chant of welcome), *whaikorero* (oratory) and a *hongi*

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[10] In March 2010 King Tuheitia was reported to have said that he would 'stand down' as paramount chief of Waikato *iwi* if members of the Te Kauhanganui continued to attack the management of his office. See Akuhata, K 'Maori King threatens to abdicate' *WaikatoTimes* (3 March, 2010) online at http://www.waikatotimes.co.nz.
[11] In March 2010 Tom Roa suddenly resigned from his position as Chairperson of Te Kauhanganui. See Akuhata, K 'Roa new casuality of Tainui unrest' *Waikato Times* (10 March, 2010) online at http://www.waikatotimes.co.nz.
[12] Robert Mahuta is buried at the entrance to the College.

(pressing of noses) (Salmond 1996 [1976]:115-178).[13] On *marae*, encounters between hosts and guests involve the use of a meeting house and an open space. As there is no meeting house at the Tainui Endowed College, the signing ceremony was held in the college's dining room from which the food serving area had been covered leaving a large rectangular space with two entrances. The following diagram shows the designation of space for particular individuals and groups. As the Deed of Settlement emphasises the new co-governance arrangement for the river between Waikato-Tainui *iwi* and the Crown, the spatial arrangement of the ceremony must be seen to reflect something of an equal partnership between the two parties.

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[13] For more on the significance of ceremonies as frames for human interaction see Erving Goffman 1959 and 1961.

Situational Analysis Diagram

Signing Ceremony for the Waikato River Deed of Settlement 2009
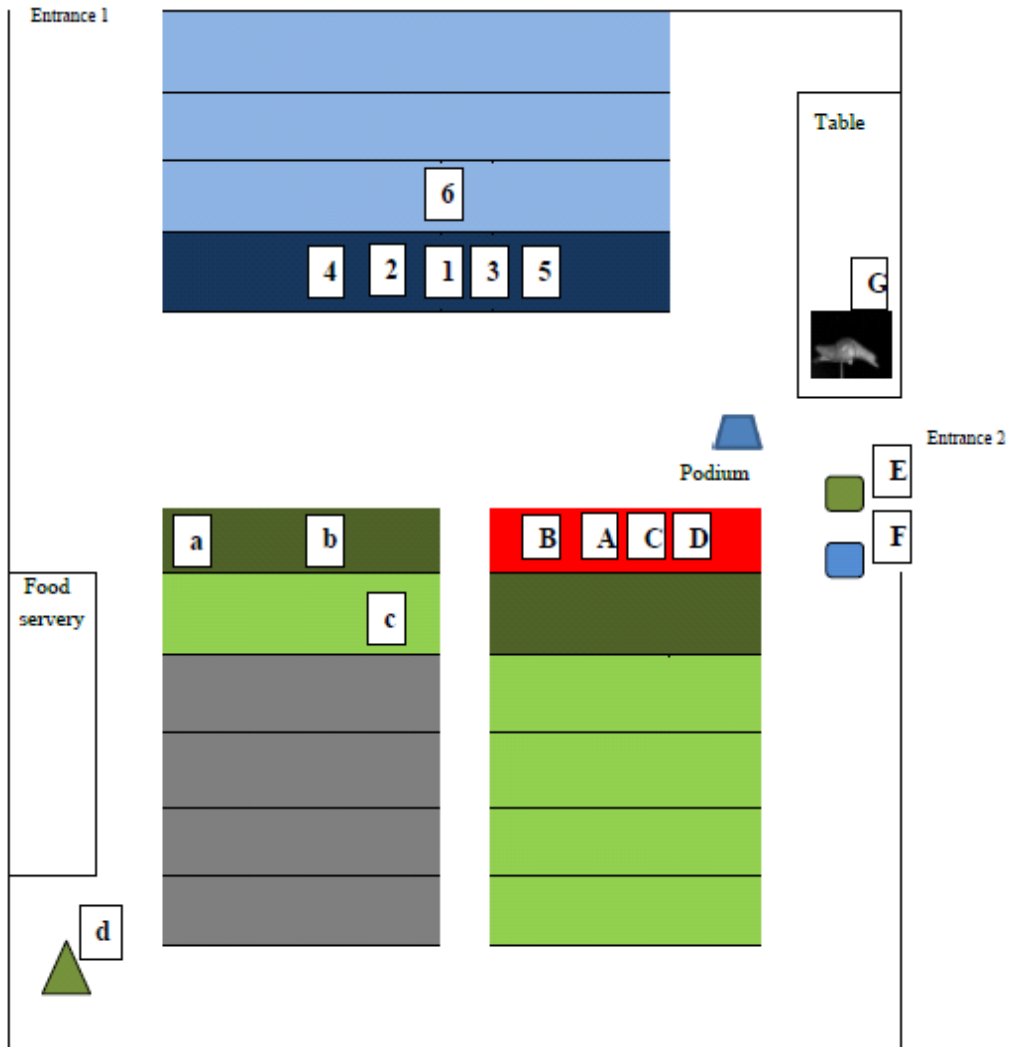
Key to positions of those attending the Deed of Settlement ceremony:

1 Christopher Finlayson	A King Tuheitia	a Koro Wetere
2 Crown Kaumatua	B Atawhai	b Tom Roa
3 Georgina Te Heuheu	C Maharaia Paki	c Denese Henare
4 Tau Henare	D Raiha Mahuta	d Hemi Rau
5 Tumu Te Heuheu	E Tukoroirangi Morgan	
6 Maori Translator	F Timi Te Heuheu	
	G Korotangi	
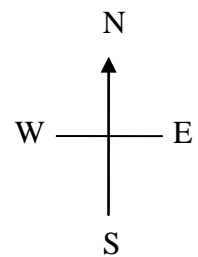
▨	Senior Crown officials
▨	Crown officials
▨	Members of the Kahui Ariki (Waikato's senior lineage family)
▨	Senior Waikato tribal members
▨	Waikato tribal members
▨	Corporate and local government officials

Figure 1

Who Sat Where and What Was Said?

As the diagram shows the seating was arranged with four rows of chairs across the northern end of the room. Facing these chairs across an open space of about six metres were two banks of chairs, each with eight rows that were separated by an aisle. The eastern bank of chairs was occupied before the ceremony started by a number of Waikato hosts, including: King Tuheitia and his wife Atawhai, the King's younger brother Maharaia Paki, Raiha Mahuta,Tukoroirangi Morgan and Timi Te Heuheu, the younger brother of the paramount chief of Ngati Tuwharetoa.

The western bank of chairs was occupied by senior Waikato *kaumatua* and seated behind them were the corporate and local government representatives with interests in the Waikato River. Sitting amongst this group was the long-time legal advisor to Waikato *iwi*, Denese Henare. Not only is she a member of the Henare family, an influential Maori family from the north of New Zealand, but she is married to Wayne Mapp, a National Party MP, who was also present at the gathering. Hemi Rau stood at the back of the room behind the western bank of seats, with some of his staff throughout the ceremony. Hemi Rau's relationship with Tukoroirangi Morgan has become increasingly strained over the years.[14] The reasons for the tension are discussed in Chapter Six of the thesis.

Tumu Te Heuheu, the paramount chief of Ngati Tuwharetoa, led the Crown party in through the formal entrance in response to a *karanga* (welcoming call) from a Waikato *kuia* (female elder). Chris Finlayson was positioned in the centre of the front row with the rest of the Crown party. He was flanked by the National Party MPs Tau Henare[15], and Georgina Te Heuheu[16]. The Crown party was thus clearly positioned as 'visitors' or non-belongers and the local *iwi* as 'hosts' or belongers. Tumu Te Heuheu was directed to sit in the front row facing King Tuheitia. Seated in the second row directly behind Chris Finlayson was a Maori language translator. The remaining National Party MPs and Crown advisors were also seated in this row. In the back two rows of seats were officials from Te Puni Kokiri and an

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[14] Two days later the *Waikato Times* newspaper reported that Hemi Rau was fired from his job 'after the tribe's executive board decided there was enough evidence to prove he may have breached a confidentiality agreement', see journalist's name not given, 'Tribe boss sacked over 'leak'' *Waikato Times* (19 December, 2009), see journalist's name not given, 'Another head on the block?' *Waikato Times* (23 December, 2009), online at http://www.waikatotimes.co.nz. At the time of completing this thesis the matter was being adjudicated by the Employment Relations Authority.
[15] Tau Henare is the brother-in-law of Tukoroirangi Morgan.
[16] Georgina Te Heuheu is married to Timi Te Heuheu, the younger brother of Tumu Te Heuheu.

assortment of legal and policy personnel. Facing the Crown on the western bank of seats were senior Waikato *kaumatua*. Sitting behind them were the corporate and local government representatives. Seated on the eastern side of the room facing the Crown officials were the members of Waikato's *kahui ariki* (senior lineage family) and the elected tribal officials. Behind them sat all the other Waikato members in attendance.

Once the Crown representatives were seated the *paimarire*[17] *karakia* (prayer) was recited by all Kingitanga members in the room. This was followed by a hymn and then a speech of welcome to the Crown and other stakeholder guests from Waikato elder, Te Motu-iti-o-rongomai Te Hoe Katipa of Turangawaewae Marae. His speech of welcome was concluded with a *waiata* (local song). A Maori elder representing the Crown responded to the Waikato welcome and at the end of his speech a *waiata* was sung by the Crown group. The Crown *kaumatua* then put down a *koha* (cash gift). To conclude the formal welcome, the people occupying the front rows of seats on both the Waikato and Crown sides of the room greeted each other with a *hongi* (pressed noses).

With the ritualistic part of the encounter completed Tukoroirangi Morgan addressed the seated crowd from a podium located on the eastern side of the room in the space between the Crown and senior lineage family representatives by saying:

> *16 months ago Michael Cullen signed a deal with Waikato-Tainui. Today ends a 16 month long technical revision of detail that we did not have. This deal gives Waikato-Tainui great confidence.... With the view that this is real partnership Minister we applaud you in helping Raiha and I, in getting us to this point. Te Ture Whaimana* [Authority Enshrined in Law] *is a policy document for the whole river. Today you will agree that the stakeholders along the length of the river have their 'teeth in law'* [rights to the river protected in law] (Field notes December 2009).

Tukoroirangi Morgan's speech was followed by an address from Chris Finlayson who said among other things:

> *The revised package significantly enhances the deal. While the guiding principles and* [objectives] *to restore and protect the river remain the same, the changes to the agreement are firstly, streamlining the proposed entity. The Waikato River Authority will carry out the roles of the Guardians, the Waikato Statutory Board and the Waikato River Trustees.... Secondly, the new terms emphasise the joint management agreement of Waikato-Tainui and local government managing the river. While the Treaty was signed between Crown and iwi, the regional government has an important role. Regional government is involved in the new plan and will be very effective players in the time to come* (Field notes December 2009).

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[17] *Paimarire* which translates to be 'good and peaceful' is the spiritual faith of the Kingitanga.

A significant event woven into the ceremony was the gift of a carved paddle given by Waikato-Tainui to the Crown, which King Tuheitia handed to Chris Finlayson. Having the final word on the agreement at the ceremony was Waikato-Tainui's other negotiator for the river claim, Raiha Mahuta, who said:

> When you are dealing with a tapu kaupapa [sacred and special topic] *like this you've got to make sure that things are right. Don't rush our people through settlements.… People have different values and tikanga and things that they want to achieve. …However, even though this is a rushed event people are here on a whisper because it is time to do this for the awa* (Field notes December 2009).[18]

After Raiha Mahuta finished speaking the Waikato River Deed of Settlement was signed by Waikato-Tainui and Crown representatives. Tukoroirangi Morgan, Raiha Mahuta, Maharaia Paki and Tom Roa signed the deed on behalf of Waikato-Tainui. Chris Finlayson signed the deed on behalf of the Crown. As the deed was signed, Waikato tribal members sang *Waikato Te Awa*, a song that is often sung at tribal celebrations. The ceremony took a little over an hour and a half to complete.

Commentary

The new 2009 Deed of Settlement creates a single co-governance and co-management board, to be referred to as the Waikato River Authority (WRA). An overview of the document is contained in Appendix 2. This new body has had its Maori and Crown appointees reduced from 12 to 10 members (Claims and Environment Unit 2009:1). The significance of this reduction in numbers is that, like the other four *iwi* represented on the WRA, Waikato-Tainui *iwi* now only have one representative appointed to the WRA. Under the original 2008 Agreement in Principle, Waikato-Tainui *iwi* had four representatives appointed to the Guardians Establishment Committee interim co-management board. This number was then reduced to two appointees after the 2008 Deed of Settlement was signed (Te Aho 2009:17). In short, the new arrangement has further reduced the symbolic status of Waikato-Tainui *iwi*. While Karla Akuhata of the *Waikato Times* reported on the 17 December 2009 that 'the settlement deed is largely unchanged from the one signed between the tribe and the Government last year' this thesis will argue that this is not the case.

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[18] See Appendix 1 for Raiha Mahuta's interview regarding the Waikato River and the 2010 Deed of Settlement in Envirocare Magazine (Environment Waikato 2010).

Except for Raiha Mahuta's reference to it being a 'rushed event' there was no other acknowledgment of the fact that the 2009 re-signing of the Deed of Settlement occurred before the round of tribal consultation meetings to explain the re-negotiated terms of the deed had been completed, and also before Waikato-Tainui's Te Kauhanganui had time to discuss and vote on the new terms of the Deed of Settlement.[19] It is also notable that the 2008 Deed of Settlement was signed off by Labour's Michael Cullen just prior to his party being ousted from government. Raiha Mahuta's eldest daughter, Nanaia Mahuta, is a Labour Party MP and, in 2008, when the original Deed of Settlement was signed, she held several Cabinet portfolios.[20] Indeed it is significant that both Waikato *iwi* and Ngati Tuwharetoa's senior lineage families have kin members currently elected to parliament and that each of the two families is strategically aligned with one of the two primary opposing political parties of New Zealand. The National party have had a strong relationship with the Tuwharetoa paramouncy for some time. Correspondingly, Waikato *iwi* and Kingitanga supporters have for some time been aligned with the Labour Party. What advantages do these alliances create for the respective tribes and the political parties? What is also worth mentioning is that there was no representative from the Maori Party present at the gathering. It seemed rather curious that Pita Sharples, the Maori Party co-leader and current Minister of Maori Affairs (outside Cabinet) did not attend the signing ceremony.

The National Government's desire to change the framework of the Guardians co-management model, even before the model was properly set up raises many of questions. What are the implications of the agreed arrangements for the governance of the river? Why are small shifts in naming (including the names Guardians, Waikato River Authority, *Te Ture*

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[19] The Waikato-Tainui tribal website gave the dates for the consultation hui as follows:

At the Te Kauhanganui meeting held on 28 November 2009, co-negotiators Lady Raiha Mahuta and Tukoroirangi Morgan provided an update on the review and re-negotiation processes for co-management arrangements of the 2008 Deed of Settlement for the Waikato River.
A series of tribal information hui will be held in December to discuss elements of the revised co-management arrangements.
10 December 2009:   Glenview Conference Centre, Hamilton at 6pm
12 December 2009:   Poohara Marae, Cambridge at 9am
15 December 2009:   Te Ohaaki Marae, Huntly at 6pm
19 December 2009:   Te Kauhanganui Chambers, Hopuhopu at 10am.
http://www.tainui.co.nz/riverclaim/progressofclaim.htm.
Waikato Times reported that Te Kauhanganui, Waikato-Tainui's Maori parliament, would meet on January 23. The article read that a 'meeting was called to pass the Waikato River settlement agreements signed by the Crown and co-negotiators Lady Raiha Mahuta and Mr Morgan' in Jounalist's name not given 'Another head on the block?' *Waikato Times* (23 December, 2009) online at http://www.waikatotimes.co.nz).
[20] Minister for Customs and Youth Deveevelopment and the Associate Mininster for both the Environment and Local Government.

Whaimana and *Te Awa Tupuna*) of such importance in negotiations? Why is the Waikato River, that was once referred to primarily as the *Tupuna Awa* (River Ancestor), now referred to as *Te Awa Tupuna* (Ancestral River) and *Awa Tupuna* (Ancestor River)? Furthermore, why was the phrase the 'Guardians of the Waikato River', the name agreed upon by Crown and Waikato-Tainui's negotiators in the 2008 deed, renamed the Waikato River Authority? And finally, what long-term interests and plans for the Hauraki-Waikato Maori electorate may the National Party have?[21]

This thesis examines the language shifts of Waikato Maori and others in relation to the Waikato River. In the debates about authority over the Waikato River, it asks how the identity of Waikato-Tainui is constructed. And it explores the way in which the Waikato River is implicated in the relationship between the Crown and Waikato-Tainui identity construction. More broadly, the thesis explores the issues that underlie successive attempts by governments and Waikato-Tainui to negotiate a settlement over the management and authority of the Waikato River. This debate is ongoing and, at the time of writing, no firm decision (or vision and strategy) had yet been reached. [22] The last three decades have witnessed major changes in Maori-State relationships and Treaty claims processes and the transformation of Waikato *iwi* and Kingitanga identity. The thesis seeks to capture some of the debates and issues between the early 1980s and 2010, in which the 2009 settlement process outlined above, is the most recent manifestation of these debates and issues.

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[21] Hauraki-Waikato is a new Maori electorate that was established in 2008. The seat replaced the Tainui electorate. Labour Party MP Nanaia Mahuta became the MP for Hauraki-Waikato in the 2008 general election.
[22] See comments by Environment Waikato Chairperson Peter Buckley who said 'the settlement allow[s] Maori to have a voice in the management of the river but it would take time to work out how it was all going to work. "We have not had a joint management agreement before. It is something we have to work through with different iwi"' in Akuhata, K 'Tainui in $310m river deal' *Waikato Times* (17 December, 2009) online at http://www.waikatotimes.co.nz.

Chapter One

METHODOLOGY: STUDYING GROUPS WITH INTERESTS IN THE WAIKATO RIVER

My interest in debates about water ownership and management was initially driven by awareness that many Maori living at *marae* settlements along the Waikato River have become progressively alienated from the river. Much of this alienation is due to industrial developments and various 'public works' and 'planning' legislation. However, in the last two decades new methods of public management and the Maori Treaty claims process have brought about marked changes in the way people relate to one another over important water resources (Ward 1999:141). Indeed, some Maori argue that they are being alienated from the Waikato River by their own tribal administrators and representatives who are unyielding in bureaucratising the river (Poata-Smith 2004:182-183, Durie 1998:164-165). This view was recently illustrated by the private ceremony that occurred for Waikato-Tainui's Deed of Settlement signing which was discussed in the introduction of this thesis. I note that, at the time of completing this study, many Waikato tribal members were unaware that their river claim negotiators and the Crown had signed a new revised Deed of Settlement for the river. No doubt tribal members will have many questions for the negotiators as more information of the agreement comes to light. And, therefore, a study which seeks to understand the processes used by the Crown and specific Maori agents to gain control of the Waikato River is timely.

Marcus proposed that an anthropologist must be able to answer two questions before embarking on ethnography. Firstly, 'why study this group of people rather than another' and secondly, 'why study this locale rather than another' (1986:172). These questions focus the discussion of this chapter. Writing a study which investigates the organisation and strategies of two diverse cultural groups located on the Waikato River (Waikato River Maori and MRP) has not been an easy task. Additionally, assembling informants from the different tribal groups of the Waikato River was also difficult. Had I not had previous associations and, in many cases, kinship ties, with informants, it probably would have been impossible to do this study. It has become axiomatic in social anthropology to act on one's own positionality. Let me, therefore, say something about my own relationship to the field of study.

My Role as an Ethnographer

I grew up in the Turangawaewae Marae community of Ngaruawahia. My father's parents, who lived in a house adjacent to my parents' home, were supporters of Te Puea Herangi, an influential leader of the Kingitanga and founder of Turangawaewae Marae.[23] Through my parents and grandparents I can trace connections to the tribal groups of Ngati Mahuta, Ngati Hikairo of central Waikato, Ngati Maniapoto at Waitomo and Ngati Whatua at Orakei.[24] Throughout my childhood and teenage years I spent much time with both sets of my grandparents. At the age of 17 I went to live in a student hall of residence in Hamilton where I attended Waikato University and Teachers Training College. Having trained as a primary school teacher I taught in a bilingual unit in an inner-city Auckland school for two years. I then worked for seven years as a flight attendant. During this time I began an Arts degree in Maori Studies at The University of Auckland. I took anthropology, originally as part of a general Bachelor of Arts degree course, and ended up majoring in it, mainly as a result of the influence of a staff member who taught economic anthropology. After I graduated, I worked for two years in public relations for ECNZ, a large State owned enterprise, which managed most of the electricity generation in New Zealand. While I was employed at ECNZ, the company was split into three smaller SOEs. I was assigned to the part that became Mighty River Power. Returning to university I completed a Masters degree and, encouraged by the award of scholarships, I enrolled for a PhD. I realised that to do a sound anthropological study required experience in a culture different to my own. For this reason I went to live in Montreal with my husband and two children where I chose to observe the St Lawrence River and its stakeholders as a point of comparison with the Waikato River. This experience allowed me to look at the Waikato River and the people with interests in it, with fresh eyes. In the course of doing this fieldwork it took me a long time to determine the central issues of my study, thus my PhD study was refocussed and rearticulated a number of times.

Insider Research

Having lived on the banks of the Waikato River at Turangawaeawae Marae until I was 16 years old I thought I had a very good knowledge of the river. I knew about flooding, fogs, currents, high and low water lines, the types of food you can collect, safe areas for swimming, less dangerous areas to jump into the river from train and car bridges, the river as

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[23] See Chapter Two for a discussion of Kingitanga.
[24] Three of my grandparents affiliate to the tribes mentioned, however, my mother's father is originally from Sheffield in England.

a mode of transport, restricted areas of the river, some of the spiritual understandings and healing properties of the river's water, local oral traditions and some of the meaning and symbolism associated with local *taniwha* (water denizens). However, I gained another perspective of the Waikato River when I was employed by ECNZ and MRP between 1997 and 1999. Eric Hirsch conveys the experience that most ethnographers have when they work with cultural groups that are different to their own, when he said that there is the:

> [L]andscape we initially see and a second landscape which is produced through local practice and which we come to recognize and understand through fieldwork and through ethnographic description and interpretation (1990:2).

Hirsch also discusses the difficulty that anthropologists have in recognising knowledge systems when they are not neatly packaged, and how the previous life experiences of an anthropologist can fetter their recognition and interpretation of new knowledge. Being an insider to some of the Maori groups, and a partial insider to MRP, I had little difficulty making sense of the various tribal and corporate landscapes (see Chapter Two and Gellner and Hirsch 2001:5-6, 10). One of the major challenges for me was recognising the importance of some local detail which I initially considered trivial.[25] I confess that I was pulled up by my supervisors on several occasions for skipping over and sometimes leaving out information which I assumed people knew.

Being Maori, I experience a land with two distinct cultural perspectives. As a scholar this position is at times very difficult to manage. When James Clifford wrote about insiders studying their own culture he observed that they can 'offer new angles of vision and depths of understanding' and that 'their accounts are empowered and restricted in unique ways' (1986:9-10). Additionally Herzfeld proposes that:

> Someone who is located within a particular social group may be able to operate at a level of intimacy denied the outsider, not for reasons of cultural similarity but because that kind of insiderhood entails a freedom of access that might actually be denied a local outsider even more strenuously than it would be a total foreigner (2000:232-233).

In conducting this research with different Maori groups of the Waikato River there was an expectation that I demonstrate a high degree of integrity and sensitivity toward the people I was working with. Indeed, being a researcher from Turangawaewae Marae both complicated and restricted this process as my *whanau* (extended family) placed an additional set of values and expectations on me. For my *whanau*, the only way to approach this research was to ask

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[25] Schuetz (1962) also makes this point.

permission from representatives of various Waikato River communities if I could do some research with them and the sections of the river that they have expertise in. [26] This approach was not only considered to be respectful, but it was also a sensible way of engaging with the Maori communities, and corresponds with ideas that are theorised by Smith (1999:137-140) and many other scholars. Smith proposes that when Maori researchers carry out fieldwork in their own communities, or in communities where there are existing relationships, a researcher is not seen as an individual but rather as a representative of a *whanau* (1999:139). Thus, the character and reputation of a researcher's *whanau* often influences the community's opinion of a researcher and equally the actions and methods of a researcher reflect on the character of a *whanau*. I note that my *whanau* advised me to apply the same professionalism when working with research informants who were not Maori.

Constraints on Maori Scholars

Had I embarked on this study 10 or 15 years ago I probably would have arrived at a different set of conclusions. Back then, Waikato tribal leader, Robert Mahuta, and the Tainui Maori Trust Board carefully managed Waikato Maori values, practices and transmissions of knowledge. Let me illustrate this point by reflecting on how the word 'Waikato' has been defined by different tribes and Maori leaders.

The original source of water for the Waikato River collects from the mountains of the Central Plateau, including mounts Ruapehu and Tongariro. The Mangatoetoenui Glacier, which was once called the Waikato glacier, is a principal source of the river's water. The waters from the glacier form the Tongariro River which flows northward through the town of Turangi, and into the southern side of Lake Taupo. Matangi Hepi[27] explained that different tribal groups have their own names for places. This is the case with the Tongariro River, he said:

> *Although Tongariro is the usual name for the river, some Tainui people prefer to call it the 'Little Waikato River'. I've heard Waikato kaumatua call it that on the marae, but here, we always call it Tongariro after the mountain where it springs from* (Interview May 1999).

Nukuhau is the place where water leaves Lake Taupo and the Waikato River officially

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[26] See Appendix 3 for an account of this.

[27] Matangi Hepi was a Maori elder who I worked with when I was employed by ECNZ. Matangi affiliated to both Ngati Tuwharetoa and Ngati Raukawa. Throughout the 1940s and 1960s Matangi worked as a labourer on the hydro-electric power station developments on the Waikato River. In his retirement he taught Maori history to youths in Tokoroa at the Ngati Raukawa Training Centre. He lived in Whakamaru opposite the Waikato River for much of his life.

begins. Matangi Hepi also explained that Nukuhau was 'the original Ngati Tuwharetoa settlement'. According to the Tainui scholar Pei Te Hurinui Jones[28], emphasis on the idea of 'waters being freed at Nukuhau' is important, as it is the capture of the waters in Lake Taupo that gives the Waikato River its name. He translated the words '*wai*' and '*kato*' to respectively mean 'water' and' capture', and thus 'Waikato' means 'captured waters'. Jones, who acknowledged the variations in tribal perceptions of the river, wrote:

> The river Tongariro-world famous for its trout-fishing-which is snow-fed from the mountains Tongariro and Ruapehu and flows into Lake Taupo at its southern end, is also part of the Waikato River. But the Taupo lake people do not agree with this claim. The Waikato tribal account describes how the waters (*wai*) of the mountain river were captured or *kato* by the inland sea of Taupo (Te Hurinui 1959:234-242).

However, the Waikato tribal leader Robert Mahuta recorded another version of how the Waikato River got its name. He claimed that, when the Tainui canoe sailed south after being refloated in the Manukau Harbour, it encountered a strong current. This current indicated the mouth of a large river, leading to the name 'Waikato', which he translated to mean 'flowing water' (Mahuta 1974:3). In addition to these interpretations, Waikato is also translated to mean 'full flowing river' (Reed 1986:125). For Paulo Freire the 'naming of land is synonymous with the claiming of it' (2004 [1977]:88-89). This is a complicated state of affairs as, while in some instances a place or geographical feature is given a name or renamed by a group of people, there are other instances where places and geographical features have more than one name. It is common practice for Maori to name land and waterways after ancestors, events and geographical features that are familiar and significant to them (Kawharu 1998:33). This is part of the naming and claiming process.

Maintaining control of Waikato Maori tribal identity was crucial to Waikato *iwi* getting their 1995 land settlement with the Crown. Therefore, like other local and international scholars working on Waikato research projects, when Robert Mahuta was preparing the Waikato *iwi* claim, I would not have had the freedom to research and write what I wanted to. Dutch anthropologist Toon van Meijl (2000) cogently illustrates this. In his article *The Politics of Ethnography in New Zealand* he describes the difficulties he encountered with senior Waikato leaders when he wanted to publish his doctorate, an ethnographic study of Waikato-

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[28] Pei Te Hurinui Jones was a Ngati Maniapoto leader and adviser to the Kingitanga leaders Te Puea Herangi, King Koroki and Te Arikinui Te Atairangikaahu. As a noted genealogist, historian and translator he had a key role in establishing Tainui identity and in negotiating the 1946 settlement between the Fraser Labour Government and the Waikato tribes over land confiscations that occurred in the 1860s. He was born in 1898 and died in 1976.

Tainui Maori in the late 1980s. Due to the perceived sensitivity surrounding the claims process, Robert Mahuta refused to grant him publication approval. The work is examined in Chapter Four of this thesis.

Throughout the mid 1980s and 1990s the consensus for Waikato Maori members was that all university trained scholars were needed to write reports and articles and produce research that would assist in securing a tribal settlement. A work by Clifford describes a similar situation for Native American scholars in relation to Indian Treaty claims (1986:9). Therefore, this study, which critiques the internal politics of different Waikato River tribes and stakeholder groups, and also demonstrates the shifts in power of these groups through language and discourse, probably would not have been considered a valuable use of my academic training.

Being a scholar from a tribe whose land claim with the Crown was settled over a decade ago, and whose tribal leadership has changed dramatically in the last five years, I perhaps have had more intellectual freedom than many of my Maori post-graduate peers. Within Maori scholarship there is always the tension between tribal obligation and academic freedom. With many tribes still working toward settlements, most of my peers feel obligated to help out where they can and thus, often feel restricted by local politics and *iwi* and *hapu* claims in what they can and cannot write. The issue of positionality has epistemological implications within Maori scholarship. Robert Joseph observes what happens when insiders who belong to traditional groups critique their own cultural traditions and leadership:

> Insider critics cannot be branded as 'unwelcome interlopers' or be told it is 'none of their business' or that they 'simply do not understand our traditions because they are a 'Westerner' and are not part of 'them'. Conservative traditionalist insiders usually respond with the view that 'insider critics' are traitors to their own cultures and traditions or that a critic [critique] of traditional leaders who appeals to democratic norms is 'too westernised' or 'too out of touch' with the realities of their own cultural or traditional ways (2005:360).

Overall, it is probably fair to say that issues of politics and loyalty have often acted as a brake on critical and independent scholarship.

The Waikato River Field Site

Maori Tribal Sites

If locating oneself in the field is problematic, then so to is the question of locating the field. Gupta and Ferguson argue in favour of anthropology giving up its traditional position of

'what constitutes a real fieldwork experience'.[29] Instead of the view that the field is a territorially fixed community or one that has a stable local community, they propose that field sites should be understood as belonging to 'an interconnected world in which people, objects and ideas are rapidly shifting and refusing to stay in place' (Gupta and Ferguson 2001 [1997]:4). This observation illustrates one of the challenges of my study: Maori who live alongside stretches of the Waikato River do not live next to the river in isolation. Moreover, many Maori who have tribal connections to the Waikato River no longer live near the river or even within their tribal territories (van Meijl 2006c:189). Therefore, I have had to think of ways to isolate the Waikato River field site and its Maori participants.

Photo 2. Turangawaewae Marae Field Site

To be clear, my field site includes all Maori people who *whakapapa* (genealogically connect) to a *marae* situated along the Waikato River. This approach echoes Ingold's call for recognising the importance of long term dwelling. He put it this way:

> I argue that we should adopt… what I have called a dwelling perspective, according to which the landscape is constituted as an enduring record of - and testimony to – the lives and works of the past generations who have dwelt within it, and in so doing, have left there something of themselves (2000:189).

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[29] For Van Maanen 'fieldwork usually means living with and living like those who are studied. In its broadest sense, fieldwork demands the full-time involvement of a researcher over a lengthy period of time (typically unspecified) and consists mostly of ongoing interaction with the human targets of study on their homeground' (1988:8). See also Gellner and Hirsch (2001:1).

A very basic explanation of the Maori groups of the Waikato River is that they belong to one of two large territorially-based descent groups[30], namely Te Arawa and Tainui. While the Te Arawa tribes of Ngati Tuwharetoa and Ngati Tahu are located at the beginning of the Waikato River in the Taupo and Reporoa areas, Tainui communities scatter the length of the river between Whakamaru and Port Waikato - see Map 1 (Walker 2004:44-62). The Tainui tribes discussed in this thesis are Ngati Raukawa, Ngati Koroki-Kahukura, Ngati Haua and Waikato *iwi*. I found two major challenges when defining the Maori field site. Firstly, it is difficult to accurately represent the fluid identities of different Maori groups and individuals of the Waikato River. For instance, while many Waikato tribal groups located between Karapiro and Port Waikato affiliate to the Kingitanga, some do not. The second challenge concerns debates about whether tribal groups in the Waikato region should be recognised as *iwi* or *hapu*. This issue is examined in Chapter Four.

The Mighty River Power Site

The second field site in this study is MRP, a major New Zealand electricity generator retailer and metering business, which owns and operates dams and power stations on the Waikato River. The company's hydro system is comprised of eight dams and nine power stations on the Waikato River. MRP produces approximately 16% of New Zealand's electricity supply of which 80% is derived from hydro generation. The rest is derived from geo-thermal and landfill generation interests. The company was established in 1999 following the disestablishment of ECNZ. MRP has a generation office in Hamilton and a corporate office in the Auckland CBD.

Studying Up

Waikato *iwi* along with Ngati Tuwharetoa, have a 'high profile' as Maori tribes and are relatively influential in the bi-cultural framework of New Zealand society. The influence of these tribes is illustrated in the introduction of this thesis. In addition, the significance of MRP to New Zealand's economy and productivity is widely recognised. My thesis is, therefore, in many respects a contribution to what has been termed in anthropology as 'studying up' (see Nader 1972, see also Marcus and Fischer 1986:137–38 and Maddox 2001 [1997]: 289). According to Maddox, steps must be taken 'to correct what remains the discipline's most glaring weakness: the refusal to study up'. There have been many calls for this - see for example, Marcus and Fischer (1986:137–38). I suggest that a study which

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[30] Large descent groups are called *waka* in the Maori language.

examines the power relationships of two influential tribes, two senior lineage families, ranked elders, hereditary and elected leaders and the electricity company MRP is indeed an anthropological example of 'studying up'. As Shore explains:

> Virtually every society has its privileged minorities: those who, for reasons of history, social status, economic position, political office or family connections, are the *de facto* power holders whose interests and normative values set the agenda and define the 'natural order of things'. The idea of the ruling classes' wrote Marx and Engels over 150 years ago are, in every epoch, the ruling ideas: i.e., the class which is the dominant material force in society is at the same time its dominant *intellectual* force (2002:2).

There was a process to gaining research access with Maori informants from Waikato *iwi*. My research entry was usually granted if I was introduced to an informant by a senior member of my *whanau.*

Multi-Site Ethnography

Returning to Marcus' two fundamental questions of 'why study this group rather than another' and 'why study this locale rather than another' (1986:172) the question for this thesis is 'why study the Waikato River?' The reason why the river constitutes a significant focus is because it does what Gupta and Ferguson suggest. That is, the river connects actors and agents across multiple sites. With the ability to transcend territories and private spaces the Waikato River forces people from different cultural groups to come together and interact with one another. The river is a factor that brings together different interests and ideas and provides a way of doing multi-site ethnography. In writing this thesis I have become very aware of just how demanding it is to do multi-site ethnography. While in 1986, Marcus' discussion of multi-sited ethnography was generally discouraging (1986:171-72), he argues in a more recent work that 'for ethnographers interested in contemporary local changes in culture and society, single-sited research can no longer be easily located in a world system perspective' (1998:82).

Maori of the Waikato River are not a homogeneous group with an easily definable shared set of interests (Joseph 2005:360-361). The reified notion of the 'community' hides the fact that the group in question is cut through with internal differences and that people are differentiated through their interests and connections with the river.[31] As Bakhtin explains, characters in novels and also the people that anthropologist's interview speak in different

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[31] See Marcus's discussion of Problematizing the Spatial: A Break with the Trope of Community in Realist Ethnography (1998:62-63).

voices and have multiple layers of identity. It is the 'utterances' in a person's monologue that illustrate the basic difference of worldview that people from the same socio-cultural group have (2004 [1981] 250-331). Also recognising that contradictory opinions can exist between people who belong to the same socio-cultural groups is Anthony Cohen who wrote:

> [D]ifferences of opinion and of information are not motivated by the mere fact of segmentary confrontation but are, rather, authentic expressions of cognitive diversity within the community (1993:37).

For Bakhtin the structural contradictions which exist between the layers of meaning in an individual's dialogue cannot, in practice, be fully resolved by anyone (2004 [1981] 250-331). In doing multi-sited ethnography I have been able to show the polyphony of Maori and MRP voices that exist around the Waikato River. According to Gellner and Hirsch, good ethnography always 'conveys the sense of being there' and 'reflects the multiple voices of the real world' (2001:9). This thesis demonstrates that the different opinions, understandings and perceptions of Waikato River Maori and MRP representations exist for a variety of reasons. The variations of understanding are influenced by such things as a person's age, class, gender, generation, their level of education, the preferred method of transmitting knowledge by a group, cognitive differences, other socio-political discourses for the Waikato River and a person's access to, and recognised authority in the Waikato River.

Comparative Methodology

In anthropology, comparative method is used by scholars to relate their research findings to a larger human context outside their geographical and cultural focus. For Gadamer, one beneficial aspect of comparative method is that 'it fills out the narrowness and fortuitousness of an individual's private world of experience' (2004:226). This study not only compares the views of different Maori groups and actors who reside in communities along the Waikato River, but it also compares Waikato River Maori views with those of MRP. By demonstrating that comparisons can be drawn between the groups, this study is in no way suggesting that the circumstances of the groups are the same. In fact it would be remiss not to acknowledge the different levels of complexity and scale that exist for the different tribes and also Maori and MRP. The main purpose of conducting the comparisons between the various groups is to find out how they interact and deal with one another as they compete for authority over the river. Comparison reveals not only the similarities and differences between different groups but, perhaps more importantly, the factors which create those similarities and differences. Howe writes:

> It is not a matter of looking for things that are similar or different in themselves and then comparing them, but realizing that, by virtue of its selectivity, the comparative process itself creates relations of similarity and difference (1987:136).

In Strathern's discussion of comparative analysis, attention was paid to the independence of the unit being compared (1991:49). She suggested that when researchers undertake to compare societies they should clarify exactly how independent the societies are from one another. For example, when comparing Maori tribal groups it is necessary to recognise that tribal members do not all share the same genealogies, common heritage and history of interactions. Four commonalities that do link Maori tribes of the Waikato River, however, are the holistic attachments that they have to the river, their shared history of being invaded by colonists, having a definable socio-cultural difference with New Zealand's dominant Pakeha[32] society and the self identification of being Maori.

Gathering Data

The data for this thesis was collected using multiple methods. This line of attack corresponds with Shore who proposes that writing ethnography involves:

> [A] broad approach that incorporates a variety of methods besides participant-observation. These range from the use of statistical data, survey research, historical archives and the use of textual analysis, to biographies, oral histories, recorded interviews and informal conversations (2000:7).

The sources used in this study include taped interviews, informal discussions, participant-observation, accessing publications and websites of different tribal groups and MRP and seeking out relevant literature and articles from newspapers such as the *The New Zealand Herald* and the *Waikato Times*.

I did taped interviews with 15 Waikato River Maori and four MRP informants and conducted informal interviews with over 30 Waikato River Maori and five MRP representatives, including the company's CEO. To analyse the interviews, I broke the dialogue up into themes and identified words that provided specific cultural understandings for the river. This

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[32] Pakeha are New Zealanders of primarily European ancestry. They are mostly descended from British and to a lesser extent Irish settlers of the nineteenth and twentieth centuries, although some Pakeha have Dutch, German, Scandinavian, Yugoslav or other ancestry. The term Pakeha is also sometimes used to refer to any non-Maori person. Pakeha is a Maori word, the origins of which are unclear, but which was in use by the late eighteenth century. Controversy has arisen among some people who consider the word to be insulting and prefer the term New Zealand European. However it is used by numerous Pakeha, some of whom feel that New Zealand European is an inaccurate term.

included Maori words such as *taniwha, kaitiaki, Tupuna Awa* and *Te Awa Tupuna* and English words with a techno-managerial bent such as stewardship, sustainability and stakeholder. According to Koops, discourse analysis is an 'analytical practice in which the analyst attempts to identify the ways of talking, thinking, and practising that people use to make sense of the world around them' (1996:1). Unlike traditional ethnography that suppressed accounts from the field by non-anthropologists, ethnography that is shaped by ideology of the discursive field includes both professional and non-professional accounts. These competing accounts are placed within a discursive field that is structured by power relations, highlighting the relationships between language and power (Jordan 2001:121). It is Foucault's notion of discourse that articulates the concept of the 'discursive field' (2003 [1972]:270) and Chapters Three, Five and Six demonstrate his particular methodology at work.

The type of participant observation that suited my research style with Maori informants has been referred to as 'deep hanging out' by James Clifford (1997:188). This approach involves spending time with informants and undertaking a range of 'everyday' activities with them (see also Van Maanen 1986).[33] The method also involves writing up the significant dialogue and events of the day. While this approach is labour intensive, it is a method that produces rich and detailed narrative data. Having introduced the methodological approaches of this study let us now discuss the theoretical framework used to organise this work.

The Relevant Theoretical Literature

Post-graduate study introduced me to a wide range of theory, however, it is the works of the theorists Claude Levi-Strauss (1966 [1962], 1963 [1958], 1963, [1962], 1969 [1949]), Michel Foucault (1973, 1977, 1979, 1980, 2003 [1972]) and Fredrik Barth (2002) that have influenced my thinking the most. While Levi-Strauss attracted me because I am interested in deep patterns of kin behaviour and the cultural values that structure individual and group inter-relationships, Foucault and Barth's ideas of discourse are crucial to my understanding of power relationships and identity construction. Throughout the thesis I use a combination of theoretical and analytical insights from Foucault and Barth to develop understandings about the social meanings and discourses of the Waikato River. My training as an anthropologist

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[33] As noted by Kearney it has been the tradition for anthropologists to typically spend 'a minimum of one year of work in the community being studied' (2004:18). This was so an anthropologist could participate in the annual or seasonal round of economic and ceremonial activities. Fortunately, the study that I am working on did not require me to observe such practices.

has made me aware that theory does not exist in a vacuum and is pointless without a practical application. Thus my examination of discourse applies ethnographic material from my research to clarify some of Foucault and Barth's more abstract points.

The anthropological literature of property also frames much of the discussion of this study. The examination in Chapter Three traverses the works of a range of scholars which extends from early philosophers, such as, William Blackstone and Henry Maine, to recent anthropology property experts, Christopher Hann and Catherine Verdery, to works by local scholars who are writing in the field of 'naming and claiming'. In New Zealand, the literature of naming and claiming includes people who fall into two distinct groups. These are firstly, non-Maori writers who are theorists; and secondly, Maori scholars who are writing works composed of rich ethnographic and historical data. Prime examples of the first group are Rata (2000, 2003b, 2003c, 2006), van Meijl (2000, 2003, 2006a, 2006b, 2006c), Sissons (1993, 2004, 2005b) and Webster (1998, 2002).[34] The works of these scholars are often referred to as post-modern critiques and critical studies. Gellner and Hirsch propose that such works pay 'attention to questions of power and inequality, by examining the ways in which some participants 'voices and models prevail over others'' (2001:9). Furthermore, Van Maanen writes that post-modern critiques:

> [O]ften have a Marxist edge and a concern for representing social structure through the eyes of the disadvantaged groups in advanced (and not so advanced) capitalist countries (1988:128).

The critical literature on Maori has three main themes. These are firstly, the emergence of modern tribal identities based on neo-traditionalism (Cheater and Hopa 1997; Hopa 1999, Hanson 1997, van Meijl 1990, 2006b, 2006c, Sissons 1993, 2005b and Webster 1998, 2002); secondly, discussions of contemporary Maori relationships with the State (van Meijl and Goldsmith 2003, van Meijl 2006b, 2006c, Sissons 1990, 2004, 2005a); and thirdly, an argument that the State's 'privileging' of Maori is threatening New Zealand's democracy (Rata 2000, 2003b, 2003b, 2006, Tremewan 2005a, 2005b, 2006,). Overall it is probably safe to say that the scholars who are writing these works have not been persuaded by Salmond's early proposition for anthropology where she wrote:

> I dream of an anthropology for New Zealand that celebrates both our common humanity and our cultural differences, drawing strength from one without detracting from the other.

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[34] The works of Erich Kolig (2005, 2006:30-33, 2009) and Christopher Tremewan (2005a, 2005b, 2006, 2009) also belong to this category.

I think of a conversation shared between Maori and Pakeha in which each side has its chance to talk, in its own way and on its own topics, to a genuinely attentive audience. I try to imagine an approach that draws upon both Maori and Pakeha styles, and reaches out to Maori as well as Pakeha audiences. I look for an anthropology with heart as well as mind that can learn to talk to people in a way that lets them understand (Stirling and Salmond 1985 [1980]:254).

Important members of the second group of naming and claiming scholars are I. H. Kawharu (1975a, 1996 [1989]), Mahuta (1974, 1975) Mahuta and Egan (1981a, 1981b), Biggs and Jones (1995)[35], M. Kawharu (1998, 2000, 2002, 2005, 2008), Matiu and Mutu (2003), Mutu (2002, 2005) and Tapsell (2000, 2006). These scholars have, through their publications, made claims to lands and resources on behalf of their tribes. The scholars have used a variety of methods to do this including: mapping and photographing lands and resources (see Kawharu 2008, Matiu and Mutu 2003, Tapsell 1997, 2000, 2006); providing *whakapapa* (genealogies) and *pepeha* (tribal sayings and identity proverbs) that link tribal groups to lands and resources (see Biggs and Jones 1995, Kawharu 2008, Mahuta 1974, 1975, 1992, Matiu and Mutu 2003 and Tapsell 2006); and explaining key Maori concepts such as '*rangatiratanga*' and '*mana*' (see Kawharu 1996 [1989]), '*kaitiakitanga*' (see Kawharu 1998, 2000), '*mana whenua*' (see Matiu and Mutu 2003) and '*taonga*' (see Tapsell 1997, 2000, 2006). Overall, the works serve to 'root' tribal groups with particular lands and resources (Salmond 1991 [1988]: 350). Malkki explains that the idea of being rooted is 'a metaphorical concept whereby people are intimately linked to a particular place' (2001:52).

Having divided most scholarship into two distinct groupings, a caveat is necessary as not all of the authors listed fall neatly into these categories and some (e.g. Sissons and Goldsmith) adopt a more nuanced approach. Similarly, van Meijl's analysis, whilst theoretically driven and couched in a Marxist framework, is nevertheless much more modified by his attention to ethnographic detail than is the work of Rata and Webster (see Sissons 2005a:28-32, Ryan 2005:33-37). As regards to my own position in relation to these scholars, I have deliberately avoided taking sides, although I also acknowledge that dividing this work into two discrete camps is somewhat simplistic. However, there is a tendency towards essentialism in both these positions, and neither does justice to the complexity of the issues and interests at play. My aim, therefore, has been to provide as unbiased and independent an account as possible, but I leave it for the reader to judge how well I have succeeded in this endeavour.

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[35] See van Meijls (2004) critique of Jones and Biggs (1995) work.

Landscape Theory Illuminates Naming and Claiming

Of relevance to the concept of 'naming and claiming' is landscape theory. This perspective recognises the diversity of human-environment relationships. While landscape theory is valuable because it provides a nucleus of debate and discussion that examines the multiple ways of 'seeing' and 'being' in an environment it is important to state from the outset that it is not the central theory and means of analysis of this study. I will, however, briefly touch on landscape theory and one of its main advocates, namely Barbara Bender, because the approach can be used to explain why a number of Maori and indigenous scholars, as noted above, have produced texts that associate tribal groups with local lands and resources.

In the 1980's, the first landscape anthropologists began to examine the way in which people's perceptions of the world, and their engagement with it, were bound together. They described 'landscape' as the cultural process which represented the values through which a society was organised. The word 'landscape' emerged in the late sixteenth century as a technical term used by Dutch painters (Hirsch 1995:2), and was later adopted in the eighteenth century by European aesthetes, antiquarians and landed gentry (Bender 1993:1). Therefore, it probably comes as no surprise that there is no Maori word for landscape, though the words *whenua* (land, country or ground); *rohe* (enclosed area, territory or boundary); *takiwa* (district or space) and *wahi* (place, locality) convey some aspects of its meaning. Maori use these terms when referring to tribal territories, ancestral regions and places. Hirsch provides a useful explanation to link the concept of landscape with the Maori terms mentioned. He writes:

> Although landscape has been singled out here as a distinct cultural idea and analytical concept it is in fact difficult to isolate it from a number of related concepts including place and space; inside and outside; image and representation (1995:4).

One influential contributor to landscape theory is archaeologist and environmentalist Barbara Bender (1993, 1998, Bender and Winer 2001). She suggests that people's past experiences assist them in distinguishing what they see, and how they understand of the world. It is their ego-centric viewing which Bender describes as landscape. To show the components that make up the theoretical model for landscape Bender proposes that:

> Landscape has to be contextualised. The way in which people–anywhere, everywhere– understand and engage with their worlds will depend upon the specific time and place and historical conditions. It will depend upon their gender, age, class, caste, and on their social and economic situation. People's landscapes will operate on very different spatial scales, whether horizontally across the surface of the world, or vertically-up to the heavens, down to the depths. They will operate on very different temporal scales

engaging with the past and with the future in many different ways (1993:2).

Like many other landscape anthropologists, Bender is renowned for a type of scholarship which 'denies the primacy of the European point of view' (1993:1). For instance, Bender explains that one approach of landscape theorists is to make clear the separation of 'nature' from 'culture'. In doing this landscape scholars are able to show that the passive role given to 'nature' is part of a specific Western 'viewpoint' (1996:323). Furthermore, Bender's works recognise the need to create discursive spaces where marginalised groups can be heard (1998, 2001). She demonstrated this in a study of the multiple discourses of different cultural groups with interests in Stonehenge. For Bender the question was:

> Not whether huge free festivals should take place right next to the stones, to which the answer is probably no, but the much more general one about the way in which an increasingly intolerant society marginalises sections of the population and denies them a voice and presence (1998:9).

Another advantage of landscape theory is its capacity to illustrate how people can use their agency to imaginatively create cultural landscapes out of spaces of perceived emptiness. The works of Mahuta (1974, 1975), Mahuta and Egan (1981a, 1981b) and Matiu and Mutu (2003), which are examined in Chapter Four, are good examples of this. According to Hirsch 'places do not naturally change from one thing into another'. A great deal of human agency is required to transform a cultural landscape from one thing to another (1995:6). While Hirsch suggests that 'space' should be understood as a 'site of potentiality' (1995:4), Bender claims that people fill empty spaces with language and images to create customized landscapes (1993:2). Thus landscapes are always informed by a cultural group's affiliations with others, history and current socio-economic circumstances. Works by anthropologists such as Rose (1996), Basso (1996) and Orlove (2002) examine the culturally specific processes in which places are claimed by different indigenous groups. On the whole these works differ from the Maori scholars discussed above, who do not explore the process by which landscapes are claimed. Instead, they describe the landscape and tribal connections to it. According to Rose, Australian Aboriginal people use poetry, song, dreaming accounts and story telling to make claims to lands and resources, she writes:

> Aboriginal people have developed a system of knowledge and a way of managing the continent that is quite different from the ways that European-derived cultures manage knowledge and land (1996:4).

Rose observes that the boundaries of these relationships are fluid and mutually understood by the various aboriginal groups. The fact that knowledge is localised and specific is one of the

keys to its value (1996:32). This is because generalised knowledge is more difficult for individual groups to own. While Rose's scholarship in *Nourishing Terrains* is similar to the Maori scholars presented, one main difference between the works is that Rose describes how aboriginal knowledge legitimates claims.

Conclusion

This chapter, gave an overview of the field site, described the methodology and introduced the main areas of theory that are used in this thesis. In doing so, my discussion pays special attention to my ambiguous position as an insider researcher to Waikato Maori and MRP contexts. Because I am a member of Turangawaewaea Marae where many large tribal and Kingitanga gatherings are held, I have been privy to some restricted tribal knowledge. However, one purpose of this chapter is to show that my licence for entry to such gatherings comes with a number of ethical and *whanau* constraints. Indeed, these constraints are amplified in Kingitanga and Turangawaewae Marae settings where there is a clear hierarchy of power that organises people's behaviour.

This chapter knits together two strands of literature about Maori claims to lands and resources that seldom engage in constructive dialogue. In an attempt to bring the two literatures together I introduced the works of various landscape theorists. I suggest that landscape theory can be used as a method of analysis which has the potential to answer questions, such as: how do people create meaning for places, why do people attach themselves to places and how do people's landscapes legitimate ownership of place? The next chapter introduces the Waikato River setting using a traditional Maori trope for representing associations between people and territory. My discussion, which recalls the oral traditions of many tribal groups along the river, begins in the Central Plateau Mountains where the waters of the Waikato River are sourced. The discussion then follows the path of the river through tribal territories until the waters of the river empty at Port Waikato into the Tasman Sea. The trajectory of social history covered spans the arrival of the Waikato River's first Maori discoverers to present day electricity developers. Overall, the discussion highlights the relationships and significance of the river as a cultural resource and boundary-making mechanism. While it was not my original intention, the discussion of the chapter is another example of naming and claiming.

Chapter Two

A SOCIO-HISTORICAL MAP OF THE WAIKATO RIVER

The Waikato River is the longest river in New Zealand.[36] The river, which officially begins at Nukuhau near Taupo township, is fed by a multitude of streams and rivers throughout its course. Running in a northwest direction, the Waikato River passes through many forestry and rural areas. The river is currently adversely impacted by fertilisers used on farmlands, the wastewater from several urban areas and major industries, and the turbines of eight hydro-electric power stations. At Huntly, the Waikato River is warmed by a thermal power station and then pumped into irrigating streams. For Maori, another major desecration of the river occurs when its waters are diverted and mixed with waters from other sources so that it can be drunk by over 140,000 people living in Auckland (McCan 1990:33-35). Running into the Tasman Sea at Port Waikato the Waikato River is a vital resource to many people.

This chapter observes how over time specific Maori tribes and leaders have become key players in the welfare of the Waikato River. Because this chapter is primarily about Maori settlement patterns of the Waikato River, the focus is on different tribal groups though I do discuss other groups that are also a part of the river's wider social landscape, in particular, the electricity generator, MRP. A basic description for Maori of the Waikato River is that they are a people who belong to one of two major tribal confederations, namely Te Arawa and Tainui. The locations of the Te Arawa and Tainui tribes are outlined in Chapter One. Building on previous ethnographic and historical studies by Jones and Biggs, Grace, Stafford, King, McCan and Stokes, this chapter pieces together the different Maori occupations of and claims to the Waikato River. Importantly, this narrative includes the voices of research informants and a number of oral traditions gathered from the field. Prior to written texts, Maori knowledge was transmitted through oral traditions.[37]

Oral traditions have two important functions. Firstly, they connect tribes to specific regions and places; and, secondly, they delineate the boundaries of tribal territories (see Kawharu 2008, Matiu and Mutu 2003 and Tapsell 2000, 2006 for written representations of oral traditions). Maori oral traditions of the Waikato River include accounts of its discovery and

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[36] The river is 425 kms long.
[37] These traditions include *whaikorero* (speech making), *pepeha* (tribal saying)*, whakatauki* (proverbs)*, tongi* (prophesy), *waiata* (songs)*, karakia* (chants and prayers) and *whakapapa* (genealogy).

settlement, intertribal conquests and disputes over territory, tribal alliances through marriage and fighting, notable gatherings, prominent chiefs, the sharing and exchange of resources and the curative power of the river's waters. Though many of the narratives belong to individual tribes some accounts are shared by tribes who have similar interests in the Waikato River.

This chapter is ordered so that it firstly touches on the relationships that tribal groups have with the river and with one another. This is followed by a discussion of the formation of the Kingitanga and the British invasion of the Waikato River valley in the mid-nineteenth century. It then examines the re-settlement of the lower Waikato River by British colonists and the impacts of the land confiscations. Finally, the chapter introduces the problematic ownership issues associated with the Waikato River in developing the electricity generating industry.

Maori Settlement of the Waikato River from the South to the North

Ngati Tuwharetoa

The Central Plateau where the Waikato River begins is a place that has historical connections to the Te Arawa people. Te Arawa ancestors are understood to have come to New Zealand from Hawaiki[38] between 800 and 1000 years ago and settled in areas that are now known as the Rotorua and Taupo districts. Lake Taupo and the lands around it are recognised by Maori as the ancestral territory of Ngati Tuwharetoa. The people of Ngati Tuwharetoa descend from the powerful navigating chief Ngatoroirangi who steered the Te Arawa canoe on its voyage from Hawaiki. Appendix 4 provides an abridged version of the discovery and claiming of the Lake Taupo region by Ngatoroirangi. Tuwharetoa, the tribe's eponymous ancestor was an eighth-generation descendant from Ngatoroirangi. Tuwharetoa lived in the Kawerau area in the sixteenth century (Grace 2005 [1959]:29). The *pepeha* (tribal identity marker) of Ngati Tuwharetoa is:

Ko Tongariro te maunga	Tongariro is the mountain
Ko Taupo te moana	Taupo is the inland sea
Ko Te Heuheu te tangata	Te Heuheu is the man
Ko Tuwharetoa te iwi	Tuwharetoa are the people.

The current paramount chief of Ngati Tuwharetoa Tumu Te Heuheu Tukino VIII, traces his line of decent from the ancestor Tuwharetoa. He participated in Waikato-Tainui's deed

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[38] Hawaiki is the traditional Maori place of origin. In Maori mythology Hawaiki is the place where Io, the supreme being created the world and its first people. It is the place where people come from and the place where they return after death.

signing ceremony that was outlined in the introduction of the thesis.

Prior to the arrival of British settlers in the region, different Ngati Tuwharetoa *hapu* controlled portions of the lake and its surrounding lands. Matangi Hepi explained:

> *One of my hapu is Ngati Te Maunga. Our lands are on the Western side of the lake at Karangahape. My ancestors lived there and some members of my family, like my sister Barbie and her husband still live there, my brother Pius he is buried there, even though there is no road, no electricity supply either. Strange because much of the North Island is powered by the lake and we [Ngati Tuwharetoa] are now recognised as the owners of the bed. The people at Kinloch, the wealthy resort town nearby, they have good roads and electricity. We've tried to set up tourism ventures and a fresh water crayfish business but with no roads and no power it is impossible* (Interview May 1999).

As Ngati Te Maunga members are isolated from shops and services, they rely on Lake Taupo for foods such as trout and *koura* (fresh water crayfish). With no electricity, they experience the harsh winter temperatures of the region. While the western side of Lake Taupo remains undeveloped, the north-eastern side of the lake is well established.

Development started on the north-eastern side of the lake in 1869 when an armed constabulary post was founded. However, agriculture did not occur along the upper reaches of the Waikato River until 50 years later as the soil had a cobalt deficiency meaning it could not be farmed until it was cleared and fertilised. In the 1920s, Lake Taupo and the Waikato River were recognised as important resources in the State's development of electricity. At that time the Crown refused to recognise Ngati Tuwharetoa's ownership of Lake Taupo and in 1926 passed a law making the lake bed the property of the Crown. In return, the Ngati Tuwharetoa Trust Board received an annuity and a sum equivalent to 50% of the gross revenue from the sale of trout fishing licences. However, debate continued over the control of the lake. For example, the lake outlet at Nukuhau near Taupo township was altered for hydro-electric development in 1940 without consulting the tribe, and water from the Tongariro power scheme was diverted into Lake Taupo.

In 1992 the Crown returned the ownership of the bed of Lake Taupo to Ngati Tuwharetoa. This has been a model for resolving Maori land claims about lakes. The settlement does not change public rights of access, navigation or fishing, but is seen as recognition of Ngati Tuwharetoa's traditional tribal authority over the lake. Ngati Tuwharetoa is the sixth largest *iwi* in New Zealand and, in 2006, its population was 34,674 (NZ Census 2006). Ngati Tuwharetoa is identified as having 55 *hapu* and 81 *marae*. There are at least 10 Ngati

Tuwharetoa *hapu* located in the vicinity of the Waikato River. Appendix 5 is a table compiled by Te Puni Kokiri[39]. It provides the names and locations of Ngati Tuwharetoa *hapu* and *marae* positioned along the Waikato River.

Once the Waikato River leaves the lake at Nukuhau it flows northeast until it reaches the Huka Falls which are also known as Hukanui, meaning great body of foam. After passing over the falls, the Waikato River leaves the tribal area of Ngati Tuwharetoa and enters that of Ngati Tahu.

Ngati Tahu

With a territory that encompasses the 'great bend' of the Waikato River (see Map 1), Ngati Tahu are recognised as the *tangata whenua*[40] of Lake Rotokawa (Stokes 2004:53). Like Ngati Tuwharetoa, the people of Ngati Tahu are also descendants of the Te Arawa canoe (Grace 2005:201). When Evelyn Stokes researched the history of Ngati Tahu, she recorded that in the nineteenth century, they were a nomadic people who had seasonal dwellings at Ohaaki, Orakei Korako and Ngaawapurua (see Map 1). As the settlements were located in areas of geothermal activity it was unsafe for Ngati Tahu members to live there permanently.

The settlements were established for the seasonal gathering of prestige goods such as fish, birds, red ochre and sulphur (Stokes 2004:55). In 1987, the Ngati Tahu Tribal Trust wrote a submission to the Waikato Catchment Board opposing a proposed sulphur mining operation. The Trust wrote that, prior to British settlement in the area:

> Their principal fern grounds were on Oruahineawe, on the north bank of the Waikato River, at Otamarauhuru and along the banks of the Parariki Stream. The Waikato River was a source of fish – kokopu (native trout) and inanga (whitebait), tuna (eels) and koura (fresh water crayfish). Kokopu were a particular speciality of the section of river below Ngaawapurua.

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[39] Te Puni Kokiri (The Ministry of Maori Development) is the Crown's principal adviser on Crown-Maori relationships.
[40] In this instance *tangata whenua* means Maori persons connected to a place through a line of occupying ancestors and ideally owning land in the vicinity.

Photo 3. The Waikato River at Orakei Korako

The submission explained that Ngaawapurua was not only the name of an important seasonal settlement on the north bank of the Waikato River, but it was also the name for that part of the river. Stokes proposed that the name implies the 'head of navigation where the river divides and breaks into rapids' (1987:3). As Ngati Tahu only established temporary residences in this part of their territory, Stokes' research is important as it effectively demonstrates Ngati Tahu's long-standing connection to the Waikato River. In some official documents Ngati Tahu is represented as a *hapu* of Ngati Tuwharetoa. However, it has, as a result of the Treaty claims process and a desire to pursue its own claim, separate from Ngati Tuwharetoa, joined with Ngati Whaoa, another *hapu* from the Reporoa area. The latest Te Puni Kokiri tribal membership figures record that Ngati Tahu-Ngati Whaoa has a tribal membership of 2,724 people and is comprised of five *hapu* and six *marae*. Appendix 6 is a table compiled by Te Puni Kokiri that provides the names and locations of Ngati Tahu-Ngati Whaoa *hapu* and *marae* located near the Waikato River.

The Tainui Tribes

After passing through Ngati Tahu territory the Waikato River arrives at Whakamaru, a place that is associated with the Tainui people of Ngati Raukawa (Waitangi Tribunal 1993:19-22). Like the Te Arawa canoe, the Tainui canoe or *waka* is said to have carried Maori ancestors from Hawaiki to Aotearoa-New Zealand. These people settled the north-western quadrant of

the North Island. The term 'Tainui *waka* also refers to the current confederation of Tainui tribes which are Ngati Maniapoto, Ngati Raukawa, Ngati Haua, Hauraki, Ngaiterangi and the tribes of Waikato. Oral tradition explains that Hoturoa was the Captain of the Tainui canoe when it sailed from Hawaiki. When the canoe landed in Kawhia its members settled in Western parts of the central North Island. The boundary of Tainui territory is recited as:

Mokau ki runga	From Mokau in the south
Tamaki ki raro	To Tamaki in the north
Mangatoatoa ki waenganui	Mangatoatoa at the centre
Ki te kaokaoroa o Patetere	The long armpit of Patetere
Ki te Nehenehenui	The big forest of Maniapoto
Pare Waikato	From the mouth of the Waikato River in the west
Pare Hauraki	To all of Hauraki

Ngati Raukawa

While Ngati Tahu people contend that their ancestors, Tia and Ngatoroirangi, claimed the land on both sides of the river between Taupo and Atiamuri, descendants from Ngati Raukawa allege that they have special rights in the area because their ancestors Wairangi and Whaita who were great fighting chiefs took hold of the territory from Ngati Tahu by conquest. Today the stretch of river between Atiamuri and Putaruru is primarily populated by Ngati Raukawa members. Ngati Raukawa people descend from the Tainui ancestor Raukawa. The ancestral mountain of Ngati Raukawa is Maungatautari, located near the Waikato River just south of the present-day township of Cambridge. There are debates over the tribal boundaries of the Waikato River in Ngati Raukawa's territory. According to Matangi Hepi:

> *The Raukawa ancestors, Whaita and Wairangi, secured authority over land for Raukawa descendants along the Waikato River not just between Maungatautari and Whakamaru but all the way from Maungatautari to Lake Taupo* (Interview May 1999)

Matangi Hepi recited the ancestral boundaries of Ngati Raukawa as:

Ki te Wairere	The district of Raukawa is from Te Wairere, to
Horohoro Pohaturoa	Horohoro and Pohaturoa
Ko Ongaroto ko Whaita e	At Ongaroto is the house of the ancestor Whaita
Nukuhau ki runga o	From Nukuhau to Hurakia on the Hauhangaroa
Hurakia Hauhangaroa	Range
Titiraupenga	From Titiraupenga Mountain, the horizon is the boundary of the district of Raukawa
Arohena Wharepuhunga	To the mountain of Wharepuhunga and the marae at Arohena
Whakamarumaru te pae o Raukawa	To the ranges of Whakamaru
Titiro atu ki te Kaokaoroa	The view extends to the region of Te Kaokaoroa o

o Patetere	Patetere
Maungatautari	To Maungatautari
Ka titiro iho ki	The view extends beyond Wharepuhunga to the
Wharepuhunga	ancestor Hoturoa, to the marae at Parawera
Ko Hoturoa, Parawera	
Ko te manawa ra o Ngati	Here stands the proud spirit of Ngati Raukawa
Raukawa	

The boundary recited by Matangi Hepi is also recorded as evidence in the *Pouakani Report* (Waitangi Tribunal 1993:20). This report provides accounts of the rival claims between tribal groups who occupy the Pouakani block of land in the area. The *Pouakani Report* also acknowledges Pei Te Hurinui Jones' account of Ngati Raukawa boundaries, where he proposed that Ngati Raukawa had tribal authority over the section of the Waikato River between Whakamaru and Maungatautari (Waitangi Tribunal 1993:21). Pei Te Hurinui Jones was a scholar who had a strong interest in local history. From the interviews he conducted with local Maori elders over many years he pieced together a historical account of the area. He proposed that, at some stage, Ngati Raukawa moved up the Waikato Valley from Maungatautari, and then either displaced or absorbed a Te Arawa tribe which was known as Ngati Kahupungapunga. Ngati Kahupungapunga people were alleged to have lived between Putaruru and Atiamuri (Jones and Biggs 1995:138).

With the establishment of forestry in the area in the 1950s many Ngati Raukawa members were employed in the pulp and paper industry. However, the rapid down-scaling of Kinleith, a sawmilling and timber processing establishment for the production of pulp and paper in the 1980s resulted in unemployment and financially difficult times for the people of Ngati Raukawa. Today, Ngati Raukawa territory comprises four districts: Firstly, 'Ngati Raukawa Te Kaokaoroa o Patetere', an area known as the long armpit of Patetere which extends from Tokoroa to the Fitzgerald Glade near Rotorua. Secondly**,** 'Ngati Raukawa ki Wharepuhunga', which includes the east side of the Wharepuhunga Ranges. Thirdly, 'Ngati Raukawa ki Panehakua', which encompasses the south side of Maungatautari Mountain. And finally, 'Ngati Raukawa ki te Tonga', a community that was established in the Manawatu region at Otaki by the ancestor Te Rauparaha. The latest Te Puni Kokiri tribal membership figures record that there are 5,175 Ngati Raukawa members living around the towns of Putaruru and Tokoroa. Appendix 7 is a table compiled by Te Puni Kokiri that provides the names and locations of Ngati Raukawa *hapu* and *marae* positioned along the Waikato River.

Ngati Koroki-Kahukura

While Maungatautari Mountain is recognised as an ancestral mountain for Ngati Raukawa it is also the location of Ngati Koroki-Kahukura, an influential *hapu* because of its enduring ties and shared boundaries with Ngati Raukawa, Ngati Maniapoto and Ngati Haua. The people of Ngati Koroki-Kahukura are located at the middle reaches of the Waikato River. Genealogical accounts show that the ancestor Koroki was the father of the ancestor Haua. Carlson Wirihana[41] of Ngati Koroki-Kahukura explained:

> *Maungatautari acts as a pou rahui* [*boundary marker*] *for the tribe of Ngati Raukawa and tribes that affiliate with Waikato-Tainui. It is an important gathering place for all the people. While everyone is welcome at Maungatautari we affiliate to the Kingitanga* (Interview June 2001).

Although much of Ngati Koroki-Kahuhura's ancestral lands were not included in the 1863 confiscations, the tribe are important to the Kingitanga because they took in Waikato members who were displaced from their lands. While Ngati Koroki-Kahukura was recognised as an *iwi* in its own right prior to the colonisation of the southern Waikato district, in Treaty of Waitangi claim contexts it is generally regarded as being a part of Waikato *iwi* and Waikato-Tainui. However, in a recent development Ngati Koroki-Kahukura filed a last minute Waitangi Tribunal[42] claim to protect their interests in the Waikato River. The tribal group allege that they have authority over the river from Karapiro to Arapuni. According to Ngati Koroki-Kahukura's claim spokesperson, Willie Te Aho, the area of the river that Ngati Koroki-Kahukura are claiming is outside the Waikato-Tainui's tribal territory (*Waikato Times* 4 September, 2008).

Ngati Haua

The section of the river from Maungatautari to Horotiu (south of Ngaruawahia) is Ngati Haua's ancestral territory. According to Jones and Biggs, the ancestral territory of Ngati Haua extended along the Waikato River from Pukerimu to Ngaruawahia (1995:334). Up until the mid-nineteenth century Ngati Haua was recognised as a formidable *iwi* by its Maori counterparts. The lands of Ngati Haua were revered for their flatness and fertile soils. When

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[41]Carlson Wirihana lives in Cambridge and is from Maungatautari Marae. He is the Captain of the canoe Rangatahi which is part of the present-day fleet of Tainui canoes associated with the late Te Puea Herangi.

[42] The Waitangi Tribunal is a permanent commission of inquiry and consists of 16 members appointed by the Governor General. The role of the Tribunal is to make recommendations on claims brought by Maori relating to the practical application of the Treaty and to determine whether certain matters are inconsistent with the Principles of the Treaty.

the British invaded the Waikato region in the 1860s the section of the Waikato River occupied by Ngati Haua was called the Horotiu River (Belich 1998:164, 179 and Stokes 2002:14). Ngati Haua had much of their ancestral territory confiscated, including lands in the Matamata, Hamilton and Morrinsville areas. Like Ngati Koroki-Kahukura, the people of Ngati Haua are generally regarded as part of the Waikato *iwi* and Waikato-Tainui. The tribe have an important role in the formation and preservation of the Kingitanga. It was the Ngati Haua ancestor, Wiremu Tamihana, who mobilised support for the first Maori monarch Potatau Te Wherowhero.

Ngati Mahuta

Ngaruawahia is one of many areas traditionally associated with Ngati Mahuta. The large Waikato *marae,* Turangawaewae is located at Ngaruawahia. The importance of this *marae* and its founder Te Puea Herangi will be discussed later in this chapter. 'The Point' in Ngaruawahia is the place where the Waikato River joins the Waipa River. Oral traditions explain that the merging of the two rivers in Ngaruawahia symbolises the union of Ngati Raukawa, Maniapoto and Waikato people through the marriage of Ngawaero who was of Ngati Raukawa-Maniapoto descent, and Te Wherowhero, an important Ngati Mahuta chief. As a result of the marriage, the Waipa River is sometimes personified in relation to Ngawaero, and the Waikato River in relation to Te Wherowhero. Jones described the relationship with his comment below:

> There are certain places in Aotearoa that seem to have a spell of strength and endurance cast upon them by primeval forces. In the Waikato is one of these places where the waters of the Waikato and Waipa Rivers meet at Ngaruawahia. For more than 12 miles above this point the clear and deep flowing waters of the Waikato, in its westward course, appear to be bent on charging straight through the outflung Hakarimata range. But as if in obedience to the quiet persuasion of the sluggish waters of the Waipa, it turns with renewed zest to the north, where for about three miles it rushes through Taupiri gorge to the west of Taupiri Mountain (Te Hurinui 1959:134).

Approximately eight km north of Ngaruawahia is Taupiri Mountain[43], an important burial place and ancestral mountain for Waikato Maori. When the Waikato River flows past Taupiri Mountain the river is understood by Waikato Maori to be very sacred. There is a story shared by Waikato and Ngati Tuwharetoa Maori regarding the origin and present course of the Waikato River. A version of this story was told by the paramount chief of Ngati

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[43]As a result of the New Zealand Settlement Act 1863, collective Waikato ownership of Taupiri Mountain was extinguished. In 1975 Taupiri Mountain was returned to Maori. This was made possible by the agreement of the Crown who vested the ownership of the mountain in Potatau Te Wherowhero, the first Maori King.

Tuwharetoa, Tumu Te Heuheu, to guests of the late paramount chief, *Te Arikinui* Te Atairangakaahu[44], attending her 40th Coronation celebrations at Turangawaewae Marae in 2006.

> Tongariro and Taupiri were a brother and a sister mountain that lived in the Central Plateau. The siblings were very close. When Taupiri grew up she married the Tainui chief Pirongia and went to live in his tribal territory. At her new home Taupiri became very sick. Local healers were called to treat Taupiri but were unable to cure her. Knowing that her people had a remedy she asked Pirongia if he would send word of her illness to Tongariro. Pirongia got his trusted servant to make the difficult journey to Taupiri's homeland. The servant took his dog as a companion.
>
> When the pair arrived at Tongariro's village they were welcomed and fed and then taken to Tongariro. Before dawn the next morning, Tongariro, the servant and the dog climbed the side of a great mountain. At a special place Tongariro recited a chant and struck a rock with his walking stick. Pure water emerged from the rock. Using calabashes that they had brought with them, the servant collected some of the special water for Taupiri. When he had enough water the servant thanked Tongariro and then he and the dog turned to begin their long journey home. As they departed, Tongariro instructed the water which had become a stream to follow them so as that Taupiri would have a supply of the sacred water at her disposal.
>
> On their way home the servant and the dog passed a gigantic crater which the stream filled. This crater is now Lake Taupo-nui-a Tia. At Tapuaeharuru, a place at the northern end of the lake, the stream turned into a mighty river. Some versions of the story say the Te Arawa people tried to convince the river to flow through their lands, however, at Te Ohaaki, the dog dug a ditch which prevented the river from going in their direction. At Piarere, a place between Tirau and Karapiro, the river was distracted because it heard the call of its sea-parents. Unable to resist their voices, the river turned down into the Hinuera Valley and made its way eastward across the Hauraki plains where it met up with its parents at the Thames Estuary. As the servant and the dog were unable to make the river follow them they continued home with the calabashes of sacred water.
>
> On their return Taupiri drank the water and recovered immediately. The servant then told Taupiri of Tongariro's gift: the stream that had become a river which ran away. On hearing the story Taupiri began to chant. When Tongariro heard his sister's call he also began to chant. In unison the brother and sister's call woke Ruaumoko, the deity of earthquakes. Ruaumoko was upset by being woken and his fury caused the earth to shake and split, and volcanoes to erupt. The run-away river knowing that it was the cause of Ruaumoko's anger diverted its course so it could be at Taupiri's disposal. When the river reached Taupiri she explained that it was now free to go and be with its parents. Flowing westward the river was reunited with its sea-parents at Port Waikato.

The story demonstrates the relationship, based on the river, between Waikato and Ngati Tuwharetoa people. Tongariro and Taupiri not only represent two gendered chiefly ancestors, but also the peoples of Ngati Tuwharetoa and Waikato. The Waikato River, a gift

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[44] The official title used by Waikato Maori when they referred to the paramount chief Te Atairangikaahu.

from Ngati Tuwaretoa to Waikato people, is portrayed as an ungendered waterway with curative powers.

After Taupiri the Waikato River flows past many *marae* settlements. Waahi Marae in Huntly is a very important *marae* because it has been the home of many Kingitanga leaders. Further north is Meremere, where the Whangamarino and Maramarua Rivers join it. From Mercer, where the Mangatawhiri River joins it, the Waikato flows west and then southwest. *Marae* along the Waikato River between Huntly and Port Waikato are significant to Waikato Maori identity. Before the Waikato land confiscations in the 1860s, all land in the region belonged to autonomous *hapu* and *iwi* groups. Once the lands were taken, they were turned into farms by colonists. The *marae* dotted along the river are the only visible symbols of prior Maori occupation of the region. Map 1 shows the locations of *marae* along the Waikato River. Just before its mouth at Port Waikato or Te Puaha o Waikato as Maori call it, the Araroa River joins from the north. The Waikato River then runs into the Tasman sea.

The latest Te Puni Kokiri tribal membership figures record that modern Waikato-Tainui *iwi* has a tribal membership of 46,526 people and is comprised of 33 *hapu* and 160 *marae*. Appendix 8 is a Te Puni Kokiri table that gives the names and locations of the Waikato-Tainui *hapu* and *marae*. Though Te Puni Kokiri names the 33 *hapu,* Chapter Four of this thesis argues that the tribal leader Robert Mahuta diminished the authority and political organisation of *hapu* in the Waikato region in order to pursue Treaty claims with the Crown.

Establishing the Kingitanga

Maori social organisation around the northern-most third of the Waikato River was transformed with the arrival of British colonists. The first Europeans began visiting the Waikato Valley in the 1820s though it was another 20 years before they settled in the area. Throughout the 1840s Maori agriculture flourished in the Waikato as *hapu* groups cultivated a variety of crops for the growing town of Auckland. An important element of their success was the Waikato River which provided a reliable transport route to markets in the north. Waikato Maori agricultural success did not go unnoticed. Stokes explained 'the productivity of the Waikato lands, especially in the Hamilton basin and Waipa Valley, which attracted the attention of British settlers, officials and land speculators' (1997:10). To resist Maori land appropriation a socio-political movement called the Kingitanga was established in 1858. It was the Ngati Tuwharetoa paramount chief Iwikau Te Heuheu who suggested that Potatau

Te Wherowhero of Ngati Mahuta should lead the Kingitanga. He endorsed Te Wherowhero after declining the office when it was offered to him. Iwikau is reported to have said:

Hinana ki uta,	Search the land
Hinana ki tai,	Search the sea
Tirohia te wai i noho i nga taniwha,	Look to the river where the monsters live
Tirohia te waahi i noho i nga rangatira,	Look to the places where live the chiefs
Tukuna ki Waikato	Offer the Kingship to Waikato

Mahuta proposed that Potatau be chosen to be Maori King 'because of his illustrious reputation as a fighting chief and high genealogical status which linked him to Hoturoa the Captain of the Tainui canoe' (1975:1). In addition to this, Kamira Binga Haggie[45] of Turangawaewae Marae said that Potatau was selected as Maori King because of his good relationships with the tribes along the lower Waikato River who could supply foods for massive Kingitanga gatherings (Haggie 1997). Because of his age, which was recorded as being 83, Potatau only served two years as King. He was succeeded by his oldest son Matutaera Tawhiao Te Wherowhero (King Tawhiao).

Maori refusals to sell land did not curb the Crown's desire to own large areas of fertile land. With few sales occurring, the Crown's representative, Governor George Grey, sought new methods to obtain lands for British colonists in the Bay of Plenty, Taranaki and Waikato regions. McCan wrote:

> Grey found a pretext for the war by inflating rumours that Waikato Maori loyal to the King intended to attack Auckland. On 9 July [1863] warships turned back canoes going to Auckland with produce. On the same day, Grey issued a proclamation announcing that all Maori living north of the Mangataawhiri River were either to take an oath of allegiance to Queen Victoria and surrender their arms or move south. Taamati Ngapora was unwilling to swear an oath and give up arms without consulting his relatives. Maori consequently left their land at Mangere, Puukaki, Patumaahoe and Te Kirikiri which was occupied by soldiers the next day (2001:46).

The invasion of the Waikato commenced on the 11 July 1863 (Belich 1998:119). It involved a series of assaults between Ngaruawahia and Auckland. The most debilitating strikes occurred at Meremere and Rangiriri where the British militia used river flotilla to attack settlements belonging to the *hapu* groups of Ngati Hine, Ngati Naho, Ngati Pou and Ngati Tarakihikihi (Belich 1998:145). These attacks shattered the livelihood of Waikato Maori as

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[45]Kamira Binga Haggie was a respected elder from Turangawaewae Marae. He was the Chairperson of the Turangawaewae Marae Committee for many years and was one of the TMTB's spokespeople on the Waikato River. He was a keen rower, whitebaiter and duck shooter.

people were killed, lands were seized and *marae* and tribal river vessels were destroyed. The capture of Rangiriri provided a straightforward entry into the Waikato, enabling General Cameron, who was leading the invasion, to take Ngaruawahia, King Tawhiao's headquarters.

In the 1860s, the colonial government created two pieces of legislation to expel *hapu* from their lands. First, the Suppression of Rebellion Act 1863 proclaimed that Waikato and a number of other tribes were engaged in a rebellion against the Crown and that, as punishment for these actions, their lands would be confiscated. The confiscated lands were then given to British settlers in the form of Crown Grants under the New Zealand Settlements Act 1863. While a portion of the confiscated lands were given as Crown Grant payments to men who had fought for the Crown against the Waikato tribes, a substantial amount of land was also sold to incoming British settlers. Small blocks of poor quality land were set aside for 'returning rebel Maori' so they could establish reserves once they gave their allegiance to Queen Victoria, however, few Waikato Maori were interested in the non-productive lands (McCan 2001:58).

The British view was that, when Maori lands adjoining the river were confiscated, their rights in the Waikato River were also removed. The signing of the Treaty of Waitangi in 1840 brought Maori under the jurisdiction of the Crown so as that they were governed by English common law. Significantly, under English common law ownership of river water is vested in no one. It is seen in the same way as air, that is, a property in common ownership although the Crown can manage its use. In the late nineteenth century there was a strong feeling that waterways should not be privately owned in new colonies. Under English common law, an owner of land adjacent to a river owned the portion of the riverbed which extended to the half-way mark of a river. Therefore, when Maori land adjacent to the river was confiscated Maori also lost their common law rights to the riverbed.[46]

The alienation of Maori around the river worsened when the Crown appropriated the rights to coal deposits lying beneath Huntly. To establish coal production in the area the Crown needed to own land in the Huntly area and control the Waikato River. The waterway was necessary to transport coal to Auckland. Therefore, the Crown extinguished all Maori and

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[46]This English law known as the rule of 'ad medium filum aquae' was first recognised in New Zealand in the case of *R v Joyce* (1906) 25 NZLR 75.

non-Maori property rights in the Waikato River by enacting the Coal Mines Amendment Act (1903). They alleged that they were eliminating private ownership for the public good. Stokes explained that, under this Act, the ad medium filum aquae rule was replaced by a declaration of Crown ownership of all beds of 'navigable' rivers in New Zealand (2004:48).

The confiscations affected Maori from the middle and lower reaches of the Waikato River and Ngati Haua of the Horotiu and Waharoa[47] areas. Prior to the confiscation of Waikato lands and the river King Tawhiao composed a lament about Waikato's territory. The English version of his lament is:

> I look down on the valley of Waikato,
> As though to hold it in the hollow of my hand
> And caress its beauty
> Like some tender verdant thing
> I reach out from the top of Pirongia
> As though to cover and protect its substance
> With my own
> See how it bursts through
> The full bosoms of Maungatautari and Mangakawa,
> Hills of my inheritance:
> The river of life, each curve
> More beautiful than the last,
> Across the smooth belly of Kirikiriroa,
> Its gardens bursting with the fullness of good things,
> Towards the meeting place at Ngaruawahia
> There on the fertile mound I would rest my head
> And look through the thighs of Taupiri.
> There at the place of all creation
> Let the King come forth.

The lament was composed by King Tawhiao in 1860. It describes the geographic landmarks of some of the *hapu* groups who had their lands confiscated. These tribes, which affiliated to the Kingitanga, were forced to leave their lands and retreat to those of their closest allies. While Kingitanga supporters from Ngati Haua took refuge with Ngati Koroki-Kahukura at Maungatautari, Waikato people retreated to the Waipa Valley and Kawhia where they stayed with Ngati Maniapoto and Ngati Hikairo people (McCan 2001:79-80). While most tribal communities located in the Waikato were loyal to King Tawhiao during the invasions, Jones explains that some Waikato *hapu* collaborated with the British (McCan 2001:49). These were Ngati Tipa of the Waikato Heads, Ngati Whawhakia of the Whangape-Rangiriri district and the Tainui tribes of the Raglan-Te Akau area. They were led by the chiefs Kukutai, Te

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[47]The Waharoa area were lands around Matamata

Wheoro and Wi Neera respectively.

Princess Te Puea Herangi Establishes Turangawaewae Marae

The third Maori King, Mahuta, relied heavily on the foresight and hard work of his niece, Te Puea Herangi (King 1984 [1977]:20). She was a granddaughter of King Tawhiao through her mother Tiahuia. Te Puea first gained prominence as a leader when she led a campaign against the conscription of Waikato Maori in World War 1. She argued that there was no point fighting for a country where her tribe had no land. Te Puea affirmed her standing as a leading figure of the Kingitanga in 1921 when she left her home in Mercer on a barge with a party of workers to build a new *marae* at Ngaruawahia called Turangawaewae Marae. Ngaruawahia is one of the places where King Tawhiao lived prior to being exiled from Ngati Mahuta lands.

Photo 4. Te Puea Herangi

The revival of the Waikato *iwi* and the Kingitanga began with the construction of Turangawaewae Pa on the banks of the Waikato River in the 1920s. Prior to the confiscation of Waikato lands the original *pa* (traditional village) in Ngaruawahia was known as Pikiarero. The location was at 'The Point', where the Waikato and Waipa rivers join. However, Te

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Puea was unable to acquire that land as it was owned by soldiers. Therefore land was bought on the other side of the Waikato River and Turangawaewae was built. Ngahinaturae Te Uira[48] said Te Puea built Turangawaewae because:

> *It was what Tawhiao said, Te Puea wanted to bring his tongi (prophesy) to life, that was Tawhiao's home you see and it was Potatau's home so that's why she built the marae there. It was a gathering place for the Kingitanga and the people of Aotearoa, somewhere where they can meet and discuss problems* (Interview May 2004).

Not only did Te Puea establish Turangawaewae Marae, which was a great feat in itself, but she also set up a carving school at Turangawaewae; built a series of meeting houses and other community facilities throughout the Waikato and King Country; composed waiata and action songs; trained the Maori concert party, Te Pou o Mangatawhiri, and established The Tainui Maori Trust Board (TMTB). The TMTB was established in 1947 to administer money which Te Puea negotiated from the government as a form of compensation for confiscated Waikato lands (King 1984 [1977]:338). Te Puea's role in the Kingitanga saw her act as an advisor to Kings Mahuta, Te Rata and Koroki. She was also responsible for grooming the movement's sixth leader, Te Atairangikaahu.

Te Puea's period of influence in the Kingtanga lasted almost forty years, during which time she made explicit the relationship that Waikato Maori and the Kingitanga had with the Waikato River. In 1929 Te Puea rallied support for a petition for the return of tribal fishing rights in the Waikato River (Orange 2004:122). While her initiative was unsuccessful her actions demonstrated the commitment of Waikato Maori to the Waikato River. Hukiterangi Muru explained that the people of Turangawaewae Marae developed a very intimate association with the Waikato River when Te Puea was alive as follows:

> *The strength of the people is derived from the river. When we were growing up every time we got sick our father would carry us on his back, throw a blanket over our shoulders and who ever was sick would be taken down there. It was pretty rough in those days because there was blackberry and all sorts of undergrowth growing near the river. You had to sort of battle your way through and find a space for your family. We would sit there and then my father would karakia, ask for a blessing for us* (Interview January 2006).

Te Puea encouraged the people of Turangawaewae Marae to bring into play a number of cultural features which demonstrated the connection they had with the river. King records

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[48]Ngahinaturae Te Uira was a former Secretary to Te Arikinui Te Atairangikaahu, and worked in the Department of Maori Affairs and the Department of Social Welfare, until she retired in 1992. She was a member of The Maori Language Commision and often carried out secretarial and Maori translating roles for the Tainui Maori Trust Board.

that Te Puea established Turangawaewae *marae* on the banks of the river:

> [S]o that its waters would be a constant and reassuring presence. By the mid-thirties she
> was conscious that there was only one major way in which she was not making use of the
> river – Waikato no longer had any large canoes (1984 [1977]:206).

Evidently, nothing had stirred Te Puea more in her youth than the sight of paddlers in Mahuta's ornately decorated canoe Tahereheretikitiki. In the mid 1930s Te Puea initiated the building of a fleet of ceremonial canoes to honour the Waikato River. When Te Puea was establishing Turangawaewae Marae, further south along the river major developments were taking place in the electricity generating industry.

Electricity Generation on the Waikato River

The electricity industry was first established on the Waikato River at Horahora in 1913 when a dam was constructed by the Waihi Goldmining Company to supply power for the Waikino Battery near Waihi (Stokes 1997:46). This generating station was acquired by the government in 1919. The first State initiated power development on the river occurred in 1929 when a dam and power station were built at Arapuni. Through the 1930s geologists surveyed the gorges of the Waikato River and identified 10 potential dam sites. The major control gates which regulate the flow of the Waikato River were installed at Nukuhau between 1940 and 1941. These gates control the amount of water flowing down the Waikato River to meet generation and regulatory requirements. Once released from the gates, water for generation takes more than 18 hours to move from Taupo to Karapiro where the last station in the Waikato hydro system is located.

The land required for dams, power stations, switchyards and other works as well as land flooded by hydro lakes was taken under Public Works Act in a series of proclamations between 1949 and 1982. The electricity developments on the Waikato River resulted in eight dams and lakes, nine hydro power stations (Horahora 1 and 2, Arapuni, Karapiro-1947, Whakamaru-1949, Atiamuri-1953, Ohakuri-1955, Waipapa-1961, Aratiatia-1964, Maraetai-1970) and two thermal power stations (Meremere-1950 and Huntly-1985). Matangi Hepi who worked as a labourer on the Karapiro, Maraetai I and Whakamaru dam projects recalled:

> *There was lots of labouring work on dam construction sites for local men, it was known*
> *though, that once a dam was complete the men were no longer necessary to NZED (New*
> *Zealand Electricity Department) and we left to find work elsewhere. Back then we could*
> *just move on to the next dam being built, but after Maraetai they stopped building them, a*
> *lot of local men and their families had to leave the area (Interview May 1999).*

Under Public Works legislation the Crown acquired a portion of the unoccupied Pouakani Block alongside the Waikato River to build a hydro-electric station and also a temporary township named Mangakino. This village was established to house the hundreds of workers needed for dam and power station construction. Initially the town was intended to be temporary, until the completion of the proposed dams. Throughout the 1940s, 50s and 60s Maraetai I, Whakamaru, Waipapa, Atiamuri and Maraetai II were built by the workforce based in Mangakino. Small villages were also built at Maraetai, Waipapa, Whakamaru and Atiamuri to house the permanent workforce who ran the power stations. Electricity development occurring in Ngati Tuwharetoa, Ngati Tahu, Ngati Raukawa, Ngati Koroki-Kahukura and Waikato territories meant that Maori permanently lost lands and resources.

Dams and lakes not only divide the Waikato River into sections, making parts of the river inaccessible and unsafe, but they also change the river's flow and ecosystem. Dams prevent eels, which have always been an important food source for Maori, from being able to swim down-river to spawn. Also when reservoirs behind dams fill, river conditions disappear and an area becomes lake-like. Within reservoirs, fish such as the *kokopu* (native trout) which were plentiful in the upper reaches of the Waikato River were replaced by species adapted to lakes. Whoriskey describes the effects of dams with:

> [D]ams dramatically change the river ecosystems on which they are located. These changes for all intents are permanent, because dams are seldom removed. As the reservoir floods, any vegetation that has not been cleared drowns. These plants and the organic matter in the inundated soils begin to decompose. This uses up the oxygen in the water, which can kill or drive away species that require high oxygen levels (2000:167).

The construction of dams and lakes has resulted in parts of the Waikato River becoming permanently inaccessible. For instance, it is no longer possible to traverse the Aratiatia Rapids because the Aratiatia dam gates are opened daily every two hours[49] allowing built up water to surge down the narrow gorge for thirty minutes before closing again. At the time of construction there was no survey of archaeological sites and many *wahi tapu* (places special to Maori) along the river banks were flooded. According to accounts from the *Pouakani Report* this included:

> [T]he loss of the "Waipapa rock paintings" at the confluence of the Waipapa and Waikato rivers. Other rock paintings submerged by Lake Arapuni. Hot springs at various places, such as Waimahana...have been submerged. Two thirds of the active geothermal areas

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[49]Between 10am and 4pm except in winter when there is no 4pm flow.

including geysers and papakainga at Orakei Korako, and hot springs and wahi tapu at Te Ohaaki, were submerged by the Ohakuri hydro lake (Waitangi Tribunal 1993:294).

Joseph Haumaha is from the Ngati Raukawa tribe. He lives next to Maungakaretu Marae at his family homestead in Putaruru West, which is close to the Arapuni Power Station. Maori living at Maungakaretu Marae have adjusted to the power station and dam, which were built on the Waikato River in 1929. Electricity development in the area has not only restricted access to some parts of the river but also changed the flow and level of the river's water. While the development of electricity has reduced the number of eels and fish in the river, Joseph explained that his family still fish for eels and brown trout regularly. They also still gather *koura* (fresh-water crayfish) from the tributaries along the river.

> *The boys and the nephews get brown trout at Arapuni. You can't get rainbows because the water is too muddy, they like to be nearer the lake. I think the dams have made a big difference to our fishing, there's no native fish now and the eels aren't fat anymore. You are supposed to have a licence to fish for trout around here. That's another thing we're not happy about* (Interview January 2004).

While Maori at the northern end of the Waikato River have not had to contend with dam constructions, Fookes reported in a socio-cultural impact report the frustration and distress that Waahi Marae Maori experienced when the Huntly Power Station was built in 1973, this included:

> the removal of Maori households from their land and relocation in Huntly Borough; the breaking up of kinship groups; the loss of land and all that this symbolized to Maori; the undermining of leadership and morale; the loss and quality of life in its social, cultural, economic and spiritual aspects; and resultant community unrest and loss of confidence in the existing social order (Fookes 1976).

New Zealand's electricity industry has undergone major reforms in the last 20 years. In 1986, the Government announced that it intended to reform the generation and transmission sectors of the electricity industry. The first of the reforms occurred in 1987 when the Electricity Corporation of New Zealand (ECNZ) was setup as a State Owned Enterprise (SOE) to own and operate the then Ministry of Energy's generation and transmission assets. Subsequently, ECNZ created the subsidiary company, Transpower, to run its transmission assets. The reforms continued in 1993 under the Electricity Act (1992), which effectively removed distributors' statutory monopolies and the obligation to supply electricity. Also in 1993, the Electricity Market Company Ltd, M-co, was established to assist the electricity market framework for wholesale trading. In 1994 Transpower was separated from ECNZ and setup as a stand alone SOE. 1995 saw ECNZ split into two competing SOEs, ECNZ and

Contact Energy. In 1998 a range of reforms were announced by the Government which included selling Contact Energy, the separation of line and energy businesses and the decision to split ECNZ into three SOEs. Of the three companies formed, two were dependent on the Waikato River for their generation processes. These were Genesis Power, which has a major thermal station in Huntly, and MRP, a hydro generator which has eight power stations on the Waikato River.

Conclusion

The first half of this chapter outlines the key Maori tribes and leaders of the Waikato River. It does this by piecing together a selection of oral traditions. Oral traditions provide accounts of tribal alliances, genealogical connections to particular lands and resources, and the boundaries of tribal territories. The oral traditions presented in this chapter, such as the origin story of the Waikato River, Tawhiao's lament and Tia's claiming of Lake Taupo, have been in the public domain for some time. These oral traditions and others like them have formed the basis of particular tribe's Treaty claims. While specific knowledge of ancestors, places and local practice maybe restricted to certain people within particular groups, it is clear that the claims process has forced much formerly restricted knowledge into the public arena.

The discussion then shifted to examine the invasion of the Waikato region and its impact on Maori. This history was sourced from tribal submissions and reports used in Treaty claims, works by scholars such as Pei Te Hurinui Jones and Bruce Biggs, Michael King, Evelyn Stokes, David McCan and James Belich and the oral submissions of tribal members. To conclude this socio-historical map of the Waikato River, the chapter observes the emergence of Turangawaewae Marae and Waikato *iwi* as a 'river tribe' under the leadership of Te Puea Herangi, and also the development of electricity generation on the river. Without a doubt the advent of the electricity industry on the Waikato River has had a major impact on Maori. Some of these impacts will be addressed in Chapter Five of this thesis.

Overall, this chapter is reminiscent of a way that tribes are represented in Waitangi Tribunal reports[50] and published tribal histories[51]. Its purpose is to describe the Waikato River as a

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[50] See Pouakani Report 1993, Turangi Township Report 1995 and the Whanganui River Report 1999.
[51] See Nga Iwi o Tainui by Jones and Biggs, Tuwharetoa by Grace and Te Arawa: The History of the Arawa People by Stafford

setting, using a traditional Maori trope for representing relationships between people and territory. It highlights these relationships and the significance of the river as a cultural resource and boundary-making entity. This chapter touched on the fact that the river's contested nature comes from the diverse range of 'interests' that people have in it. The Waikato River forces people from different tribal and cultural groups to come together and interact with one another. The next chapter examines how the 'interests' of the different groups are played out through differences in their understandings of the concept of ownership. The discussion demonstrates that the term 'ownership' is an ambiguous term which deserves clarification. A defining question for the next chapter is: 'when different groups and individuals claim that they own the Waikato River, what do they mean?'

Chapter Three

DIFFERENT UNDERSTANDINGS OF 'OWNING'
THE WAIKATO RIVER

This chapter examines Waikato Maori understandings of ownership. However, as I hope to illustrate, in many contexts what is more important for Maori than 'owning' in the conventional legal sense are issues of authority, status and prestige. Indeed, the concepts of 'ownership' and 'Waikato River' are two key metaphors which bring people together because they are deeply embedded in local understandings of leadership and authority. Let me illustrate these points with a brief ethnographic vignette.

Photo 5. Robert Mahuta

At a meeting at Hopuhopu which was attended by over sixty Waikato elders, Waikato *iwi's* principal negotiator for Treaty of Waitangi claims, Robert Mahuta declared:

> *We don't need a bloody court document to tell us we own the river, we know we do* (Field notes June 2000).

The comment was well received by the elders attending the meeting. The purpose of the gathering was to inform the elders of the tribe's claim for legal ownership of the Waikato

River. While discussions of the Waikato River took precedence, Robert Mahuta also spoke on the tribe's interests in the Maramarua Forest and Manukau Harbour and his strategy for advancing the Tainui Endowed College. I note that the gathering took place at a time when Robert Mahuta's health had seriously deteriorated, and his leadership was being challenged in the public arena using courts and media[52] by some discontented Waikato tribal members (Diamond 2003:113-143). Throughout the presentation the elders listened intently and showed their support of Robert Mahuta by nodding their heads and giving encouraging remarks such as 'yes Robert' and 'that's right Bubs'[53]. The elders seemed to have interpreted Robert Mahuta's remarks as confirmation of Waikato Maori's right to 'own' the Waikato River. However, whether the tribe's claim for ownership would exclude or extinguish the rights of other tribes and stakeholders along the river and what the term 'own' may have precisely meant for the elders was not discussed at the gathering.

Maori Words that Express Ownership

In virtually every society there are concepts that we recognise as kin to the western concept of ownership, however, what various cultures consider subject to ownership, and how owning something becomes manifest, is often very different (Hann 1998:23, Wagoner 1998, Strathern 1999, Strang 2008). There is in fact no Maori lexeme for the English verb 'to own'. The only way to express the verb is by saying it in other ways. A number of Maori words are used to express the notions of own, owner and ownership. In the Ngata *English-Maori Dictionary* the word 'own' is equated to the Maori words *whai* (also written as *whiwhi*) and *mana*. The word owner translates in Maori to *rangatira*. Similarly, the word ownership is usually translated in Maori as *rangatiratanga* (1993:356). But these words are also bound up in Maori conceptions of power, authority and status and do not necessarily involve the idea of a sovereign individual with exclusive rights of possession but rather a chief who is

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[52] See for example, Bidois, V 'Tainui: time to change the guard' *The New Zealand Herald* (12 July 2000); Bidois, V 'Mahuta deal axed as tribe seeks cash sale' *The New Zealand Herald* (14 August, 2000); Yandall, P 'Tribal council accused of blunders' *The New Zealand Herald* (31 July 2000); Taylor, K 'Tainui braces for $24m claim after court loss' *The New Zealand Herald* (23 December 2000); 'Tainui seeks strategy to satisfy bank' *The New Zealand Herald* (3 March 2001) online at http://www.nzherald.co.nz.

[53] Waikato tribal members referred to Robert Mahuta using one of three names. Generally speaking the elders of the tribe called him Robert, the people he worked with called him Bob and his family and close friends called him Bubs or Bubba.

empowered to speak on behalf of the tribe. The following sentences from Ngata demonstrate how the words are used in Maori language (1993:356).[54]

1. *Kaore a ia i <u>whai</u> rawa, whenua, ano hoki.* He owned neither property nor land.
2. *Kei a wai te <u>mana</u> o te whenua.* Who owns the land?
3. *E mohio ana ahau ki te <u>rangatira</u> o tetahi karaati, mana koe te awhina.* I know the owner of the garage, he will help you.
4. *He maha nga whakatipuranga i tautohetohetia <u>rangatiratanga</u> o te whenua.* Ownership of the land has been disputed for several generations

Geographer Evelyn Stokes, who produced two studies that assisted in advancing Waikato's land claim, described the approach of Robert Mahuta and the TMTB in relation to the Waikato River claim. In her view, Waikato Maori were not seeking exclusive ownership or a full and final settlement for the Waikato River but rather their primary objective was to contribute to the management of the river, taking into account Maori values (Stokes 1994:49). Whether this view is what Robert Mahuta and other members of the TMTB had in mind when they lodged the tribe's claim for the Waikato River is open to question. In accord with Stokes' explanation, Norman Hill, the Environment Manager of Waahi Whanui Trust[55] said at a 'Water Programme of Action' meeting held in Hamilton:

> We desire clean water, and we are interested in talking about co-management rather than ownership. Sir Robert Mahuta's view prevails that we know we own the river but we are interested in co-management (Ministry for the Environment February 2005).

Robert Mahuta's position has been interpreted in many ways by tribal members and other people with interests in the Waikato River. Yet in contemporary western society the ownership of property is the primary way that status is recognised. Robert Mahuta's speech in June 2000 appears to have used the English word 'own' and the 'Waikato River' as mobilising metaphors not only to rally and unify the elders but also to demonstrate the significance of Kingitanga leadership among Waikato *iwi*. I use the term 'mobilising metaphors' in the sense implied by Shore and Wright. As they put it:

> [W]hen key words succeed, not only in competitions within the political field (Bourdieu 1991), but also in attracting mass popular support, we term them 'mobilizing metaphors'

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[54] These sentences which were obtained from the *Ngata English-Maori Dictionary* have been modified to suit the Waikato dialect of Maori language.
[55] Waahi Whaanui Trust provides services and programmes for individuals and families in Huntly and the surrounding districts. Programmes include social, education, employment, training and health services.

(Wright 1993). Mobilizing metaphors become the centre of a cluster of keywords whose meaning extend and shift while previous associations with other words are dropped. Their mobilizing effect lies in their capacity to connect with, and appropriate the positive meanings and legitimacy derived from other key symbols… (Shore and Wright1997:20).

Also writing on this theme is Tilley who proposes that a metaphor may:

Not only serve as a binding element in providing an interpretive account of the world, it can also be conceived as a quality which links together individuals and groups. The fact that metaphors are culturally relative implies that members of the same culture may share many distinct metaphorical understandings in common (1999:9).

The use of the word Waikato River as shorthand for Waikato *iwi* and the Kingitanga is a good illustration of how mobilising language works.

This chapter provides an overview of how cultural groups with interests in the Waikato River now comprehend and practice ownership. It begins by juxtaposing two understandings of ownership occurring in New Zealand, being English common law and Maori *tikanga* (customs and practices). Common law defines ownership as the state of having exclusive 'rights' in property and the 'possession' of property with the right to transfer possession to others (Hann 1998:38). According to Hann, common law emphasises the essentially relational, social character of property ownership between individuals (1998:8). *Tikanga* on the other hand emphasises the relationships and shared rights of groups of people to property (Sinclair 1995 [1992]:64-69, Biggs 1996 [1989]:308-309, Norman 1996 [1986]:209). The term *tikanga* has a range of meanings which include authority, control, custom, ethic, formality, lore, manner, method, plan, protocol, rule and style (Williams 1985 [1844]:416). In general, *tikanga* is taken to mean 'the Maori way of doing things' and derives from the Maori word *tika* which emphasises 'directness', 'straightness', 'rightness' and 'fairness' (Williams 1985 [1844]:416). The following explanation by Durie demonstrates how *tikanga* operates in Maori society.

Tikanga are used as 'guides to moral behaviour' and within an environmental context refer to the preferred way of protecting natural resources, exercising guardianship, determining responsibilities and obligations, and protecting the interests of future generations. Few tribes have committed tikanga to writing or reduced them to a simple set of rules. Instead the most appropriate tikanga for a group at a given time, and in response to a particular situation, is more likely to be determined by processes of consensus, reached over time and based both on tribal precedent and the exigencies of the moment (1998:23).

Metge makes sense of the two positions of ownership by suggesting that *tikanga* is perhaps

more concerned with creating fairness than common law (Personal Communication July 2009).

There is a substantial body of literature on common law ownership (see for example Hann 1998, MacFarlane 1978, 1987, Verdery and Humphrey 2004, Waldron 1988). This chapter's examination of the subject, however, will focus primarily on the role of primogeniture in transmitting rights and property to people. While primogeniture is no longer a prominent feature in the common law of New Zealand, it was adopted by the Kingitanga in the nineteenth century and still holds sway within the institution.

With a much smaller number of studies on *tikanga* to draw on (see for example Barlow 1993 [1991], Durie 1998, Mead 2003, Matiu and Mutu 2003) I see the opportunity to make a contribution to the understanding of Maori ownership. This work examines an important structuring principle of *tikanga*. This is *tuakana-teina* which organises Maori society. One aim of this thesis is to demonstrate that the structuring principle gives form to the 'fluid' nature of Maori ownership.[56] *Tuakana-teina* distinguishes the paired relationships of 'senior' and 'junior' between people and things. Williams' basic translations of the terms defines *tuakana*, as 'an older brother of a male, an older sister of a female and a cousin of the same sex in an older branch of the family' (1985 [1844]:445) and *teina* 'as a younger brother of a male, a younger sister of a female and a cousin of the same sex in a younger branch of the family' (1985:410). This ordering of people is largely responsible for structuring the reciprocal relationships between kin members of descent groups, tribal groups, and Maori and their environment (Salmond 1991 [1988]:348). The overall purpose of this discussion is to demonstrate that *tuakana-teina* defines, in Maori cultural terms, those things which 'can be' controlled and owned and those things which are 'too senior' or 'too great in status' to be controlled or owned.

For Maori, those things that are thought to have great status are things with *mana*. *Mana* is a concept of great significance to Maori people and is understood to reside in all manner of things including human beings, animals and inanimate objects. Individuals build up a store of *mana* from sources such as their descent from a key ancestor and personal achievements (Te Rangi Hiroa 1974 [1949]:346). Often described as 'spiritual power' and 'special

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[56] See Strang 2008 for a relevant study that examines the fluid forms of ownership by Australian aborigines.

essence', a person's *mana* is their power to perform in a given situation. *Mana* is often represented as a 'cloak' or 'mantle', especially the *mana* which has been handed down from ancestors (Metge 1995 [1986]:63). An important point that Metge makes which she may have developed from an earlier study by Te Rangi Hiroa's (1974 [1949]:346) is that:

> [M]ana is held not only by individuals but also by certain corporate groups, principally the descent-groups iwi, hapuu and whaanau…. Whether an individual has mana in his own right or not, he always has some as a member of a named descent-group (1995 [1986]:65).

English Common Law Understandings of Ownership

Common law is the system of law used in England and in countries colonised by England. According to Blackstone (1966 [1844]), the term 'common law' originated after the Norman Conquest and was originally based on the principle that rulings made by the King Courts in England were made in accord with the common customs of the realm, as opposed to decisions made by local courts which were judged by provincial laws and customs. For this reason common law is understood to be the 'law of precedent' which is distinguished from statutory law. Early philosophers such as Harrington, Hobbes and Locke explain the development of common law and private property as central to the establishment of modern capitalism (see Macfarlane 1978:58, 1998:105). Common law privileges property rights being invested in individuals, though as Goody acknowledges, in contemporary Western societies not all rights are individualised with some rights being attached to family, community and the state (1998:201).

In the late eighteenth century and throughout the nineteenth century, private property practices of common law, which were highly contested in the United Kingdom, were exported out to places such as Canada, Australia and New Zealand so that lands and valuable resources could be appropriated from native peoples. Common law maintained the view that land owners had a duty to develop and improve their lands (Hann 1998:38). Macfarlane elucidates this:

> European attitudes to land are based on philosophies of conquering and taming nature, and more specifically in Lockean conceptions of land use and individual rights. John Locke posited that land could become one's own only through labour: it is labour that gives value to land. His *Of Civil Government* provided the justification for appropriating land occupied by indigenous groups and others who did not 'use' land (1998:127).

Primogeniture affirmed transmissions of owning property from oldest son to oldest son.

When Macfarlane examined the role of primogeniture in establishing capitalism in England he wrote:

> From at least the beginning of the sixteenth century the major share of the landholding went to one child. Maine has pointed out that this 'Feudal Law' of land practically disinherited all the children in favour of one. In essence, primogeniture and a peasant joint ownership unit are diametrically opposed. The family is not attached to the land, and one favoured individual is chosen at the whim of the parent, or by the custom of the manor. It has been suggested that primogeniture and complete individual property in real estate are intimately interlinked (1978:87).

At the time New Zealand was colonised, primogeniture was an influential but also highly contested feature of common law used predominantly by the upper classes in England. While primogeniture was not practiced by Maori before the arrival of British settlers and was considerably redefined by British settlers who immigrated to New Zealand this study shows that members of the Kingitanga have adopted the concept. The principle of male primogeniture is used in the selection process for the leadership of the Kingitanga and also to determine the transmission of Kingitanga property from one leader to the next (Pina-Cabral 2000:2-3). While, symbolically, primogeniture equates the *kahui ariki* to the British monarchy, practically it has to do with keeping the limited resources of the Kingitanga intact. The *kahui ariki* is Waikato *iwi*'s paramount family, which includes all the descendants of the first Maori King, Potatau Te Wherowhero.

The common Maori view, as expressed by Winiata, is that the legitimisation of power and prestige for Kingitanga leaders comes directly from understandings of *mana* and *tapu*[57] (sacredness). He equated these two Maori leadership qualities to Weber's notion of charisma (Winiata 1967:30). For Winiata, *mana* and *tapu* are qualities inherent in senior lineages and are the concepts which drive Kingitanga member's practice of primogeniture (Winiata 1967:28, see also Te Rangi Hiroa 1974 [1949]:346-347). While the *tapu* of chiefs enables them to carry out certain ritualistic functions, their *mana* gives validity and power to their action. However, Winiata's explanation does not deal with the Kingitanga's preference for creating male leaders. The current leader of the Kingitanga is King Tuheitia. He is the oldest son of the sixth Kingitanga leader, Te Arikinui Dame Te Atairangikaahu[58]. Though King Tuheitia has an older sister who was considered for the role as leader of the movement, external tribal chiefs and some influential Waikato members decided that a male successor

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[57] For indepth discussions of *tapu* see Manihera, Pewhairangi and Rangihau (1995[1992]: 9-14) and Mead (2003:35-93).

[58] In Maori social settings the appropriate title for a paramount chief is Ariki and Te Arikinui.

would be more suitable. I must note his predecessor, Te Arikinui Dame Te Atairangikaahu, did not have any biological brothers.

Since much Waikato land was confiscated in the 1860s I cannot ascertain whether Waikato Maori families who support the Kingitanga practice primogeniture in the transmissions of family property. Most of the families do however recognise the oldest living male as the head of their family. Overall, the structuring principle of primogeniture in relation to ownership is at odds with *tikanga* conceptions of ownership where rights to tribal lands and resources are safeguarded by *rangatira* and held collectively by *hapu* and *whanau* groups. While primogeniture advances the most senior male in a family and effectively excludes younger males and all female siblings from inheriting property, the principle of *tuakana-teina* does not alienate family members from property nor does it privilege males over females. Complementary gender roles and relationships are an important feature of *tuakana-teina* and I examine them later in the chapter.

Tikanga Understandings of Ownership

Before the arrival of Europeans, Maori society had its own concept of land and resource ownership (Firth 1929:338-339). Often land and resources belonged to more than one tribal group. Each tribe's rights and uses could be quite different. For instance, one tribe may have had the rights to harvest birds in an area at a particular time of the year while another tribe may have had the fishing rights for the area and a third tribe may have had the rights to grow crops (Firth 1929:43, Ballara 1998:194-195, 197). According to Mead, this system of tribal co-operation in cultivation and the sharing and redistribution of resources inhibited any trend towards individualism and the individual ownership of land (2003:282). Contests over land and resources were a regular occurrence between tribal groups (Jones and Biggs 1995:138). While exclusive rights to lands and resources were extremely rare, tribes constantly disputed and negotiated their rights with one another (Ballara 1998:200). Disputes between tribes had just as much to do with 'acting out of a responsibility and an obligation to care' as they did with protecting their economic and political interests (Gulliver 1979:193). Indeed, recurrent disputing and negotiating meant that tribal boundaries and rights to resources were flexible. Claims were typically linked to inherited *mana* over land as well as a tribe's occupation and use of it. Ballara describes how ancestral claiming was practiced:

> [T]he land which a Maori has best claim to is that which [he] has had handed down to him from his ancestors to himself. Yet descent from an owning ancestor alone was

insufficient; it had to be from an ancestor whose descendants had continued to occupy it. Descendants who lived elsewhere eventually lost their rights-their claims grew cold. Inheritance of land was from that limited group of ancestors known to have first cleared and cultivated or otherwise used the resources of the land, and who had handed down their rights from generation to generation of people also occupied the land (1998:200).

In the past, contests for lands and resources between tribal groups were driven by *rangatira* and worked out through *whaikorero* (public oratory), and the Maori cultural practices of *tono* (betrothals of marriage), *taonga* (exchanges of significant gifts) and warfare. Regarding *rangatira,* Tomas and Quince write:

Within the group the central role of rangatira in the settlement of disputes was crucial to the success and permanence of any decision reached. Most rangatira were born into the role of leadership. Trained from youth to guard the welfare of their people, and invested with the trust of their people, they were widely recognised as carrying the mana of their people. They acted on behalf of their people in public forums, entering into binding agreements with the rangatira of other hapu and iwi (1999:212).

Those *rangatira* that were skilled negotiators often increased the territory and resources of their tribes. The exercise of power and authority by *rangatira* in relation to the use, management and disposal of tribal lands and resources is referred to as *rangatiratanga*. When Robert Mahuta spoke about *rangatiratanga* he said the concept was enmeshed with *whakapapa* but that it had to be accompanied by performance. He added 'a rangatira is, to a large extent, quite humble in the way that he carries and deports himself within the tribe. You cannot afford to be arrogant otherwise you're dead, and you've always got to have the good of the tribe at heart, in whatever you do' (Diamond 2003:140-141). Metge develops this understanding with:

[R]angatiratanga is not simply the power and authority of the rangatira, it is also the power and authority of the iwi, for the two go together, the rangatira being the tribe's chief representative and the trustee of tribal taonga (1991:19).

Before the arrival of British colonists in New Zealand the exclusive ownership of property was not a feature that increased an *iwi* or *hapu* group's status in Maori society. What was important was the group's ability to negotiate with others and be influential in the sharing and distribution of lands and resources. While common law ownership is still influenced by Henry Maine's (1861) definition of people obtaining a 'bundle of rights', Maori informant discussions of ownership in this study revolve around their fulfilling obligations to kin members and being responsible for local resources.

For tribes of the Waikato River, many disputes over ownership have just as much to do with

'acting out of a responsibility or an obligation to care' as they do with protecting a financial and political 'interest' in the Waikato River. One way Maori can act responsibly in relation to important local resource is through litigation. For Waikato Maori, one benefit of litigation is that it provides an opportunity to put Maori concerns 'on the public record' and is proof to future generations of their attempt to deal with significant issues. Members of Waikato *iwi* understand that when the Waikato River is altered its *mauri* (life force) is weakened, and this has an adverse effect on local Maori wellbeing. The importance of this view was illustrated in a dispute between the Waikato *iwi* authority and the thermal electricity generator, Genesis Power, which uses Waikato River waters at its power station in Huntly.

In 1999, Genesis Power applied for resource consent to further expand its use of the Waikato River in order to increase electricity production. In the resource consent application the company stated that it would be increasing the temperature of the river's waters in the vicinity of the Huntly power station from 25 degrees to 27 degrees Celsius. In response to their application, a number of interest groups associated with the river explained that this temperature increase would change the Waikato River's ecosystem dramatically, risking many of the river's plant and fish species and damaging the *mauri* of the river. Consequently, Waikato's *iwi* authority, who regard members of Waikato *iwi* to be *kaitiaki*[59] (guardians) with a responsibility to the river and other tribes of the river, took up a legal challenge through the Environment Court to stop Genesis Power's proposed development plans. After engaging the services of a law firm and presenting their case, the *iwi* authority successfully obtained an injunction to suspend Genesis's planned developments (Waikato-Tainui 1999-2000:13). To some extent the choice as to whether to litigate a dispute also depends upon what other options may be available. Waikato *iwi* have a history of using other means to demonstrate their position, as well as resorting to the courts. The available options depend upon a number of matters such as the relevant legislation, financial resources and available expertise.

The Relevance of Inalienability and Impartibility

Important questions spring to mind in this examination regarding ownership of rivers and whether the ownership of water is perceived to be different from ownership of land. Strang (2008:9-11) and Morphy and Morphy (2006) provide insight to this question through their

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[59] Kawharu defines *kaitiakitanga* not only as guardianship but resource management too (2000:349).

studies carried out in Australia. When Maori tribal representatives signed the Treaty of Waitangi the British colonial government assumed from common law that they had acquired exclusive control of the country's fresh water which flowed in waterways and lakes. Gibbs, Dawson and Bennett explain:

> The common law recognised rights of landowners to take and use water flowing over or under their land, which had not yet found its way to a waterway or lake, subject to certain restrictions. It also recognised limited rights of riparian landowners to take and use water flowing in waterways and lakes. Such water is not susceptible of ownership by anyone until it has been validly taken under these common law rights (2006:14).

However, Maori argue that they have existing customary rights to water and that their rights have not been extinguished by either common law or statute. Wheen and Ruru contend that:

> Maori have argued that the prejudicial loss of their rights to own and control bodies of water was caused by the common law. The Crown has generally argued that rights to possess the rivers were lost on the sale of land by consent, either because they were expressly included in the sales, or because the presumptions of English common law applied (2004:104).

Gibbs, Dawson and Bennett suggest that, just because common law does not recognise 'ownership' in flowing water, it does not prevent Maori from claiming customary title which may be similar to ownership (2006:15).

Lands and resources which are regarded by Maori tribes as '*taonga*' are at the heart of many Treaty claims (Waitangi Tribunal 1998:84). This is because Article 2 of the Treaty of Waitangi guarantees Maori 'possession' of their *taonga* (Kawharu 2000:365). The Waitangi Tribunal's definition of *taonga* is a 'valued possession, or anything highly prized', and 'may include any material or non-material thing having cultural or spiritual significance for a given tribal group' (Wheen and Ruru 2004:100). Not surprisingly, there is a large body of literature on the concept of *taonga,* some of which claims that *taonga* act as symbols of important relationships (see Tapsell 1997, 2000, 2006; Henare 2005). When Weiner wrote about *taonga* she compared the concept to the kula system of exchange in Melanesia and exchanges of fine mats in Samoa (1992:46). Weiner proposed that *taonga* are important things that cannot be alienated from earlier possessors. She described *taonga* not only as valuable Maori heirlooms which carry the identity of people and their pasts but also as things that are imbued with the power and prestige of the people who possessed them. Therefore to gain another person's *taonga* is to acquire their rank, name and history (1992:64). She made the point that:

> Some things, like most commodities, are easy to give. But there are other possessions

that are imbued with the intrinsic and ineffable identities of their owners which are not easy to give away. Ideally, these inalienable possessions are kept by their owners from one generation to the next within the closed context of family, descent group, or dynasty. The loss of such an inalienable possession diminishes the self and by extension, the group to which the person belongs (Weiner 1992:6).

Weiner's idea may be applied to Michael King's description of the Waikato people and river where he proposes that Waikato Maori derive their identity from their enduring relationship with the Waikato River, he writes:

More than any others in New Zealand, the tribes of the Waikato Valley are a river people. Five centuries of continuous occupation of its banks have embedded the river deep into the group and individual consciousness (1984 [1977]:49).

The river being embedded in Waikato Maori identity is one of the reasons why Waikato Maori vigorously assert that they cannot be alienated from the Waikato River. For Durie, the way *taonga* are valued varies according to particular methods of *tikanga* practised by different tribal groups (1998:23). In view of this idea it is possible to see why Maori argue that water, and bodies of water, which are perceived as *taonga* cannot be parted from them (Gibbs, Dawson and Bennett 2006:15). Yet, not all Maori use the Treaty of Waitangi's representation of *taonga* to secure their rights in local lands and resources. Kawharu makes the point that:

[A]ccording to some oral traditions, lands, forests, fisheries, *marae* or sacred sites (*waahi* tapu) were not necessarily termed *taonga (cf. Waitangi Tribunal in PCE 1996:54)*. To do so would have made common place their status and said nothing about the particular qualities of each. Environmental resources were considered on their own merits and potential within a holistic scheme that is the universe. Thus land was referred to as *whenua* rather than *taonga,* sacred waters as *wai tapu* rather than *taonga* and so on (2000:365).

It has already been noted that some Maori tribes perceive rivers to be *tupuna* like Kamira Binga Haggie of Turangawaewae Marae, who in an interview for Te Papa Museum, said 'the [Waikato] river is like a tupuna, an ancestor' (Haggie 1997). However, in asserting that the Waikato River is a *tupuna* it does not mean that Waikato Maori do not also think that the river is a *taonga.* Waikato *iwi* represent their interest in the Waikato River by claiming that the river is their *Tupuna Awa.* The concept of *Tupuna Awa* shares many of the same understandings as the concept of *taonga,* being that Waikato people cannot be alienated from their ancestor, and the ancestor cannot be alienated from them.

In *Mahuta v Waikato Regional Council* (A91/98) the Environment Court accepted evidence from Waikato tribal representatives that the 'Waikato-Tainui people have a special

relationship with the Waikato River which is of fundamental importance to their social and cultural wellbeing'. Mrs Iti Rangihinemutu Rawiri of Te Awamarahi Marae expressed in her evidence to the Court that 'when people abuse the river it is the same as people abusing our mother or grandmother'. She continued 'people must respect our river ancestor which must be put back to good health'. Also giving evidence that day was Mr Te Motu-iti-o-rongomai Te Hoe Katipa of Turangawaewae Marae who stated that he recognised the Waikato River to be an ancestor with sacred functions. For the elder, 'the Waikato River was not only a canoe pathway to the tribe's ancestral burial ground at Taupiri Mountain but a guardian which forewarned local Maori of potential threats and danger'.

Tupuna Awa is further contextualised by findings from a legal dispute involving the Whanganui River (Ngati Rangi & Ors decision 2004). Here the Environment Court accepted evidence from Ngati Rangi Maori that the Whanganui River is regarded by local Maori as an 'ancestor', which was recorded in:

> [103] the basis of Maori relationship is genealogical. Ancestral ties bind the people to each other and the people to their river. The river was constantly referred to in the Maori evidence as their *tupuna awa* (Ngati Rangi Trust decision 2004:28).

> [104] this genealogical relationship is one of the foundations upon which the Maori culture is based. It is known as *'whanaungatanga'*. Whanaungatanga in its broadest context could be defined as the interrelationship of Maori with their ancestors, their whanau, hapu, and iwi as well as the natural resources within their tribunal boundaries e.g. mountains, rivers, stream, forests, etc (Ngati Rangi Trust decision 2004:28).

However, when Joseph Te Rito of the Ngati Kahungunu and Rongomaiwahine tribes, which are located in the Mahia Peninsula region of the East Coast, was asked whether he recognised his local rivers to be *Tupuna Awa*, he replied:

> *To be quite honest, I haven't actively regarded it in that way and I'm not sure about the oldies. I haven't heard them on the marae saying things like 'Ko au te awa, ko te awa ko au' like I've heard Whanganui people say. However, we are quite colonised now and if they* [the elders of his tribes] *refer to mountains as tipuna[60] then I'm sure they could refer to the awa as a tipuna - before we became too pakehafied* (Personal Communication May 2007).

Joseph Te Rito's comments suggest that when there is less dependency on rivers being part of a group's identity they are perhaps not perceived as *tupuna*. I note rivers in the Mahia Peninsula area are not comparable to the Waikato River's size and abundance of resources.

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[60] *Tipuna* is the East Coast Maori version of the word *tupuna.*

In *Mahuta v Waikato Regional Council* the Environment Court accepted evidence that
'Waikato-Tainui people have a relationship with the Waikato River which is of fundamental
importance to their social and cultural wellbeing' and that 'for Waikato-Tainui, the Waikato
River means the whole river, including the banks, beds, waters, streams and tributaries,
vegetation and fisheries, flood plains and metaphysical being' (Mahuta v Waikato Regional
Council 1998). Of relevance to the representations of the river as a *Tupuna Awa* and river
ancestor is Strathern's view which proposed that the partibility and impartibility of resources
rests either with the object of the property claim or with the subjects making the claim
(1999:154). For many Maori, the idea of dividing the Waikato River into pieces is untenable
because the river is a *tupuna* with great *mana* (for a parallel discussion see Waitangi Tribunal
1999:xiv). It is a senior ancestor which cannot be controlled by people. Therefore, instead of
dividing the river into pieces which would essentially alienate some tribes from the river, it is
the rights to the river that must be shared out among tribes. When Strathern critiqued
Sillitoe's (1998a) work which examined the inalienability of possessions owned by New
Guinea Highland men and women. She wrote:

> That the rights at issue are those of disposal, and that this is a right that only one person at
> a time may hold, though the item in question (the rights to it) may pass serially between
> persons. One cannot own valuables exclusively (as 'private property'), but may enjoy
> custody of them for a while. He [Sillitoe] thus disputes the relevance of inalienability as
> a concept; people may cease to have rights in particular items while continuing to have
> rights in relation to the recipient by virtue of the transfer of those items (1999:153).

Healy (2009) also argued this view in a work which critiqued the concept of '*tuku whenua*'.
Tuku whenua is defined as 'granting a right to use land that does not alienate the land' and the
'Maori customary means of allocating land' (2009:111). When the first British settlers
arrived in New Zealand *rangatira* from various Northern *hapu* allocated lands to settlers so
that they could make a life for themselves (2009:113). Invariably the *rangatira* viewed the
settlers as part of their local communities and recognised the rights of settlers to use and
occupy land. However, the recognition of use and occupation rights did not mean that they
intended to alienate their *hapu* from tribal lands that they allocated the settlers. Healy
contributes to the understanding of *tuku whenua* by questioning whether *hapu* leaders 'readily
grasped the European notion of sale and entered into transactions with the new settlers on the
understanding that land alienations were intended' (2009:111). Overall, her thesis coherently
argues that *rangatira* and *hapu* participated in land dealings that were framed by allocation
rather than sale. She contends that it was impossible for British settlers to comprehend the
concept of *tuku whenua* as:

A particular barrier to the European (mainly British) observers fully appreciating the rationale and practice of *tuku whenua* was because the practice did not have an equivalent in the contemporary British system of land tenure. …British land transactions were premised on an understanding of exclusive ownership of land and this precluded the holding of diverse interests in the land as was the case for Maori (2009:118).

To show how ownership operates in Maori society it is necessary to comprehend how Maori society is organised. The fundamental Maori principle of *tuakana-teina* not only organises relationships between people in Maori society but also organises the relationships between people and property.

Tuakana-Teina: A Structuring Principle of Maori Ownership

The *tuakana-teina* pairing is a social organisational structure used by Polynesian people of the Pacific. This section investigates how *tuakana-teina* frames Maori conceptions of ownership, possession and belonging. My examination revolves around the role that *tuakana-teina* plays in identifying who has the capacity to own or be in charge of something and also how rights in resources which are sometimes understood and referred to as responsibilities and obligations are worked out between tribes.

Recognising that a person's status is subtly embedded in language is essential to the analysis of *tuakana-teina*. According to Biggs (1990 [1969]), Maori language, like other Polynesian languages, is structured to differentiate the paired relationships of people and things. Valuable to this discussion is Biggs's explanation of the Maori language possessive particles 'o' and 'a', which represent characteristics of being *tuakana* or senior and being *teina* or junior (see also Moorfield 1988:140 and Thornton 1998:381):

A and o always come at the beginning of a phrase. Both indicate possession, and both are translated by 'of', but their difference of form expresses a meaning distinction which is very important in Maori, a distinction which can be best expressed in the terms 'dominance' and 'subordination'. Possession of anything towards which the possessor is dominant, active or superior, is expressed by a; possession of things in respect to which the possessor is subordinate, passive or inferior, is expressed by o (Biggs 1990 [1969]:43).

According to Biggs, another characteristic which is helpful to assessing whether something belongs to the 'o' and 'a' categories is a general rule that non-portable things such as land, tools, rivers, canoes and houses are distinguished by 'o' and portable things such as books, food and domestic pets are distinguished by 'a'. To paraphrase Biggs, a person is active towards a book or in a dominant position with a book in the sense that a book can be picked

up and carried. However, Biggs points out that there are some exceptions to this rule with items of clothing which are portable being classified as 'o'. This is because clothing protects people from the elements. Another exception is the status of domestic animals, while animals such as dogs, sheep and cows are generally distinguished by 'a', horses are distinguished with 'o'. This is because horses are considered to be a mode of transport. Maori differentiate water from food by classifying water as 'o' and food as 'a'. The two lists below are of things that are marked by 'o' category possessive particles and 'a' category possessive particles[61]:

o Category Possessive Particles

awa (river), *whenua* (land), *Atua* (God), *ra* (sun), *marama* (moon), *taniwha* (water denizen), *ariki* (paramount chief), *rangatira* (chief), *kaumatua* (elder), *whare* (house), *waka* (canoe), *hoiho* (horse), *korowai* (cloak), *potae* (hat), *wai* (water), *tane* (husband), *wahine* (wife).

a Category Possessive Particles

turu (chair), *tepu* (table), *pepa* (paper), *mokopuna* (grandchildren), *tamariki* (children), *aporo* (apple), *huka* (sugar), *hei hei* (chicken), *kuri* (dog), *kau* (cow).

Rivers in Maori language are classified with the possessive particle 'o' meaning that they are senior or unable to be controlled by human beings. The following sentences illustrate how Maori possession is expressed:

Maori	English translation	Maori translation
Ko Waikato <u>toku</u> awa	The Waikato is my river	I belong to the Waikato River
Ko Waikato <u>toku</u> tupuna	The Waikato is my ancestor	I belong to the Waikato [River] ancestor

The 'o' in the Maori word *toku* signifies that the *awa* and the *tupuna* have seniority or dominance over human beings. The Maori sentences above are translated into English as 'the Waikato is my river' and 'the Waikato is my ancestor', however, Maori speakers suggest that more precise translations for the sentences are 'I belong to the Waikato River' and 'I belong to the Waikato ancestor'.[62] Here *toku* translates in English to 'I' or 'my' where a person is junior or subordinate to the thing that is possessed. Thus, embedded cultural understandings represented in Maori language suggest that rivers and ancestors cannot be owned or controlled by human beings. Carlson Wirihana who is from Maungatautari Marae is the

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[61] See Hohepa (in Ngata 1993:Appendix 1. 542-543) and Moorfield (1988:Appendix, 140-141) for extended lists.

[62] The author of the thesis is responsible for the English translations presented in this section.

Captain of *Rangatahi waka*. *Rangatahi* is part of Waikato *iwi*'s ceremonial canoe fleet. An appreciation of the 'o' possessive rule helps to elucidate his discussion of the Waikato River:

> *Now we have never maintained that we own the river. As far as we are concerned <u>the river owns us</u>* (Interview March 2006).

As a means of contrast, the sentences below demonstrate how the possessive particle 'a' indicates that some things are junior to human beings and that they can be owned and controlled by people. The 'a' in the Maori word *taku* meaning 'I' or 'my' signifies that the *pukapuka* (book) is junior or in a subordinate position to the human being.

Maori	English translation	Maori translation
Ko tenei <u>taku</u> pukapuka	This is my book	This book belongs to me
Ko tenei <u>taku </u>kuri	This is my dog	This dog belongs to me

In a more recent article on Maori possessives, Bauer argued that 'o' is not well suited to the label 'subordinate' which suggests that the possessor is subordinate to the possessee. For Bauer:

> The o relationship is one where the possessor does not dominate or control the possessee, but is not necessarily controlled by the possessee, either. If the distinction is thus characterised as between dominant and non-dominant (from the possessor's point of view) it reflects much better the fact that the a and the o categories are not equal in the system (1997:391).

Bauer also made the point that 'o' is used for relations between equals such as husbands and wives, and brothers and sisters, where neither dominates or is dominated by the other. Though Biggs and Bauer's explanations differ, they were fully aware that possession and relationships between things in Maori society are subtly conveyed through grammar.

I will now examine how understandings of 'a' and 'o' underpin the principle of *tuakana* and *teina*. 'A' is comparable to the junior status of *teina* and 'o' is comparable to the senior status of *tuakana*.[63] Hukiterangi Muru of Turangawaewae Marae provides an interesting analogy for the possessive particles and *tuakana* and *teina*:

> *The 'a' and teina can be compared to the terrestrial realm which includes all the things that people use. The 'o' and tuakana can be compared to a celestial realm which includes things that are spiritual, chiefly and sacred* (Interview May 2009).

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[63] Agathe Thornton's (1998) study which examined whether the 'a' and 'o' categories of possession in Maori express degrees of *tapu* is useful to this analysis.

In social situations there is an expectation that people know their place and behave appropriately in relation to others. People who are regarded as *teina* are expected to show respectful behaviour and uphold their *tuakana*. Correspondingly, *tuakana* are obliged to participate in the lives of *teina* and give advice and encouragement.

Photo 6. Mokopuna (grandchild) and Tupuna (ancestor)

Thus, the *tuakana-teina* pairing, structures the social protocols and reciprocal obligations of other Maori concepts such as *rangatiratanga* (leadership), *manaaki* (hospitality) and *utu* (reciprocity). These concepts are moulded with, and by, each generation as they have an important role in maintaining the social fabric of a kin group. The following lists show paired Maori human-power relationships which are ordered by 'o' and 'a' possessive particles.

o Category/Things that are Senior:	a Category/Things that are Junior:
Atua (God)	tangata (people)
tupuna (ancestor)	mokopuna (grandchild)
kaumatua (elder)	rangatahi (youth)
tuakana (older brother or sister)	teina (younger brother or sister)
matua (parent)	tamariki (children)

The following examples illustrate the complexity of *tuakana-teina* relationships. A woman

in her mid-sixties from Turangawaewae Marae provided insight into *tuakana-teina* relationships when she described a discussion by her cousin who has two older sisters and two younger sisters. The names of the sisters have been changed to protect the identity of the informants.

> *I can't believe Mere sometimes, she got up in the meeting and referred to Rangi and Lovey as her teinas. You don't call your sixty year old sisters teinas when you're in a room full of rangatahi (youth). She's not even a tuakana, she's a teina to Pare and Mata. It's bad manners to say people are your teina. You don't do that it's belittling. She was speaking in English she could have said Rangi and Lovey were her sisters, we know they're her younger sisters* (Interview May 2006).

Hukiterangi Muru provided this explanation of *tuakana-teina*:

> *At birth the oldest child receives the mana and the tapu. Sometimes a younger sibling can achieve or take the mana from the tuakana but they can never take the tapu. The tapu always remains with the eldest* (Interview June 2007).

In this interview the informant is using the word *mana* to mean 'the standing and authority of the first born child' and the word *tapu* to mean 'sacredness of the first born child'. When questioned whether a person's gender could influence this understanding, he explained that this was a bit of a grey area, but that he knew of women from his *marae* who were recognised as the *tuakana* and the head of their families with the *mana* and the *tapu*, even though they had younger brothers.[64] He clarified his comment by saying:

> *It really depends on the person, the family and the situation it's the way Maori society operates. These things are not set in stone* (Interview June 2007).

Many Maori families have a *tuakana* male and a *tuakana* female who organise the members of their family at gatherings. They also take the lead in safeguarding family lands and property. At Turangawaewae Marae, families also have a member who is recognised as the head of the family. Generally speaking, if the oldest member of a family is a female and she has many sisters and only one or two younger brothers she becomes the head of the family. However, in families with large numbers of brothers or equal numbers of brothers and sisters, the head of the family is usually the oldest male.

Possessive particles do not indicate the gender of the river. In the late 1960s and early 1970s, Tainui scholars, Maharaia Winiata and Robert Mahuta, wrote works in English which assigned the Waikato River female characteristics. Winiata (1967:64) wrote 'the Waikato

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[64] See Thornton (1998:384) for a parallel discussion.

River was the mother of the tribes' and Mahuta (1975:6) claimed 'the Waikato is much more than just a river. To the tribes who derive their name from it, it is an ancestor 'the mother of the tribes''.

When Moko Tini a young woman from Turangawaewae Marae, was asked if the Waikato River was gendered, she responded with:

> *I understand the river as a female because that's the way my father always spoke about it, you know like the river was our protector feeding us, yeh definitely a woman* (Personal Communication October 2006).

Yet, discussions with elders from Turangawaewae Marae reveal that not all Waikato River Maori share ideas of female gendering for the river. The female elder Ngahinaturae Te Uira commented:

> *I don't think about the awa having a gender, I haven't heard anyone say it's a female or a male. The awa is our tupuna, our ancestor, that's how I understand it* (Interview October 2006).

The comments of the elders are consistent with evidence given by Julie Ranginui, an original member of the Whanganui Maori Trust Board:

> The river for me is like my mother and my father; it's my grandfather and grandmother; it's my tupuna (Waitangi Tribunal 1999:71).

Tuakana-teina relationships also exist between tribal groups. An influential tribe of the upper reaches of the Waikato River is Ngati Tuwharetoa. This tribe has commercial assets in the Taupo region. Since the signing of the WRCSA 1995, Waikato *iwi* have also become business competitors in the Waikato region. Because of the tribes' assets some Maori recognise Ngati Tuwharetoa and Waikato as *tuakana* tribes. Another reason that these tribes are considered *tuakana* to some of the other tribes along the Waikato River is because they both have paramount chiefs who are recognised as important Maori leaders by the State. The principle of *tuakana-teina* is useful for interpreting the following comment, Hukiterangi Muru said:

> *Well the ariki* [of the Kingitanga] *were the owners of the river as far as the people were concerned, and there could only be one ariki at a time. The mana sort of went down to the next one you know because this mana comes from all the chiefs of Aotearoa. The mana of the mountains and the rivers, they* [the chiefs] *gave the mana. Maybe some didn't give very willingly but it was they* [the chiefs] *that decided to give the King certain powers* (Interview January 2004).

Hukiterangi Muru is using the word *mana* to mean 'authority' and 'rights' and the word 'chief' to mean *rangatira*. In Maori society *ariki* are recognised as the most senior members of a tribe. Like *rangatira*, *ariki* have the responsibilities of safeguarding their tribe's rights in particular resources and bringing people together so that decisions can be made. As Salmond pointed out:

> [W]here there was no particular pressure on resources, rights were regarded as being held in common by the members of a descent group, and the group's leaders notionally represented such group claims to land (1991 [1988]:351).

Consequently, the type of ownership that the informant is describing is not a property right where an *ariki* benefits individually. The responsibility of Waikato as a 'senior *iwi*' was expressed by Ngahinaturae Te Uira when she talked about Waikato *iwi's* Treaty of Waitangi claim for the whole of the Waikato River:

> *We need to get the tupuna back first and then we can talk with the other tribes about what to do. Waikato* [iwi] *has an obligation to lead* (Interview October 2005).

This discussion illustrates that Maori social identities are primarily determined by their genealogical relationships with one another rather than property they own and control.

Conclusion

Before the arrival of British settlers, Maori had a different concept of ownership bound up in the concept of *mana* and the authority and status of their *rangatira*. Rights to lands and resources were never fixed but constantly disputed. However, in recent times when Maori use the courts and claims process to fix tribal boundaries and rights, it must be asked whether Maori are abandoning their traditional understandings of ownership which encompass the concepts of *mana*, *rangatira* and *rangatiratanga*. This chapter has argued that the possessive particles of 'o' and 'a' and the fundamental principle of *tuakana-teina* underpin the way that Maori think about owning, possession and belonging. They have also traditionally underpinned the reciprocal obligations that exist between individuals and groups within Maori society.

While there are some Waikato River Maori who would like to legally own the Waikato River, including its bed and water, there are others who feel that co-management rights and recognised *kaitiaki* status serve local Maori purposes well enough. Additionally, some Waikato River Maori are adamant that the Waikato River cannot be owned because it is a

tupuna or ancestor, while other Maori believe that the ownership and management of the Waikato River is best vested with the State. It is difficult to reconcile these contradictory views. But, perhaps acknowledging that a range of opinions exist goes a long way in helping to understand some of the problems associated with Maori conceptions of ownership. The key point is that Maori claim 'rights' (which may also be interpreted as responsibilities and obligations) to exercise authority over the river, and in the twenty-first century they are forced to make sense of English common law and their own *tikanga* understandings of ownership. Whatever the different conceptions of ownership are, be it possessive individualism, collective ownership, shared rights in property or variable ownership, another way of interpreting this debate is that it is more to do with claims to status and power. Claims to ownership are important not least because they also provide a vehicle for legitimising status within and between competing groups, as we shall see in the next chapter.

Chapter Four

CLAIMING PROPERTY AND RIGHTS THROUGH DESCENT GROUP IDENTITIES

Claiming on Behalf of Whom: The Politics of Iwi Identity

Maori have a long history of asserting their rights in lands and resources through their descent group identities with their membership to the groups being based on genealogy (Ballara 1998:200, Belgrave 2005:20). While in the past Maori asserted and defended their rights to property through their *hapu* identities, since the implementation of the Treaty of Waitangi claims process, many Maori have opted to use *iwi* identities to make claims. Indeed, these groups that are often discussed and perceived as traditional social units are in reality fluid and highly adaptable group formations (van Meijl 2006c:172). This chapter examines why most Maori make claims using descent group identities rather than other Maori identities that they possess. The descent groups investigated in this chapter are *iwi*, *hapu* and *whanau*. These terms are respectively translated in English to mean 'tribe', 'sub-tribe', and 'extended family'. In the Waikato River region there are two other Maori group identities that hold sway with people. These are *marae*, which are Maori communities made up of clusters of extended family, and the Kingitanga, a long-standing socio-political grouping that was established in 1858 to resist Maori land appropriations. These two groups are also examined in this chapter.

When Robert Mahuta filed Waikato Maori's comprehensive claim on 16 March 1987 for confiscated Waikato lands, coal and minerals in and around Huntly, the Waikato River and the West Coast Harbours, he did so not on behalf of the Kingitanga or the various *hapu* whose lands had been confiscated in the 1860s, but on behalf of himself, the Tainui Maori Trust Board[65], Nga Marae Toopu[66] and the *iwi* entity, Waikato-Tainui. However, some five years before the claim was lodged, no such *iwi* as Waikato-Tainui existed. It was a category brought into existence by Robert Mahuta in the early 1980s that effectively subsumed the various *hapu* along the river. But what has seldom been recognised is that Waikato-Tainui

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[65] The Tainui Maori Trust Board was one of 13 Maori Trust Boards that was created between 1922 and 1981 to receive compensation to settle tribal grievances against the State. The Tainui Maori Trust Board was established under the Waikato-Maniapoto Maori Claims Settlement Act (1946) to administer compensation funds for what was then regarded as a full and final settlement involving 1.2 million acres of confiscated land.
[66] Nga Marae Toopu is a body that represents the collective voice of about 120 Tainui *marae*.

maps precisely onto the configuration of the Kingitanga (Hopa 1999:109). Thus, Robert Mahuta's claim on behalf of the *iwi* was a claim for the Kingitanga in all but name. I note that after Waikato-Tainui's land settlement in 1995, the Tainui Maori Trust Board was dissolved[67].

When Robert Mahuta lodged the claim it would seem that his approach to the claims process was pragmatic. This is because in dealing with the Crown over Treaty claims, Maori groups are obliged to negotiate as larger entities i.e. as either *iwi* or large *hapu*. It is also incumbent on claimants to demonstrate an enduring and unbroken association with the land and resources they are claiming. As anthropologist Robert Layton points out:

> Maori must demonstrate that they belong to local descent groups, show the location of the sites on the land for which such groups are responsible, and demonstrate that they have continued to perform their responsibilities despite the depredations of colonialism (1997:123).

In this respect, an *iwi* heritage with genealogical links to the canoes and crews of the 'great migration'[68] has far more legitimacy than a resistance movement founded in the 1850s (see Hanson 1989).

As discussed in the previous chapter, contests over ownership are also struggles for status. In a similar vein, support for or hostility against a claim is often contingent upon the '*mana*' or status of a claimant. This is highlighted in the case of Robert Mahuta's claim for the Waikato River. Although not all Waikato Maori agreed with Robert Mahuta's claim for the whole river, his status as a *rangatira* was not denied. When Robert Mahuta claimed the whole of the Waikato River his *mana* ensured that there was little internal opposition from Waikato tribal members. Additionally, the fact that the river and the claimants shared the same name strengthened his position to make the claim. A key factor securing his *rangatira* status was the unwavering support that he received from Te Arikinui Te Atairangikaahu. However, his controversial claim was contested by members from other *iwi* who also had interests in the river, as Matangi Hepi from Ngati Tuwharetoa and Ngati Raukawa demonstrates:

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[67] Evidence of the dissolution of the Tainui Maori Trust Board is given in The Agreement in Principle for the Settlement of the Historical Claim of Waikato-Tainui in Relation to the Waikato River (16 December 2007).

[68] Nine canoes are associated with the popular idea of the 'Great Fleet'. The Maori people who have descended from the captain and crew of these canoes are linked by this common origin.

> *Well I think Waikato people are entitled to their part of the river* [meaning the section of the river from Karapiro to Port Waikato]. *But now other iwi and even some hapu have claims on the river and they have the right to do that* (Interview November 1999).

The recent history of Maori claims illustrates that setting Maori tribal groups up against one another produces suspicion and resentment between them (Poata-Smith 2004:178-179). On 27 May 2006 *The New Zealand Herald* ran an article by Jon Stokes titled 'Competing Claim for Waikato River'. The article reported that representatives of Ngati Tahu-Ngati Whaoa, an *iwi*-like *hapu*[69] with interests at the southern end of the Waikato River, were distressed by the private discussions between Waikato-Tainui tribal negotiators and the Crown. The representatives were apparently concerned that Waikato-Tainui were trying to obtain rights to a section of the Waikato River historically associated with, and used by, them.

When Robert Mahuta died in 2001, Waikato-Tainui's river negotiating role was taken over by his wife, Raiha Mahuta, and Te Arataura Chairperson, Tukoroirangi Morgan. However, as the new negotiators did not have the same standing in the tribe as Robert Mahuta it was not long before some Waikato members began to challenge their handling of the claim. Whiti Te Ra Kaihau of Tahuna Marae publicly voiced his concerns about the river claim at the Waahi *poukai*[70] in October 2005. Waikato members who supported the river negotiators rebuked Whiti Te Ra Kaihau's criticism of the claim's progress. Yet he was not the only person from Waikato *iwi* to question the course of action being used by the negotiators. A male elder from Horahora Marae at Rangiriri who wanted to keep his identity private explained:

> *There is a need for more consultation between the river negotiators and Horahora members. We have no idea what is going on and they are supposed to be representing us* (Personal Communication March 2006).

Similarly, a female informant from Ngati Haua, an *iwi* included in Waikato-Tainui's modern tribal configuration, said she was upset because basic respect was not being paid by the people in charge of the claim. She said:

> *My tupuna, they lived on this land* [land at Hopuhopu]. *This land right here by the Waikato River but you never hear that. You don't hear about what we went through in the history.*

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[69]These are generally significant *hapu* groups with strong leadership, large memberships and ancestral lands that are located in strategic positions. However, in the case of Ngati Tahu-Ngati Whaoa, the Treaty claims process has forced the two neighbouring *hapu* to amalgamate and form an *iwi* to settle their claim.

[70] *Poukai* are Kingitanga gatherings that are held at set times during the year by *marae*. The *poukai* was established after Waikato lands were confiscated as a way to gather Waikato people together to feast, disseminate news of relevance and to bring people's concerns to the attention of Kingitanga leadership.

It's not like I'm anti or anything but it hurts that my tupuna don't get recognised (Interview February 2005).

However, in spite of the criticisms some supported the negotiators in their efforts to advance the claim. Hukiterangi Muru from Turangawaewae Marae put it this way:

I think we've [Waikato iwi] *got to have a go eh, because the river is us* (Interview June 2007).

Why was there disquiet and dissent among some local Maori? Why were there accusations that the negotiators were handling the claim poorly? There are three key reasons. Firstly, the Waikato anthropologist, Ngapare Hopa suggests that some of the internal rumblings of discontent may be linked to *hapu* members who felt justly that their *hapu* identities and interests had been subsumed within a Kingitanga dominated *iwi* entity (Cheater and Hopa 1997:212, Hopa 1999). Secondly, some people felt the negotiations with the Crown were being held in private and that consultation with tribal members, when it did occur, was tokenistic. And thirdly, the mode of communication at the various consultation gatherings was seen as too bureaucratic. Rather than allowing for meaningful discussion to occur, the process and outcomes of the claim were presented as bullet points in consultation documents[71]. The method used was a corporate way of presenting a business plan. This mode of address suggested that the settlement of the claim was already a fait accompli. In short, people felt they were merely being asked to approve rather than discuss and contribute. These bureaucratic methods of obtaining consensus are theorised in Chapter Six with regard to the works of Michel Foucault.

Anthropology's Role in Defining Maori Descent Group Identities

Robert Mahuta's strategy surrounding Waikato-Tainui's claim raises several interesting questions for analysis. Firstly, who is responsible for organising and defining Maori descent group identities? Secondly, what are the differences between *iwi* and *hapu*? Thirdly, what happens when claimants use traditional *iwi* and *hapu* names to represent modern socio-political groups? Fourthly, how have *iwi* as descent group identities been transformed into modern corporate *iwi*? In addressing these questions I will also provide an overview of how

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[71] See the Draft Agreement in Principle Document Between the Crown and Waikato-Tainui for the Settlement of Historical Claims of Waikato-Tainui in Relation to the Waikato River Summary (26 May 2007), The Summary Report of Summary of Issues on the Draft Principle of Agreement, Waikato River Claim (August 2007) and Restoring and Protecting the Health and Wellbeing of the Waikato River Proposed Vision and Strategy Consultation Document (2008).

Maori with long-standing interests in the Waikato River make claims to it using their descent group identities.

Robert Mahuta and his associates transformed Waikato *iwi, hapu, whanau* and *marae* for the purpose of making Treaty claims. However, whether it is the Kingitanga that organises the modern *iwi* identities of Waikato *iwi* and Waikato-Tainui is a question that can only be answered empirically. Waikato *iwi* and Waikato-Tainui refer respectively to Waikato Maori's modern social identity, and their corporate identity. Two anthropologists well known for their work on Waikato Maori are Ngapare Hopa (1997, 1999) and Toon van Meijl (1990, 2003). Both critique Robert Mahuta, the TMTB and senior members of the Kingitanga, in their constructions of Waikato *iwi* and Waikato-Tainui identity. For the most part, the anthropologists' scrutiny is framed by neo-Marxism which presents the tribal agents as Western-type elites. However, as I noted in Chapter Three, many informants use the organising principle of *tuakana* and *teina* to describe and evaluate social and political relationships between people and between people and things. This chapter will therefore offer an alternative view to Hopa and van Meijl's work.

There is a long history within anthropology and beyond over the relative importance of *iwi, hapu* and *whanau,* as I shall illustrate. For Poata-Smith, the modern construction of Maori descent groups is largely due to 'remnants of colonial fantasies' regarding Maori land tenure, tribal boundaries and social groupings that originated from Crown officials and amateur scholars (2004:171-2). According to Ballara, the most popular of the early published works were Elsdon Best's *The Maori As He Was, The Maori* and *The Children of the Mist*, Peter Buck's *The Coming of the Maori* and A.D. McLintock's *Encyclopaedia of New Zealand*. Ballara paraphrased their main ideas for Maori descent groups with:

> The Maori tribe (iwi) was essentially a large, territorially-based social unit, consisting at contact probably of 'several thousands'; it was also the largest political unit…. For most political purposes the effective unit was the hapu or sub-tribe, whose functions were the control and defence of a specific territory. The lands of the hapu were divided into sections, each administered by smaller social units called whanau or extended, three generational families, which operated as the day-to-day economic unit (1998:107).

The structure and function of *iwi, hapu* and *whanau* have been debated and defined by a number of anthropologists: Raymond Firth (1929, 1957), Ngapare Hopa (1997, 1999) Hugh Kawharu (1968, 1975a, 1975b, 1996), Joan Metge (1964, 1976 [1967], 1995), Ralph Piddington (1968), Evan Poata-Smith (2004), Anne Salmond (1982, 1988, 1991, 1996

[1976]), Erik Schwimmer (1963, 1978, 1990), Jeffrey Sissons (1984, 1993, 2004), and Steven Webster (1975, 1998, 2002). These anthropological works are extremely valuable; however, they have both contributed to and attempted to counter the confusion and problems associated with definitions of what constitute *iwi* and *hapu* proper. Metge provides a useful insight into the complexity of the terms *iwi* and *hapu*. She suggests that whether a group is identified as an *iwi* or a *hapu* depends on the context, the relative size of a group and the relative independence that a group has from other groups. What is more, *iwi* and *hapu* identities have the potential to change over time; thus an *iwi* may come to be perceived as a *hapu* and vice versa (Metge Personal communication 2006). This next section surveys the anthropologists' contribution, and in doing so examines the fluid nature of the groups in response to nineteenth century land appropriations and recent Treaty claims. One important contribution of this chapter is to show that regional and tribal diversities must be taken into account when examining descent groups.

The Adaptable Nature of Hapu

Anthropology's first professional study of Maori descent groups by Firth defined the *hapu* as the principal social organising unit of Maori at the time of European contact (1929:112-14). For Firth, the *hapu* was an institution which organised the productivity of communal land holdings. Members of *hapu* were linked to one another through their shared descent from an eponymous ancestor. However, Firth also pointed out that the *hapu* as an economic and political unit, had 'lost much of its cohesion and power' in post-settler New Zealand (1929:460). Firth's view of *hapu* was later adopted by Piddington (1968 [1957]) who alleged that Maori society had become 'detribalised' with colonisation. For Piddington detribalisation meant:

> Marked conflicts and tensions within the community, the disintegration of indigenous authority, the weakening of traditional sanctions to morality and the breakdown of tribal institutions (1968 [1957]:257).

Another anthropologist who initially shared Firth and Piddington's view of *hapu* waning, was Schwimmer (1968). After conducting a study of Ngati Wai Maori in Northland in the 1960s, Schwimmer concluded that the authority of *hapu* had become largely 'reduced', he wrote:

> In pre-contact times, the hapu was a virtually independent political, economic, religious and kinship unit. It has sharply declined in importance and its functions have been taken over for the most part by other forms of organisation. The *hapu* survives, however, as a basis for the choice of representatives at ceremonial welcomes, *tangi*, and weddings and in the lines of division in village factionalism (1968:29).

Metge also did ethnographic research with Maori in Northland in the late 1960s. Working primarily with Te Rarawa Maori her fieldwork contributed to a study which-among other things, elaborated on the 'adaptable nature' of Maori descent groups. To illustrate the fluidity of *hapu* she wrote:

> Though the term is commonly translated as 'sub-tribe', hapu were often sub-divisions of sub-tribes and even sub-sub-tribes. When a hapu grew too large for effective functioning, some of its members broke away under the leadership of one of the chief's sons or younger brothers and established themselves independently, either on part of the original territory or on land acquired by conquest or occupation, sooner or later acquiring a new name (1976 [1967]:6).

Influenced by Metge's findings, Schwimmer some 20 years later, argued that *hapu* were actually in a process of 'restructure'. In 1990 Schwimmer proposed that *hapu*:

> [M]ay periodically recover its identity as a descent group when its members see the need for it and that it may then restructure itself under a new, usually more recent, *hapu* ancestor, with a tighter membership list (1990:313).

Also asserting the fluidity of *hapu* was Sissons. When Sissons (1984) did fieldwork with Tuhoe Maori in the mountains of the central Bay of Plenty, he found that, although Tuhoe *hapu* had been largely transformed, they were still very active. An important feature of his argument was that Tuhoe members often belonged to two or three *hapu* groups. His study emphasised that membership of multiple *hapu* occurred because marriage between members of different *hapu* was common, so that male and female children recognised their descent from both parents and could inherit property from both parents. Sissons claims that one of the main ways *hapu* were undermined was through the establishment of the Native Land Court in 1862. The sole objective of the court was to transform communal *hapu* lands into individually owned lots (2004:23). Thus *hapu* were never legally recognised as legitimate entities in the administration of Maori lands. Sissons contends:

> The fragmentation of Maori land and the associated disempowerment of *hapu* leaders went hand in hand with the development of an official, hierarchical model that neatly divided Maori society into *iwi* (tribes), *hapu* (sub-tribes) and *whanau* (extended families). *Iwi* came to be regarded in the late 19th century as the major political unit within which a number of *hapu* were related via descent from a common tribal ancestor. Such a model could only gain widespread credence after the destruction of *hapu* via the Native Land Court (2004:24).

Acknowledging other functions of *hapu* are Salmond (1991 [1988]) and Webster (1975, 1998, 2002). Salmond showed how *hapu* identities connect descendants to particular ancestors so that the transmission of genealogies, knowledge and history continues. Webster

theorised how Maori in the 1840s and 1850s used their *hapu* identities to resist British settler land appropriations. According to Webster, *hapu* were considerably transformed in the 1860s after Maori had over three million acres (1.21406 hectares) of productive land confiscated. Since that time many Maori tribal groups have retained a transformed version of *hapu* organisation to advance their struggles against the Crown (Webster 1998).

The anthropologists discussed in this section have shown that *hapu* organisation and identity is shaped by pragmatic reasons. Their discussion demonstrates the fluid and contingent nature of *hapu* and the level at which people construct meaningful identities. *Hapu* were significantly transformed in the late nineteenth century after the mass colonial land appropriations. In the next section, I examine the consequences for *hapu* (as well as *whanau* and *marae*) when the State privileges *iwi* and large *iwi*-like *hapu* in Treaty of Waitangi claims.

Creating Modern Iwi

One function of Treaty settlements is to devolve to Maori, the State's responsibility for Maori as a marginalised ethnic group. However, in the course of achieving settlements how have Maori descent and social organisations been transformed? Since the implementation of Treaty claims, *iwi* have been conceptually transformed from being large autonomous descent and kinship-based groups into self-governing corporate entities. Another consequence of re-presenting modern *iwi* has been the diminishment of *hapu* identity (Hopa 1999, Poata-Smith 2004, Sissons 2004 and Webster 2002). In the 1960s, Piddington used the term 'detribalisation' to name the processes of colonisation which allegedly destroyed *hapu* (1968). This concept can be contrasted with Webster's (2002) theory of 'retribalization' which describes the outcomes of Treaty claims processes through which modern *iwi* are formed.

In the initial years of Treaty settlements, a key Maori group defining 'modern *iwi*' were the appointed Maori Commissioners of Te Ohu Kai Moana (The Treaty of Waitangi Fisheries Commission) (Webster 2002:348, van Meijl 2006c:179-181). The commissioners were asked to provide a definition of *iwi* for the Crown to be used in the process of distributing assets to *iwi* when settling Maori claims for commercial fishing rights. The commission appointees included the influential Maori leaders: Robert Mahuta; Graham Latimer, the national head of the Maori Council; Matiu Rata, a Northland leader and former Minister of Parliament and

Tipene O'Reagan, the Ngai Tahu leader. According to the commissioners, the definition of an *iwi* was 'straight forward'. They said *iwi* were comprised of:

    (i)   shared descent from an ancestor
    (ii)   hapu
    (iii)   marae
    (iv)   belonging historically to a takiwa (tribal region, territory or area)
    (v)   an existence traditionally acknowledged by other iwi. (TOKM 1998:37)

Webster reported that the commissioner's definition of *iwi* was derived not only from a definition given in the Runanga Iwi Act (1989) but from the commissioners themselves, who were looking after the interests of their own tribal groups (2002:351, see also Cheater and Hopa 1997:214-217).

As recorded earlier in this chapter, Maori claims to lands and resources are generally filed on behalf of *iwi* and *iwi*-like *hapu*. This practice disadvantages those Maori who identify strongly and feel better represented by their *hapu, whanau* and *marae* groups. Correspondingly, Poata-Smith argues that modern *iwi* entities such as *iwi* authorities[72] have been created by the State to reduce the authority of *hapu* (2004:169-170). This point of view is expressed by *hapu* spokesperson Angeline Greensill of Tainui Awhiro[73] writing specifically in relation to Robert Mahuta's claim:

> Hapu as traditional repositories of treaty guarantees, are systematically being replaced by 'Iwi Authorities' whose legitimacy is founded not in the hapu or in the Treaty of Waitangi but in statutes enacted in a Westminster style parliament….Because of "Iwi Authorities" manipulation (in collusion with the Crown), hapu interests have not only become "unbalanced", but have become invisible, subordinate and subjugated and consigned to cargo cult status. Iwi Authorities owe their existence to the legislation which empowers them to make decisions normally made by hapu (Greensill.n.d).

Contemporary *iwi* are constantly evaluated by the State, which requires them to compile membership lists[74] and asset registers, conduct financial audits and produce reports on various tribal activities. To all intents and purposes, this compilation of information serves not only to legitimate *iwi* but to organise them as well.

For Rata, modern *iwi* are regarded as the 'perfect regulatory mode for the new right policy of devolved State activities' (2003a:11). Rata makes the point that, in a series of Treaty and

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[72] *Iwi* authorities are groups of persons who act for an *iwi* and are recognised by that *iwi* as having authority to do so.
[73] *Hapu* with ancestral ties to Raglan.
[74] In most *iwi* the membership lists are referred to as the beneficiary roll. This term is derived from Trust Board Acts.

Fisheries legislation and policies, tribal legal identity (meaning '*iwi* legal identity' in this context) became defined in terms of property ownership rather than as a social and cultural entity (2003a:11). According to Rata, the State's construction of modern *iwi* for the purpose of redistributing resources to Maori has seen the emergence of a 'neo-tribal Maori elite'. Leaving aside the complicated anthropological debate over what constitutes an elite,[75] Rata's arguments are significant. She strongly criticises these Maori agents and names Robert Mahuta as a key exemplar of this emergent group (Rata 2003c, Sissons 2005a:29). From her neo-Marxist perspective, Rata argues that a large proportion of Maori and all non-Maori are excluded from Maori self determination. She goes on to argue that Maori neo-tribalism and the inclusion of the principles of the Treaty of Waitangi in government policy are undermining democracy in New Zealand (Rata 2000:225-232, 2003a and 2004).[76] Tremewan concurs with this analysis. As he explains, Rata:

> fears for the future of democracy in New Zealand as the reified undemocratic practices of a reconstructed tribal aristocracy, the *nouveau riche* of culturalism, are validated by law (2005a:6).

In short, privilege based on ethnicity goes against the democratic ideals of a modern liberal multicultural society. Or, as Carroll du Chateau summarises it, Rata's argument is that 'public policy formed along racial rather than egalitarian lines' that 'knits' racial divisions into the culture through government funding policies is also highly dangerous (du Chateau 2006:B3).

Rata's anxiety raises a number of interesting questions (which are largely beyond the scope of this thesis), including: What and whose definition of democracy is she referring to? Her analysis suggests that the source of the problem is actually New Zealand's bi-cultural framework. If that is the case, what realistic alternatives are there? While Rata does not provide any solutions to these conundrums, she does nevertheless highlight some of the problems that have been created by the corporatisation of *iwi*. In particular, the construction of modern *iwi* identities has seen urban Maori excluded from accessing Crown restitutionary monies (Babadzan 2006:62, van Meijl 2000:89, 2006c:170, Webster 2002). However, urban-

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[75] Elites, according to Shore, are '[t]he leaders, rulers and decision-makers in any sector of society, or custodians of the machinery of policy making. Elites are thus the 'makers and shakers': groups whose 'cultural capital' positions them above their fellow citizens and whose decisions crucially shape what happens in the wider society (2002:4). Similarly, Pina-Cabral defines elites as: 'groups that control specific resources by means of which they acquire political power and material advantage. In such contexts, the transmission across generations of the benefits resulting from control over these resources often depends on the maintainance of structures of authority' (Pina-Cabral 2000:2).

[76] See Sissons critique of Rata's theoretical position (Sissons 2005a:29-31).

Maori are not the only Maori disadvantaged by the State's preferencing of *iwi*, as my ethnography demonstrates. Some informants of this study living in *marae* settlements along the Waikato River said that their modern *iwi* identity did not serve any political or economic purpose for them. Joseph Haumaha of Maungakaretu Marae in the Ngati Raukawa region expressed that his *marae* identity was extremely important to him. He explained that his *whanau* had helped build *Maungakaretu Marae* and that they were responsible for its up-keep.

Photo 7. Joseph Haumaha prepares his *hinaki* to catch eels

When I asked him how he felt about the claims for the Waikato River, he said:

> *It is a difficult situation. We recognise the mana of Te Atairangikaahu in Waikato, and Waikato* [iwi] *has a right to claim. The Raukawa Board has a claim too but Maungakaretu* [marae] *doesn't know what's happening, we hear about things after they've been done and then it's too late. We've phoned to find out different things but they don't like to give out information, it's a closed shop* (Interview January 2004).

A Modern Definition of Marae

According to Walker, *marae* symbolise group unity and are regarded as the final refuge in New Zealand where Maori people can maintain their cultural traditions (2004:187). In general, *marae* are not recognised as descent groups but as traditional communal meeting places (Tapsell 2002, Rosenblatt 2002). The *marae* proper is defined as an enclosed space that usually extends in front of the porch of an ancestral meeting-house. A *marae* complex

includes a dining-hall and other small buildings set in about an acre (0.4 hectares) of land which is fenced off from surrounding properties (Metge 1976 [1967]:229-232, Tapsell 2002:141). However, for members of Turangawaewae Marae in Ngaruawahia, this definition of *marae* is better suited to the word '*pa*'. Prior to the 1960s in New Zealand, any Maori settlement fortified or not, was called a *pa*. The word *pa* fell out of favour for naming Maori settlements following the publication of a controversial book in 1964 called *Washday at the Pa* written by Ans Westra. Indifferent to the alleged racist connotations of the book, Turangawaewae members continued to use the word *pa* when referring to the communal buildings at Turangawaewae[77], and the word *papakainga* to refer to the homes of members built on Turangawaewae lands that surround the *pa*.

Importantly, informants of this study from Turangawaewae use the word *marae* when referring jointly to the people and the communal buildings. This echoes a point made by Gupta and Ferguson about the adaptive character of cultural groups and their spaces:

> Notions of locality or community refer both to a demarcated physical space and to clusters of interaction, we can see that the identity of a place emerges by the intersection of its specific involvement in a system of hierarchically organized spaces with its cultural construction as a community or locality (2002:67).

In the Waikato, *marae* thus refers to a social and Maori kin group as much as a physical space. Waikato *marae* are perhaps best defined as the clusters of *whanau* who live together and share the resources of their community.

Whanau Fission and Fusion

For over five decades Metge has contributed to the literature of *whanau*. Early on in her research she made the point that while membership to *iwi* and *hapu* is determined by a person's descent from an eponymous ancestor, a person's membership within a *whanau* is established on different grounds. Metge contends that *whanau* are a nucleus of people descended through a male and female ancestor, usually a husband and wife. As the ancestors recede, family members group themselves into branches stemming from the dominant personalities among the elders. Over time these branches act with increased independence until eventually all who remember the ancestors have died. Once the elders of the group separate, their descendants become large-families in their own right. A consequence of the

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[77] Prior to Waikato iwi's 1995 settlement with the Crown a watchtower stood near the main entrance onto Turangawaewae Marae.

fission is that *whanau* membership usually stays at between thirty to fifty people who are distributed among several households (Metge 1976 [1967]:136). While Mead (2003:212) claims that a key characteristic of *whanau* is that its 'members are born into it and all are relatives', Metge asserts that a *whanau* group can extend to include 'people who are attached to its real members by marriage and adoption' (2004:141, to appreciate fully, see Metge 1995:62-64).

However, while *marae* and *whanau* are salient units of Maori social organisation, claims and rights to lands and resources are not lodged through these identities. The relevance of this will become clearer when I examine why *marae* are now a crucial component of modern Waikato-Tainui *iwi* identity.

Representing Modern Iwi Identities: Waikato Iwi, Waikato-Tainui or Kingitanga

Robert Mahuta's training as a tribal leader began as a child when he was immersed in the language and practices of Waikato Maori.
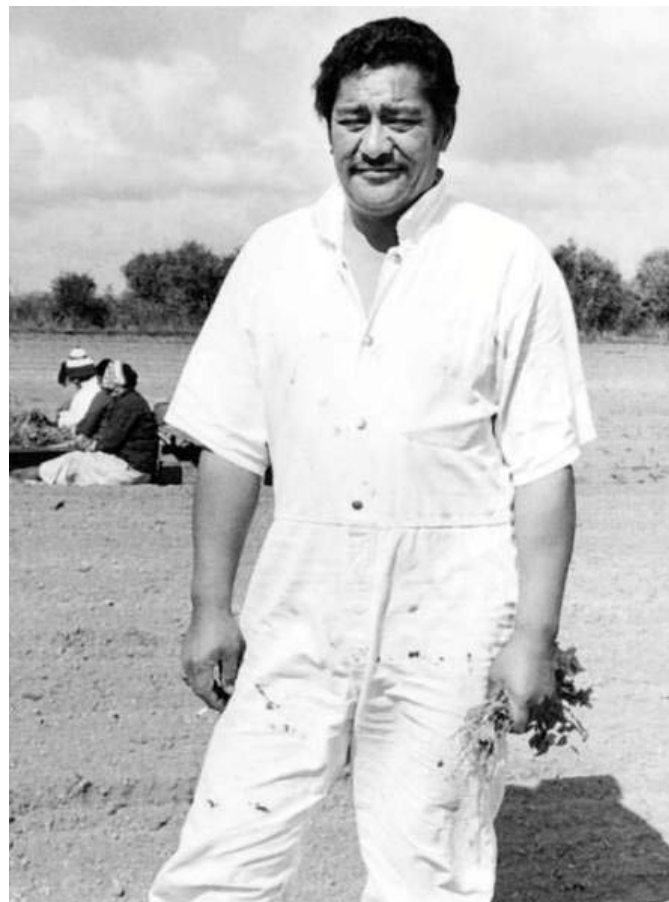
Photo 8. Robert Mahuta working tribal gardens

In his youth he worked in the coal mines and at the freezing works[78], which were common jobs for Waikato men. He also served as a soldier in Malaya for the New Zealand army. In his late twenties Robert Mahuta went to Auckland University where he completed a Masters degree in anthropology. Recognised by his teachers as a promising scholar he was encouraged to go to England where he enrolled in a PhD programme at Oxford University. However, after just one year of study, Robert Mahuta returned to New Zealand to take up the position of Director for the Centre for Maori Studies and Research at Waikato University. His decision to return to the Waikato to take up the university position was instrumental in establishing Waikato Maori's modern identity. He used the university research centre to produce a series of reports to advance Waikato Maori claims (to name a few see Mahuta and Egan 1981a, 1981b, 1983, Tainui Maori Trust Board 1984a, Tainui Maori Trust Board 1984b, Stokes 1980).

The reports had two functions. Firstly, they clearly demonstrated the injustices of the colonial government toward Waikato Maori and their existing hardships. And secondly, the reports emphasised the name 'Waikato' when referring to Waikato Maori. This new name merged all the *iwi* and *hapu* of the Waikato region into one 'super-tribe' (or super-*iwi*). To further legitimate Waikato Maori as a united super-tribe Robert Mahuta created maps (see Map 2) which identified the ancestral regions of Tainui[79] and Waikato *iwi* (Mahuta and Egan 1981a:4, Mahuta and Egan 1983:8). Robert Mahuta's map is referenced as being sourced from Salmond's 1976 publication - see Map 3. What must also be pointed out about Robert Mahuta's map is that the word 'tribe' is used rather than the Maori words *iwi* and *hapu*. Although Robert Mahuta's map represented the tribe of Waikato as the most significant tribe in the Waikato region it also identified Ngati Mahuta as a tribe. The identification of Ngati Mahuta was bold given that many Waikato members thought of Ngati Mahuta as an *iwi*-like *hapu* and a subdivision of the new Waikato super-tribe. Robert Mahuta did not explain why Ngati Mahuta was identified on the map while many other *iwi*-like *hapu* were not, including Ngati Naho, Ngati Te Ata and Ngati Tipa of the lower reaches of the Waikato River. A reason may be found in the work of the Tainui scholar, Pei Te Hurinui Jones. Jones wrote in an earlier work that 'Ngati Mahuta was a powerful Waikato tribe because it is the tribe of the kahui ariki' (Te Hurinui 1959:135).

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[78] A freezing worker is the local name for a meat processor

[79] The Tainui canoe is said to have carried Maori ancestors from Hawaiki to Aotearoa–New Zealand. These people settled the north-western quadrant of the North Island. Tainui also refers to the confederation of Tainui tribes in the region.

Location of Maori Tribes in North Island

The Tainui Tribal Area includes four major tribes, the Waikato,
Maniapoto, Hauraki and Ngati Haua. In modern day usage the
term Waikato is generally taken to refer to the tribes within
this area.

Map 2: North Island Tribes

Salmond 1976:6

Map 2

Map of Maori Tribes Published in Salmond 1976

Map 2: North Island Tribes

The corrected North Island map in this fourth edition is derived from the map prepared for *Te Maori*, ed. Sidney Moko Mead, Heinemann Publishers (NZ) Ltd, 1984.

Map 3

Mahuta's representations of 'Waikato' as a long-standing super-tribe in the *Tainui Report* (Mahuta and Egan 1983) contradicts earlier statements by Pei Te Hurinui Jones who recognised the autonomy of *iwi*-like *hapu* such as Ngati Tipa, Ngati Naho, Ngati Amaru, Ngati Pou, Ngati Te Ata, Te Waiohua, Ngati Tamaoho, Ngati Whawhakia and Ngati Mahuta (Te Hurinui 1959:135). Therefore, it seems that the word 'tribe' works to obscure Maori descent group identities. It is a term that Robert Mahuta used interchangeably to mean *iwi* and *hapu*.[80]

While the claims process has forced some *iwi* and *hapu* into seemingly unified relationships with one another, there are instances where Treaty claims have excluded and even concealed the existence of some tribal groups. Again this highlights how Treaty settlements have reshaped Maori descent groups.

Notably absent from Mahuta's map of Tainui was Ngati Raukawa *iwi*. This omission occurs in maps published in *The Tainui Report* (Mahuta and Egan 1983) and a bullet point chronological history[81] of Maori settlement in the Waikato region. Tom Moke, a former secretary of the TMTB said:

> *Prior to Waikato's 1995 settlement, one objective of the Board was to establish a bullet point history for Waikato Maori that Crown officials could understand* (Personal Communication April 2008).

The history gave the dates with the accounts of significant events. It claimed, as recorded below, that the rightful occupation of Waikato lands was by Waikato tribal members.

> 1830 - Waikato established overall control of territory with the expulsion of Ngati Maru [of Hauraki] and Ngati Raukawa (Mahuta 1975:9).

History cannot be fully addressed or explained using maps and selected accounts. Challenges to Mahuta's version of history come from Jones and Biggs, who identified Ngati Raukawa as 'one of the great branches of the Tainui Tribe' (1995:324); Claudia Orange, who acknowledges that 'Ngati Raukawa is recognised by the Waitangi Tribunal as an *iwi* in its own right' (2004:317); and, more recently, Robert Joseph (2005) who wrote a work on effective self-governance and 'authentic' representations of Waikato-Tainui. It is possible, as Poata-Smith suggests, that Mahuta's omission of Ngati Raukawa occurred because:

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[80] Ballara made a similar argument when she critiqued the definitions of tribe and sub-tribe offered by Evans-Pritchard and other scholars. For Ballara, not only are the terms not specific enough to equate to *iwi* and *hapu*, but, in general, the words tribe and sub-tribe obscure the proper meanings of *iwi* and *hapu* (1998:17).

[81] Appendix 9 provides a full version of the bullet point chronological history.

> [T]he Treaty claims process encourages adversarial relationships among Maori claimants, both within and between iwi. The claims process virtually invites Maori communities to compete for exclusive access to resources by developing a strong sense of territorial integrity (2004:180).

However, another way to think about the Treaty claims process is that it provides a convenient vehicle for adversarial parties to engage in strategic one-upmanship. Any process creates winners and losers. People have agency and ultimately they make choices on how they will participate.

In March 1987, after much ground work, Robert Mahuta filed a comprehensive Treaty of Waitangi claim for the confiscated lands and resources of Waikato Maori. Some people expected Robert Mahuta, like the first Kingitanga leader Potatau Te Wherowhero, to unite the major *iwi* of Tainui, that being Ngati Haua, Ngati Raukawa, Ngati Maniapoto, Hauraki and Waikato. One critic said:

> *Like Potatau, Robert Mahuta would find this an impossible task as, while Ngati Maniapoto and Ngati Raukawa were willing to cooperate, they did not want to sacrifice their iwi identity or autonomy, and of course went their own way and were excluded from the Waikato tribe's 1995 settlement* (Personal Communication November 2005).

His statement was challenged by another informant who also wishes to remain anonymous with:

> *That comment is not entirely correct. There are a number of Ngati Maniapoto marae (Te Tokanganuianoho and Mangatoatoa and others) and Ngati Raukawa marae (Pohara, Parawera, Hoturoa and Ngatira) that were not excluded from the settlement. You just need to look at where the poukai are, they are held all over the country* (Interview June 2006).

The point the informant makes is that, while most Tainui *iwi* and *hapu* groups were not included in Waikato-Tainui's settlement, those *marae* who support the Kingitanga were included.

Robert Mahuta and his contemporaries were successful in creating an alternative view of history which focussed on the unjust actions of the Crown toward Waikato-Tainui Maori. In anthropological terms, Robert Mahuta may be classified as an 'organic intellectual'. When Antonio Gramsci described the role of organic intellectuals, he proposed that they are a necessity to any group which hopes to establish a new class within a society (1971:6). Organic intellectuals are the individuals that are expert in articulating the understandings and aspirations of a particular community to people in and out of the group. By and large, those

people who can write authoritatively possess the power to not only record custom and culture, but to transform it as well. In this respect, some Maori activists have argued that Robert Mahuta and his associates' methods were similar to the colonial government's early processes of land appropriation.[82] Also critiquing Robert Mahuta's actions in the 1990s was the Dutch anthropologist Toon van Meijl.

Van Meijl Critiques Waikato-Tainui Development

Van Meijl produced a study which described the role that some Waikato tribal members played in augmenting two new Waikato tribal discourses. The two discourses were named the 'discourse of development' and the 'discourse of tradition'. At the forefront of his study was the argument that senior Waikato tribal administrators and the TMTB, of which Robert Mahuta was a member, devised two discourses to assist Waikato Maori in their Treaty claims with the Crown. Van Meijl drew on neo-Marxism and Foucault's notion of power when he analysed the discourses, which in his view, were being used to legitimate Waikato-Tainui as a long-established and traditional tribe. For van Meijl, the advantage of using Foucault's theory in his analysis was that it allowed for the exploration of the ideological motivations underpinning the articulation of development and tradition, without making an assessment of the 'truth value' of the discourses. His work depicted the two discourses as paradoxes. For example he said:

> [D]evelopment is future orientated and aims at equal living standards of Maori and Pakeha, although both groups are supposed to retain their political and cultural autonomy. The justification for an independent path into an equal future is sought in the different past of the Maori, which is reinterpreted in opposition to the stereotypical representation of Pakeha society e.g. bottom-up tribal management procedures versus top-down hierarchy European style. Present-day reinterpretations of the past defy and resist historic changes in Maori tradition. The political purpose of representing Maori traditions as timeless treasures, however, is to make changes, to bring about changes in the inequalities between Maori and Pakeha (1990:4).

The van Meijl study suggests that the discourses of development and tradition effectively increased the power of Waikato-Tainui *iwi* and revitalised the Kingitanga while at the same time diminishing the identities of smaller *iwi* and *hapu* in the Waikato region by, for example, redefining tribal boundaries and selectively emphasising particular tribal histories and genealogies. For van Meijl, the discourses were dictated by a small group of progressive tribal representatives and university academics without any participation from 'ordinary'

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[82] Angeline Greensill and Gareth Seymour made this point on a number of occasions when they spoke in public spaces at Waikato University and in Hamilton in the early 1990s.

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Waikato members.[83] Throughout the work, van Meijl raised many provocative issues regarding the unbridled power of Robert Mahuta and his senior administrators and some TMTB members. He claimed that the dual discourses were promoted by some, out of self-interest, and solely to secure more power for themselves.

On the whole, van Meijl's work proposed that the tribe's traditional chiefs were being marginalised by a younger chief and a select group of officials in charge of the two new discourses. Van Meijl's study identified Tumate Mahuta[84] as an older traditional chief who had a vital role in the Kingitanga, and Robert Mahuta as the young chief in charge of Waikato Maori's economic development. Tumate Mahuta and Robert Mahuta were close relatives of the main leader of the Kingitanga, Te Arikinui Te Atairangikaahu. While Tumate Mahuta oversaw the general operations and fundraising activities occurring on Waikato *marae*, Robert Mahuta led the TMTB in its commercial and political dealings outside the tribe.

According to van Meijl, traditional chiefs were important to Robert Mahuta and his associates because they symbolically legitimated the discourse of tradition within Waikato *iwi,* and to Crown representatives. The study implies that a contest existed between the two chiefs. Van Meijl infers the rivalry of the two leaders by presenting verbal accounts such as the following:

> A similar complaint about the lack of reporting by people's representatives on committees, boards, trusts, councils and the like, has been voiced by Queen Te Ata's main advisor, her uncle Tumate Mahuta. He is known as the spiritual leader[85] of the Kingitanga and "the big boss of everything". Being the typical traditional type of leader, Tumate has become increasingly marginalized by the rise of the discourse of development. One day he expressed his anxiety when he walked into a meeting of the Waahi Whaanui Trust. Immediately upon his entering the room it became rather silent. With his soft voice and a timid smile, he then said: "Ah here are all the chiefs". …[V]ery subtly Tumate expressed the opinion that development is raising the status of administrators above that of traditional chiefs (1990:94).

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[83] The group included senior members of the *kahui ariki*, some renowned Waikato and Ngati Maniapoto elders, the Tainui scholars Ngapare Hopa and Edward Douglas and a number of non-Maori academics who wrote reports for the Centre of Maori Studies and Research at Waikato University when Robert Mahuta was the Director. The group included Kenneth Egan, Barbara Harrison, Isla Nottingham, Ann Parsonson, James Ritchie, Evelyn Stokes and Toon van Meijl.

[84] Tumate Mahuta was the uncle of Te Arikinui Te Atairangikaahu and a well respected senior member of the Kingitanga Movement.

[85] According to a number of my informants Tumate Mahuta was not the spiritual leader of the Kingitanga as this role belonged to the paramount chief Te Atairangikaahu. Tumate Mahuta and Robert Mahuta were regarded as the secular leaders of the Kingitanga. Tumate Mahuta dealt with local tribal matters while Robert Mahuta dealt with the tribe's relationship with the Crown.

However, some informants held a different interpretation of this situation. Rather than focussing on the rivalry, which may or may not have existed between Tumate Mahuta and Robert Mahuta, they suggest that the two secular leaders, together with Te Arikinui Te Atairangikaahu in her role as spiritual leader of the Kingitanga, provided Waikato Maori and the Kingitanga with a strong and effective leadership. Because of their different views and because they had different strengths and weaknesses, Tumate Mahuta and Robert Mahuta, not only complemented one another, but also kept one another in check.

When van Meijl challenged tribal administrators and the TMTB, it is probable that one of his aims was to champion those Maori who had been marginalised by Waikato *iwi's* contemporary identity (van Meijl 2000:103). However, van Meijl's advocacy for those marginalised people has meant that he explicitly contradicts another group's claim to authenticity. What van Meijl encounters in his argument is the dilemma that Hanson (1997) discussed in his work on 'invention', which is, who do anthropologists side with? Indeed, van Meijl's defending of subjugated tribal members, which he refers to as the 'grassroots' and 'flax roots' Maori in other works, made visible the actions of the so called 'elites' within a marginalised group.[86]

Van Meijl's work focuses on the creation of two new Maori-State discourses and how the processes associated with the discourses created new tribal subjects and more power for Waikato and Kingitanga tribal elites. However, by presenting discourse as an impartial theoretical method, vis-à-vis theory 'that does not make an assessment of the truth value of discourses' (1990:4), he understates the cultural significance of the Kingitanga to Waikato Maori, and overlooks the tribe's pragmatic need to negotiate a settlement with the Crown. In fact, the benefits of the settlement extended well beyond senior members of the *kahui ariki* and tribal officials. Earlier in this thesis the informant Ngahinaturae Te Uira said that it was Waikato *iwi's* responsibility to lead the claim negotiations for the Waikato River with the Crown. Her reasoning behind the comment was structured by her view that Waikato *iwi* and senior Kingitanga members have a *tuakana* obligation to other tribes in the Waikato River region.

In general van Meijl's argument is a critique of the lack of democracy within the tribe.

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[86] See van Meijl 2000 for further explanation of his ethnographic fieldwork experiences with Waikato tribal leaders and members when he wanted to publish his doctoral thesis.

However, given that the Kingitanga (and Waikato-Tainui) is based on understandings of primogeniture, seniority and rank the argument that the socio-political organisation should be reconstructed along democratic lines is unrealistic. [87]

Hopa Critiques the Corporate Identity of Waikato-Tainui

In 1995, Waikato-Tainui settled their land claim against the Crown. The deal was negotiated by Robert Mahuta and the Minister of Treaty Settlements, Douglas Graham. Both parties agreed that the Waikato River and the West Coast Harbours would be set aside, to be negotiated at a later date. Consequently, the Waikato Deed of Settlement (1995) returned to Waikato-Tainui a small portion of their confiscated lands, financial compensation and an apology from Queen Elizabeth II (McCan 2001:305). The implementation of new political and economic structures established under the Waikato Raupatu Claims Settlement Act 1995 saw the *mana* and status, that once rested solely with senior members of the *kahui ariki* and ranked elders, captured by other Waikato tribal members. It is now possible for ordinary tribal members to hold decision-making roles within Waikato-Tainui's Te Kauhanganui. Te Kauhanganui is comprised of 195 tribal members who represent 65 *marae*[88]. Each *marae* elects three representatives to Te Kauhanganui to debate and vote on tribal matters. These represent the *rangatahi* (youth), the *kaumatua* (elder) and the *marae* as a whole. From the whole Te Kauhanganui group, 10 members are elected to form an executive tribal council called Te Arataura[89]. Also on Te Arataura is the representative of the Kingitanga's *kahui ariki*. This role is referred to as the *kahui ariki* representative. Robert Mahuta was Te Arikinui Te Atairangikaahu's *kahui ariki* representative until his death in 2001. The *ariki* selected Robert Mahuta's wife, Raiha Mahuta, to take his place.

The 65 *marae* are spread over an area extending from Te Kuiti in the south, to Auckland in the north. Waikato-Tainui's new *iwi* authority, which is responsible for the management of tribal monies and assets, is called the Waikato Raupatu Lands Trust (WRLT). This entity, in conjunction with Te Arataura, replaced the TMTB on 30 April 1999. While the WRLT had some financial success with Robert Mahuta in charge, by 1998 the new management and governance structures revealed divisions within the tribe. These were highlighted dramatically in a debate between two distinct groups of Waikato Maori: those who supported

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[87] There are probably no other Maori tribal groups in New Zealand with such a well defined use of *tuakana-teina* as those who affiliate to the Kingitanga.

[88] Not all Waikato *marae* are represented in Waikato-Tainui's governance.

[89] The Te Arataura tribal council was formerly known as Te Kaumarua, meaning Jesus' 12 wise disciples.

the Kingitanga's traditional positions of authority and who viewed themselves as steadfast Kingitanga supporters; and those members who supported the newly elected representatives serving on Te Kauhanganui and Te Arataura. There was concern about the methods used by the newly elected members, particularly their use of the media and courts to question the authority of Kingitanga leaders. Some of the newly elected members who also considered themselves Kingitanga supporters were concerned about the investments being made with tribal monies and what they saw as nepotism within the tribe.

In 1999 Waikato anthropologist Ngapare Hopa noted how the State's preference for dealing with *iwi* and large *hapu* in Treaty settlements undermined the authority of *hapu*. According to Hopa:

> In New Zealand, hapu (lineages), not iwi (tribes), owned resources and signed the 1840 Treaty of Waitangi, yet tribes have been empowered on an increasingly corporate basis, by the settler colonial state now compromising Maori claims (1999:105).

Hopa examined the Crown and the TMTB's dual involvement in establishing Waikato-Tainui identity. She contended that Waikato-Tainui was the TMTB's preferred name for the conglomeration of Waikato *iwi* and *hapu*. Hence, the term was written into the Waikato Raupatu Claims Settlement Act[90] that accompanied and implemented the Waikato Deed of Settlement (1995). According to Cheater and Hopa 'Waikato' and 'Tainui' were two 'traditional' but ambiguous representations that were used to fashion Waikato Maori's contemporary *iwi* identity. They said:

> In the north-western quadrant of the North Island, known as Waikato, most tribes regard themselves as descended from those founders of Maori society who arrived in the Tainui waka (canoe). Maori identity in the Waikato is, however, ambiguous. The two options are either a putatively *descent-based waka* identity as 'Tainui', also glossed as an iwi identity; or a *locality- and descent-based* iwi identity as 'Waikato'. These two options are further complicated by the fact that 'Tainui' itself is a recently constructed identity: last century, *the* local identity was unambiguously 'Waikato'. 'Tainui' has only developed since 1946, when it was formally defined by the state as comprising the thirty-three *hapu* (then understood as sub-tribes) of Waikato who had suffered confiscations of their lands in 1863. Tainui's institutionalised identity therefore dates from the establishment in 1947 of the Tainui Maori Trust Board, to represent these hapu (1997:211-12).

Hopa claims that Waikato-Tainui was created by senior Kingitanga members and the TMTB. The primary function of the new entity was to obtain control of the lands and monies that were awarded to Waikato Maori in their settlement with the Crown. While the TMTB

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[90]See page 7 of the Waikato Raupatu Claims Settlement Act 1995 for evidence of 'Waikato-Tainui' being used.

alleged that Waikato-Tainui represented the interests of the 33 aggrieved *hapu* who had their lands confiscated in 1863, Hopa suggests that State records from 1900 list a total of 88 *hapu*[91] from the Waikato region who had lands confiscated (1999:106). Hopa condemns the actions of the senior Kingitanga members and TMTB who in her view eradicated 55 *hapu* from Waikato Maori history. In another work, Joseph (2005) refers to the 55 *hapu* as 'the missing Waikato tribes'. For Hopa, the 1995 settlement was unfair because descendants of *hapu* that were not recognised by the TMTB had no mechanism to challenge the redistribution of settlement resources (see also Ward 1999:54-55). Ultimately, their interests were subordinated to those of the *iwi*.

While Hopa presents a worthy argument, this thesis shows that it is difficult for Waikato Maori to identify and organise themselves as *hapu* when tribal lands are scarce and where the overriding and abstract ideology of Kingitanga prevails. This is demonstrated in a public statement by Robert Mahuta after he had negotiated Waikato-Tainui's settlement.

> Hapu exist only in concept, only in the head. Hapu is a myth, with no formal structure. The marae are concrete entities and existing communities. (Hubbard 1995)

Further proof that the *hapu* is no longer a significant institution for many Waikato tribal members is provided by Durie writing about Waikato Maori's preferred system of tribal governance:

> As required in the Waikato Raupatu Claims Settlement Act 1995, [Waikato-] Tainui also took steps to establish a representative body which would be more appropriate as a governing body for the tribe. A three-year consultation process commenced in 1996 and registered beneficiaries will be asked to shape the new structure. Among the options being studied are a marae-based runanga with representatives from each of the 61 marae, a hapu-based runanga with representatives from each of the 33 hapu, and an iwi electorate model where any registered beneficiaries can stand for election to the runanga (or board) and the elected board is responsible to all 33,000 beneficiaries rather than to hapu and marae (1998:28).

The outcome of the election was that Waikato members voted to have representatives for their tribal governance, Te Kauhanganui, elected from *marae* rather than *hapu* or individuals standing from the *iwi*. Clearly this was further evidence that, for Waikato Maori, the *marae* is the primary unit of social identification rather than *hapu*.

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[91] The *hapu* were acknowledged in the Appendix to the *Journals of the House of Representatives* 1900, Vol 2, G-1: 1-14 'Landless Maori in the Waikato, Thames Valley and Waikato Districts'.

Waikato Maori can also be distinguished from other Maori tribes by the fact that many of its members sometimes choose not to publicly recite *whakapapa* (genealogy) that associates them with a *hapu*. *Whakapapa* is used to describe the recitation in proper order of particular epochal genealogies and also to name genealogies. Ngahinaturae Te Uira said in an interview for this study:

> *Waikato do not whakapapa individually, we don't say the names of our parents or tupuna. Our whakapapa is the Kingitanga which is Ko Potatau te tangata, Ko Taupiri te maunga, Ko Waikato te awa, that being: Potatau is the man, Taupiri is the mountain and Waikato is the river* (Interview October 2005).

Many Waikato Maori have both private and public genealogies. Usually a member in a *whanau* is responsible for keeping the detailed records of family and tribal genealogies. Often the public *whakapapa* is that which emphasises the line of *kahui ariki* leaders and the Kingitanga, and the private genealogy is the other directions that a person's lineage may take. One way Waikato members acknowledge King Tuheitia as the paramount chief of Waikato is by including the name of his ancestor Potatau Te Wherowhero in their *whakapapa*. By and large individuals selectively choose the strands of their *whakapapa* that enhance their standing in particular situations or encounters.

Conclusion

Rival claiming between *iwi* and *hapu* existed long before the era of Treaty settlements. However, now instead of *iwi* and *hapu rangatira* dealing with one another directly, tribal claims are evaluated by government institutions such as the Waitangi Tribunal, The Office of Treaty Settlements and the courts. Since the establishment of these bodies, the methods of disputing and negotiating rights in lands and resources have been transformed (Tomas and Quince 1999:211-220). Undoubtedly, the claims process has created tribal winners and losers. This is because the government institutions' decisions are supposed to conclude tribal disputes by resolving tribal boundaries and rights in lands and resources once and for all.

Prior to Waikato-Tainui's 1995 land settlement, the tribe's leadership had derived from understandings of *mana* and *tapu*, meaning that the leadership and organisation of Waikato as an *iwi* rested with the *ariki, rangatira* and ranked elders. The assignment of many new elected members into positions as leaders and managers has seen tensions occur within the tribe. One of the problems is that claims negotiators are expected by tribal members to conduct themselves as *rangatira* when they are not trained for the role. While it has always

been a challenge to get some form of consensus from other tribes with interests in the Waikato River, since the deaths of Robert Mahuta and Tumate Mahuta it has also been difficult to achieve internal consensus from members of Waikato *iwi* too.

Overall, this chapter illustrates that the various anthropological arguments about *hapu* for the 'loss of cohesion' (Firth 1929), 'detribalisation' (Piddington (1968 [1957])), 'transformation' (Sissons 1993, 1998 and Webster 2002), 'adaptation' (Metge 2007, 2008) and 're-structure' (Schwimmer 1990) do not fit the experience of Maori from the lower Waikato River. I note the anthropologists who have completed studies arguing for the prevalence of *hapu* have done so in areas where Maori still own tracts of land. This includes Metge's work with Te Rarawa, Schwimmer with Ngapuhi, Salmond with Ngati Porou and Te Whanau Apanui, Sissons with Tuhoe, Webster with Tuhoe and Kawharu with Ngati Whatua.

While in other tribal areas *iwi* authorities are not able to dismiss the requests of their *hapu*, in the Waikato it is possible. The reasons for this are twofold: firstly, most Waikato *hapu* had their lands confiscated in 1863; and secondly, most of the landless *hapu* relinquished their autonomy when they merged to form the Kingitanga. As Waikato *hapu* had no lands or resources to manage, some tribal officials like Robert Mahuta saw the practicality of preserving *hapu* identities as pointless. In the Waikato, the emphasis on *marae* identity is central to the formation of their modern *iwi* identities, that being Waikato *iwi* and Waikato-Tainui. Thus, instead of having an *iwi* identity that is composed of *hapu* units, Waikato *iwi and* Waikato-Tainui are configured and legitimated by *marae.* I note the same *marae* belong to the Kingitanga**.** As we saw, the Kingitanga is an important social grouping which maps precisely onto Waikato-Tainui and Waikato *iwi*.

Although *iwi* identity emphasises many aspects of Maori social and political life they can also conceal a great deal too. The point seems to be that *hapu* are only a relevant social and political unit in situations where *hapu* own land. Hence, this study suggests that the reinforcement of tribal identities is not always a backward step but an issue that has both positive and negative consequences. While larger tribal representations serve to build identities and construct alliances, when these identities are concretised they can be destructive and divisive.

Chapter Five

FROM STAKEHOLDERS TO GUARDIANS:
FRAMING SUBJECTS OF POWER

Turning Maori into Stakeholders

The last chapter showed how the Treaty claims process had obliged Maori to develop their *iwi* identities. But, at the time Maori were strengthening this identity, the government was systematically re-labelling all groups with interests in important national resources as 'stakeholders'.[92] This chapter examines how, in the 1990s, Maori of the Waikato River were discursively reclassed as *iwi* stakeholders, and the implications of this re-naming. It then goes on to examine a further discursive shift which occurred in August 2008, when on signing their Deed of Settlement, Waikato-Tainui members were once again reclassified, this time as 'Guardians' of the Waikato River. This process of classifying and labelling Maori is of major significance for defining roles and rights, and shaping identity.

MRP, an electricity generator with major interests in the Waikato River, was crucial to the re-labelling of Waikato River Maori as *iwi*-stakeholders. However, prior to the establishment of MRP in 1999 it was the introduction of the Resource Management Act (1991) that initiated the process by which Maori tribes of the Waikato River were later to be recognised as stakeholders. The RMA significantly influenced the way that the State, commercial groups and Maori tribes would relate to one another in relation to the river, even though the word 'stakeholder' is not used in the Act. In the years following the RMA, Maori and other stakeholders with interests in the Waikato River have found that the State's shedding of responsibility in certain areas of governance has not seen a relinquishing of real control over this important natural resource. An historical analysis of water resource management by Strang reveals that consistent patterns of lost agency and ownership have occurred world wide, particularly where neo-liberal policies of privatisation have been introduced (2004:36).

Over the past 20 years, modern meanings fixed in words like stakeholder have been crucial in driving many of the commercial and political reforms that have occurred in New Zealand and elsewhere. The language of policy and techno-managerial language (to be defined later) is used by both the State and powerful commercial groups to control rivers. For anthropologist

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[92] See Larner and Le Heron 2002 for a parallel examination of subjectivities.

Wendy James, terms such as 'stakeholders', 'shared resources', 'community participation' and 'power sharing' are written into policy to provide a sense of 'citizen empowerment' (Shore and Wright 1997:13). Shore and Wright suggest that the word 'stakeholder' is used by the State and major corporate groups as an organisational term to identify and order people who have interests in important resources (1997:5). They contend that, on the one hand, the language of policy is used to reform thinking and persuade people to be responsible and interested in the activities of the State but, on the other hand, it is used to create new subjects and objects of governance whilst concealing the mechanisms through which power works (1997:4-5).

In the early 1980s, the New Zealand Labour Government introduced the term stakeholder into their policies and rhetoric as part of an attempt at 'Third Way' politics[93]. While 'Third Way' politics justifies the appropriation of land and resources by the State when the taking is in the 'public interest', it also constructs all citizens as stakeholders in nationally owned lands and resources. For instance, Sir Tipene O'Reagan, a Ngai Tahu leader and Chairperson of the Waitangi Fisheries Commission, objected to the labelling of sea territories and marine resources as the property of all citizens of the State (Sharp 1998:48). As O'Reagan (1996) put it: 'when someone wants to take what is someone else's, they say it belongs to everyone' (Sharp 1998:48). If land is identified as belonging to everyone, the relationship between the land and its former owners is weakened. The use of the term 'stakeholder' therefore sometime obscures the real influence that Maori are able to exert over decisions affecting local lands and resources, particularly since the term diminishes the special status that Maori have as *tangata whenua*[94] (original people of the land) and *kaitiaki*[95] (guardians).

While being referred to as stakeholders conveys a sense of participation in decisions affecting the Waikato River, in reality the extent of that participation is very unclear and, in most cases, illusory, as my informants illustrate. When Hukiterangi Muru was asked how he felt about being called a stakeholder in the Waikato River he responded:

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[93] 'Third Way' politics is a centralist ideology that is neither socialist nor conservative. It combines aspects of free market capitalism with egalitarian social aims.

[94] In this instance *tangata whenua* means persons connected to a place through a line of occupying ancestors and ideally having possession of Maori land in the vicinity.

[95] The term *kaitiaki* is equated to guardians as has been emphasised by the Crown, local government and Maori. More recently the term has been defined as managers of important local resources (see Kawharu 2000).

What do you mean a stakeholder in the river, that word stakeholder is too blunt it's not the way I think about myself in relation to the Waikato River (Interview September 2004).

Ngahinaturae Te Uira another would be stakeholder was equally unimpressed and said:

We are tangata whenua not stakeholders we've always been tangata whenua. Why do they suddenly want to start calling us stakeholders like everybody else? (Interview May 2004).

Tim Manukau, the Environment Manager of the Waikato Raupatu Lands Trust, had this to say about the word:

'Stakeholder', hate the word and interests. We acknowledge New Zealanders have a relationship with the river, Waikato [people] *have a relationship with the river, however, Waikato has a relationship over and above others* (Interview January 2004).

The emergence of modern Maori identities like '*iwi* stakeholder' and 'Guardian' provide useful insights into shifting discourses of identity, property and rights. Before we turn to analyse how this process occurs let us begin by reflecting critically on the ambiguous term stakeholder.

Stakeholders Defined

From the perspective of a number of professionals interviewed for this study including lawyers and educationalists, the modern term 'stakeholder' has largely pejorative connotations. As New Zealand lawyer Gerald Lanning put it:

We use the word stakeholder to give people a special status. We need to identify them because they can influence or challenge decisions. It's a risk management tool (Interview September 2004).

Ex-politician Richard Worth expressed similar scepticism with:

The word stakeholder is a 'politically fashionable' word and is certainly one which is much used and abused in Parliament (Personal communication August 2004).

Educationalist Mere Kepa had this to say about the word:

It is an ambiguous word straight out of neo-liberal rhetoric which gives people a false sense of security (Field notes July 2004).

An analysis of the semantics of the word reveals the complex layers of meaning that exist within the term. The *Oxford English Dictionary* defined a stakeholder as the 'one who holds the stake or stakes in a wager' and also as the 'one who has a stake in something especially a business' (1989:463). While the dictionary's first definition seems to have emerged from

gambling, the second is associated with business. The semantic history of the word is revealing. The term stakeholder was first recorded in 1708 in the *British Apollo Journal* No 55.2/1 with the sentence 'which will oblige your humble servant and stakeholder'. This record evokes ideas of service, duty and humility in holding someone else's stakes. The second entry dates from 1815 (in the *Sporting Magazine XLV*) which speaks of 'a Bank of England note … lodged in the hands of a stakeholder as a deposit'. Here we have the idea of a stakeholder as one who is entrusted with a bond or deposit. The third reference dated at 1858 (from *St Leonard's Handy Book, Property Law IV 20*) this time speaks of a deposit that is 'directed to be paid to the auctioneer, [who] is entitled to retain it until the contract is completed, because he is considered a stakeholder or depository'. This third case suggests the role of stakeholder as akin to that of a legal trustee or one who manages the affairs of another.

Webster's Dictionary (1961) gives two further, yet similar definitions for the word. They are firstly, 'a person entrusted with the stakes of two or more people betting against one another'; and secondly, 'a person entrusted with the custody of property or money that is the subject of litigation between rival claimants in which the holder claims no right or property interest'. However, this second definition extends the meaning for stakeholder from one of gambling to that of guardianship and dispute resolution. Within the context of dispute resolution it is possible to speculate that the word evolved from its use in gold mining when rival prospectors staked claims. It is also important to note that both definitions refute ownership by emphasising the importance of stakeholders being entrusted with a responsibility for either money or property that is owned by a third party.

Both the *Concise Australian Dictionary* (2004) and the *Concise Oxford Dictionary* (1978) offer gambling related definitions. A stakeholder is thus 'an independent party with whom each of those who makes a wager deposits the money etc wagered', and 'a person with an interest or concern in something'. But, the meaning of the word becomes contradictory once the two definitions are offered together. In the first instance a stakeholder is defined as 'an independent person, entrusted with other people's stakes', but in the second a stakeholder 'has interests or concerns'. How can a stakeholder be simultaneously both an interested party and a disinterested party in an enterprise? These contradictory definitions are responsible for some of the ambiguity surrounding the word. This ambivalence is explored in the *Oxford Twentieth Century Word Dictionary*, which explains how one noted British Government

commentator used the word in a public address and compared its meaning to that of shareholders and Marxist ownership[96] (Ayto 1999:506).

However, it was the British Prime Minister, Tony Blair, who developed the notion and coined the terms 'stakeholder economy' and 'stakeholder democracy', which popularised the word (Miller 2001:232). According to Bullock and Tramblay, Blair's specific use of the word can be traced back to ideas of inclusion that were theorised by eighteenth century classical political economist Adam Smith, and eighteenth century civil rights activist Thomas Paine (1999:823). Blair is first recorded as using the term 'stakeholder economy' in 1996, where he identified a 'stakeholder economy as a rational economy in which all members of society had a stake in its success' (Ayto 1999:506). Ideas of the 'stakeholder economy' revived a reformed type of 'Third Way' politics that framed the Labour Party's campaign for the 1996 British election. While this political tactic was popular with middle class voters, a hostile response from right wing voters saw Blair back away from the 'stakeholder economy' as an alternative to socialism and capitalism. For Bullock and Tramblay, Blair's retreat saw a much narrower definition of stakeholding emerge, one which in Britain and the US at least, transformed the view of the company and the capitalist economy into an intermeshing series of interests (1999:823).

While there is no Maori translation for the word stakeholder, scholar Cherryl Smith suggested in her doctoral thesis (2002) that the word *pou* is a Maori equivalent for the term. *Pou* simply refers to a pole or post, but is understood in terms of rights and claims 'staked' by Maori. Though *pou* has much in common with the English word 'stake', it is a word with multiple meanings. Other English translations for *pou* include 'support', 'sustenance', 'to stick in', 'erect', 'to fix', 'render immovable', 'to fasten to a stake', 'to establish', 'appoint', 'fix knowledge', 'to direct' and 'to guide' (Williams 1985 [1844]:297). If the word stakeholder is explained in terms of it being a Saussurean-type signifier, that is one whose meaning is arbitrary, cultural and relational, rudimentary imaginings of *iwi* stakeholders in the Waikato River could include images of tribal representatives holding onto stakes made out of materials of their choice which are stuck into the river.[97] These stakes might be positioned in different parts of the river, with some firmly implanted in the riverbed and others barely

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[96] Marxist ownership can be explained as the economic and political system under which productive property is owned by the people of the community collectively through the State.

[97] See Tilley's examination of metaphors as illustrative devices (1999:4-5).

attaching to the water's surface. The stakes could vary in size and strength, reflecting whether the holder of the stake has a greater or lesser interest in the river. Maori stakes in the Waikato River might be visualised as very old and ornately carved wooden *pou* with symbolic representations depicting specific tribal histories and traditions.

Photo 9. Rangatahi Waka at Turangawaewae Regatta 1999

Waikato Maori might conceive that their *pou* was initially stuck into the Waikato River by the Tainui navigating chief, Kokako, or that their current stake in the river is held by the paramount chief of Waikato, King Tuheitia. While these metaphors may hold value for those of us grappling with conceptualisations of stakeholders, they do not fundamentally alter the way the State and the law recognises the rights and responsibilities of the parties involved.

Iwi Stakeholders: How MRP Defines Maori

The terms stakeholder and *iwi* stakeholder gained much ground after April 1999 when ECNZ, a State Owned Enterprise, was separated into three new competing electricity companies. With the State's deregulation of the electricity industry the new companies were not only expected to maintain the business that had been transferred to them from ECNZ, they also had to find and create new markets. As explained in Chapter Two, of the three companies

formed, two were dependent on the Waikato River for their generation processes. These were Genesis Power which has a major thermal station in Huntly and MRP a hydro generator with eight power stations on the Waikato River. After one year of trading the companies had to report their business status to their shareholders. For the new companies however, reporting was not just about announcing their profits and outlining new areas of business, it was also about creating new corporate identities and re-defining the landscapes that they operated in.

Mighty River Power's Map of the Waikato River
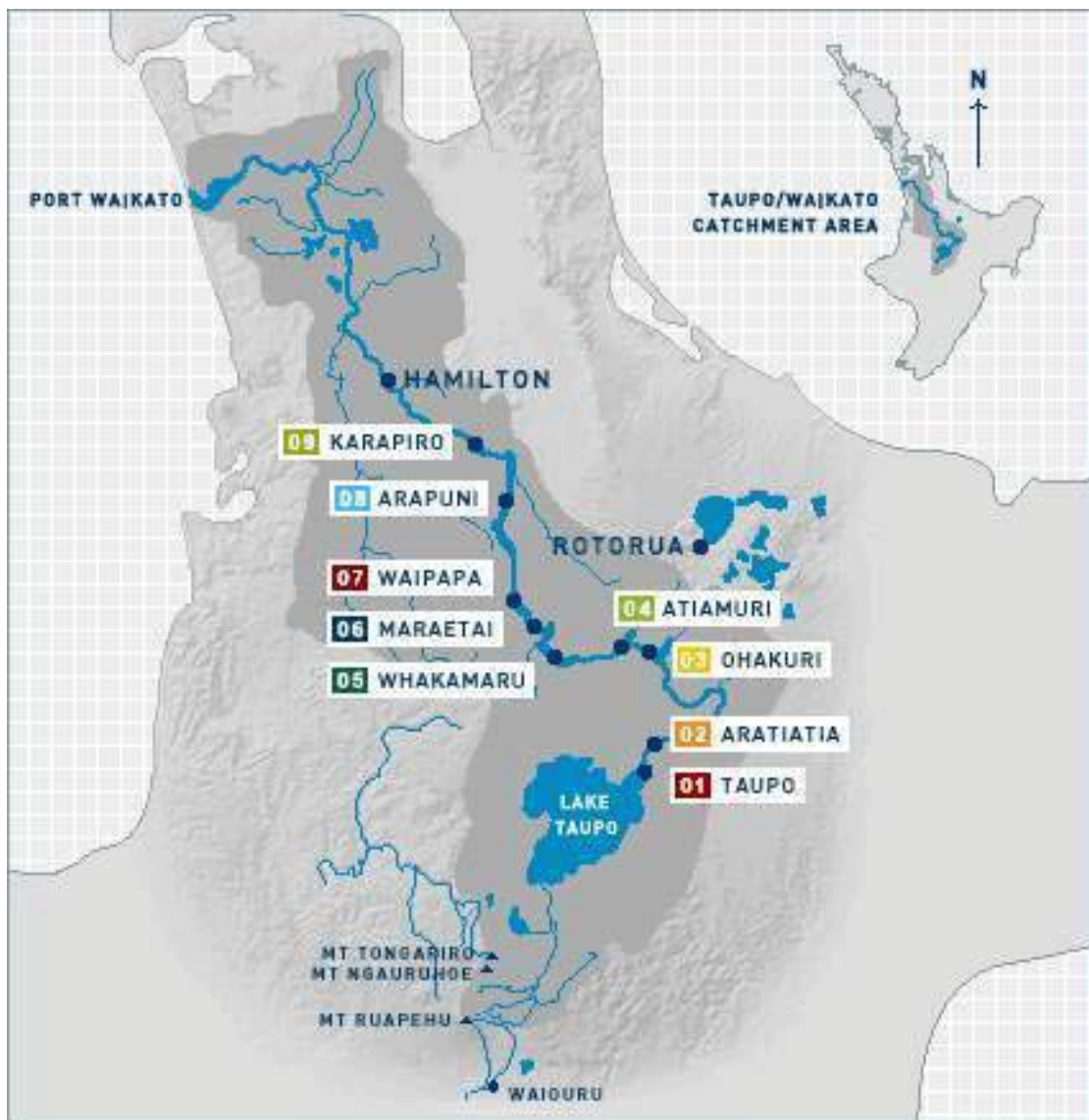
Map 4

For MRP, the smallest of the three companies, the identity that was created was one which reflected an earnest, efficient and forward-thinking disposition. MRP's meta-symbol and

trade name was created in 1999 by marketing professional Mike Knowles. Handelman and Shamgar-Handelman cogently argue that when people use symbols (or motifs) it is crucial for the symbol to be unique to the people being represented and grouped together. In other words, the symbol should not be used by any other group of people (1990:219). The meta-symbol created for MRP is an abstract image of river water which is coloured blue and green.

Figure 2

The words are written in capital letters using a contemporary font. Certainly, the name 'Mighty River Power' is unique as, prior to the establishment of the company, the word 'mighty' was not commonly used in association with the Waikato River and, nor was it a term commonly used by New Zealanders outside of a religious discourse. In tracking the word 'mighty' to describe rivers, I suggest the term has been borrowed from American use where rivers such as the Mississippi and Niagara are referred to as 'mighty' (see Keating 1971, Jackson, Burtniak and Stein 2003). Relating ideas by Hobsbawm to this discussion, I suggest that the meta-symbol was created to demonstrate the company's authority and connection to the river and its waters (Hobsbawm 1983:9). The meta-symbol is printed on all MRP public documents and is clearly visible on the company's power stations, dams, lakes and office buildings.

But does the conspicuous use of a symbol guarantee public acceptance or legitimacy? In Shore's study of the European Union he demonstrated that obtaining cultural legitimacy is a very slow and difficult process that typically involves heavy marketing input and public awareness campaigns targeting particular groups, in short, a whole armoury of techniques and mass communication (Shore 2000:64). This process was witnessed when I was employed at ECNZ where new company board members and managers (for the unnamed company of MRP) made a huge effort to perfect an identity that would fuse the company to the river. MRP's identity has been very effective in distinguishing it from other corporate stakeholders on the river and in particular, from its electricity generating rival, Genesis Power. Genesis

Power, is a thermal electricity generator, has not incorporated any water features into its identity. This is perhaps no surprise seeing as the company generates thermal power from a number of regions throughout the country and has just one power station on the Waikato River.

Alienating the River's Waters from other Stakeholders

MRP's focus is on the economically important parts of the river; the water rather than its banks and bed. The process of commodifying water divorces it from the wider conception of the river as well as from other groups of people with interests in the river.

Photo 10. Karapiro Dam commodifying Waikato River water

At its heart, commodification of the river separates the water component from its wider context. This is at odds with a Maori worldview which sees rivers including their waters, banks and bed as a holistic entity (Marsden 2003 [1992]:31-34, Smith 1999:74). The process of commodification has been examined by a number of anthropologists. For Strang, who reported on the commodification of water in the River Stour, 'each new process, each layer of complexity, each investment of labour and knowledge, has transformed (water) from 'raw' or 'natural' substance into a product' (2004:36). Appadurai's edited contribution is another important work on the theme of commodification. The compilation of essays which focuses

on specialised goods and luxury items is helpful for understanding the commodification of water (Appadurai 1986:6). According to Kopytoff, the process of commodifying something involves a succession of phases (1986:65). He demonstrated this in a work which theorised how people are turned into slave commodities. In Kopytoff's words:

> Slavery begins with capture or sale, when the individual is stripped of his previous social identity and becomes a non person, indeed an object and an actual or potential commodity. But the process continues. The slave is acquired by a person or group and is reinserted into the host group, within which he is resocialized and rehumanized by being given a new social identity (Kopytoff 1986:65).

Therefore, slaves are only commodities between the time they are captured and sold. Kopytoff's discussion of 'slaves as commodities' has relevance for analysing the processes, through which, the Waikato River is turned into a commodity. When Strang explored the commodification and privatisation of water, she found that 'just as pricing reduces and commodifies 'nature', the material culture of metering imposes human agency onto water emphasising its re-creation as a product, manufactured by the water industry' (2004:228). For water to be commodified, it is necessary to physically and conceptually separate it from its river context and then create instruments for measuring and pricing it. These processes of confining water and treating it as a commodity are not unique to water utilities, because controlling water is also crucial to the production of electricity, as in the case of the Waikato River.

MRP captures waters using control gates at Lake Taupo and a series of dams positioned along the river. River waters held behind the dams are lakes. These volumes of water are contained at different points on the river. Water held in lake storage systems are monitored and controlled by MRP dispatchers who work in the trading room at MRP's generation office in Hamilton (Titchall 2008:12-13). In terms of Kopytoff's theory, river water is only a commodity from the time it is held in lake storage to the time it flows through the company's electricity generating turbines. It is not possible to commodify river water without the dam structures which capture the water. A good way to elucidate the social impact of MRP's containment of Waikato River water is with this ethnographic vignette from my fieldwork.

When Te Arikinui Te Atairangikaahu died in August 2006 it was decided that she should be carried to the tribe's burial ground at Taupiri Mountain by *waka taua* (large ceremonial canoe). After her son, Tuheitia, was declared the new leader of the Kingitanga, Te Arikinui Te Atairangaikaahu, who had been lying in state at Turangawaewae Marae, was transported

down the Waikato River. For the occasion the ceremonial canoe *Tumanako* was decorated with mourning greenery. In command of the canoe procession on the river was the Captain of *Tumanako*, Whatihua Herangi. Carlson Wirihana, who is the Captain of *Rangatahi,* another canoe in the tribe's fleet, explained that they had to ask MRP to release extra water in order to properly carry out the *waka taua* performance on the river, he said:

> *The weather forecast looks good, someone's been in touch with the ones at Taupo* [Mighty River Power] *who control the water. We have to make sure we have enough water for the waka and the barge. They usually give us some water. I remember one regatta[98] we didn't ask for any and the river was low. The barge was sitting on sand, oh hang it looked terrible, you got to have the water eh to make the waka look right. There was a time when we didn't have to ask for water, it was just there* (Interview August 2006).

Photo 11. Tumanako Waka transports Te Arikinui Te Atairangikaahu to Taupiri

Creating water as a commodity has the effect of treating it separately from the rest of the river and, therefore, removing it from its river context. When this happens it is easier to detach water from a past history that includes its relationships with other groups of people. Kopytoff's model helps explain the commodification of water, but this theory in practice does not fit with a Maori worldview. This is because commodification conceptually separates things. In contrast, a Maori worldview is always seeking to connect one thing to another, in particular to connect people, lands and resources to *Papatuanuku* (Mother-earth), which is understood to be a living entity (Smith 1999:74, Walker 1990:11-14).

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[98] The regatta is a river festival which is held on the banks of the Waikato River at Turangawaewae Marae on the Saturday nearest to St Patricks Day. Waikato *iwi's* fleet of *waka taua* are show-cased at the regatta.

Techno-Managerial Language and the Appropriation of Rivers

The previous section explored how water in the Waikato was commodified through the dam structures. I now turn to analyse how the process of commodification is enacted through language. It is often noted that language plays a critical role in shaping how people distinguish and understand the world. An important mechanism to facilitate the commodification, privatisation and re-conceptualisation of river resources has been the creation of a specialist techno-managerial language to describe rivers and people with interests in them.

This techno-managerial discourse or variations of it are used by commercial groups throughout the world to differentiate modern-day subjects of power. For Shore and Wright, those people who have the capacity to define and organise others often use dominant discourses which prescribe the terms of reference and either disallow or marginalise alternatives (1997:18). Adrian Tanner illustrated this idea in his explanation of the Cree Indian opposition to the building of the James Bay hydro-electric developments in Northern Quebec. For Tanner 'few if any members of the public (Cree or otherwise) could be expected to follow Hydro Quebec's reasoning and explanation of their electricity development' (1999:124). According to Tanner, Hydro Quebec, a large hydro-electricity generator, and other government agencies 'chose to hide behind Western bureaucratic processes and scientific jargon when describing the environmental impacts of electricity generation in the James Bay region'. To separate water from its river context special words are used to describe and re-define water. For instance, MRP uses the term 'sustainable resource' when referring to the economically important parts of the river, which, in this case are the waters and their potential. According to Nietschmann:

> Water space is made familiar by naming and giving meaning to physical and biotic aspects. Places used are places named. People conceptually produce the environment they use, delimit and defend (1989:60).

The word stakeholder discussed above is also very much a part of the techno-managerial discourse. An analysis of the word stakeholder in MRP reports reveals that stakeholder dialogue dominated their reports produced in 2001. In MRP's *Interim Report 2001*, the word stakeholder was written 22 times. Additionally, MRP's *Sustainability Report 2001* had two pages dedicated to defining the term stakeholder. The company defines stakeholders as:

> [A]ny identifiable group or individual who can affect the achievement of an organisation's objectives or is affected by the achievement of the organisation's objective.

It uses comparisons with North America and Europe to legitimise this tactical re-labelling of people:

> Over the past decade or so, and more obviously in the economies of North America and Europe than in New Zealand, there has been a distinct shift in business as it addresses challenging governance and other issues arising out of the effective exercise of significant new powers held by stakeholder groups.

It also evokes community interests as being served by stakeholder engagement:

> As society's values are moving continuously, businesses that do not have a real degree of engagement with stakeholders run the risk of supporting business values and activities that are no longer aligned with those of the community. As society's standards shift, so must those of business.

It then goes on to speak about the virtues of trust and accountability in the stakeholder model:

> Stakeholder dialogue is, however, about more than just identifying parts of the business that impact on the broader community and then reporting on these. Stakeholder dialogue is also an opportunity to build trust and company reputation, to provide information for stakeholder groups, to develop meaningful business performance indicators and to gather and then use information about community and public perceptions of the business. As John Elkington notes in *Cannibals with Forks,* the degree of trust between a corporation and its external stakeholders is likely to be a key factor determining its long-term sustainability.

And finally, the stakeholder model is mobilised to support the idea of consultation listening and expertise:

> Mighty River Power is already consulting with its stakeholders. Our resource consents application to continue our operational activities on the Waikato River and at Lake Taupo includes a large number of meetings and opportunities for interested groups and individuals to obtain extensive scientific information from us. After the consents process, we will continue to talk with them, to listen to what is said to us, and to explore how we can better work on important shared issues (MRP 2001b:20-21).

MRP's *Interim Report 2001* identifies the 'official' *iwi* stakeholders of the Waikato River to be Ngati Tuwharetoa, Ngati Tahu-Ngati Whaoa, Ngati Raukawa and Waikato-Tainui (MRP 2001a:3). There are other tribal groups that are not mentioned and who are therefore excluded. While the report names the individual *iwi* groups, the *iwi* stakeholders are depicted as a homogenous Maori group. For the tribal groups who have their own sets of interests in the parts of the river that they occupy this representation is disempowering.

The word stakeholder is, however, used considerably less frequently in the reports published after 2001. In the *Annual Report 2002*, the word was written only twice and in the *Annual*

Report 2003 it was written four times. A possible conclusion that can be drawn from MRP's retreat from stakeholder dialogue in 2002 and 2003 is that the company felt it had done a very good job of institutionalising its stakeholder commentary in 2001. The term had done the work that was required of it, namely redefining categories of people in relation to water resources. Furthermore, it is necessary to appreciate that, while meeting certain statutory requirements, Interim, Annual and Sustainability reports function as important marketing devices that report back on a wide variety of business dialogues. The key theme highlighted in the *Annual Report 2002* was not stakeholders but the MRP 'community'. This report demonstrated that many groups with interests in the Waikato River (including fly-fishers, duck shooters, farmers, environmentalists, people living in the hydro villages and Maori) belong to a diverse MRP community. This was followed by *The Annual Report 2003* which focussed on the expertise and professionalism of MRP employees and MRP's engagement in their resource consents process. The final report that I analysed was from 2004 where the emphasis was on the company's commitment to sourcing future energy supplies for New Zealanders.

The techno-managerial language for the Waikato River is derived from the internationally-used discourses of 'audit', 'business', 'environmentalism', 'science' and ''Third Way' politics'. By discourse I mean distinct 'fields of language and meaning' that groups use to claim a special knowledge of, or rights in something. Given that the concept of discourse has multiple meanings it is useful to distinguish how it applies in this context.

Discourse: Definitions and Meanings

The word 'discourse' is originally derived from the Latin term *discurrere* which means 'communication that runs back and forth'. This meaning is now greatly extended and includes an array of definitions from various theoretical and disciplinary perspectives. According to anthropologist Lamont Lindstrom:

> Anthropological discourse about 'discourse' expanded markedly in volume beginning in the 1970s. The term entered the discipline from two directions: it is part of the language of both descriptive linguistics and cultural studies (2002:162).

In linguistics, discourse refers to the utterances and texts of 'spoken and written language'. This includes the communication between a speaker and an addressee and between a writer and a reader (Fairclough 1992:3). Linguists examine the structural elements of 'discursive flow' and are interested in how speakers and writers introduce and control topics through

various techniques such as interruption, discursive interaction, and markers that define and separate units within discourse (Lindstrom 2002:162). Anthropologists, however, are more interested in what discourse structuring reveals about culture. Howarth recognises the heterogeneity of discourse and points out that while for some scholars discourse is:

> [A] very narrow enterprise that concentrates on a single utterance, or at most a conversation between two people. Others see discourse as synonymous with the entire social system, in which discourse literally constitutes the social and political world (2000:2).

Howarth's approach to discourse merges together three understandings: firstly, that discourse is the act of talking or writing itself; secondly, that it is a body of knowledge; and thirdly, that it is the conditions and procedures that regulate how people communicate and use knowledge. In practice, discourses are 'fields of meaning' which are shaped by language and social practices. However, the 'fields of meaning', in turn, shape social relationships and institutions. When Phillips and Jorgensen examined the role of discourse in fashioning people's social reality they concluded that language:

> Is not merely a channel through which information about underlying mental states and behaviour or facts about the world are communicated. On the contrary, language is a 'machine' that generates, and as a result constitutes, the social world. This also extends to the constitution of social identities and social relations. It means that *changes* in discourse are a means by which the social world is changed. Struggles at the discursive level take part in changing, as well as in reproducing, the social reality (2002:9).

The French philosopher Michel Foucault has contributed largely to anthropology's dialogue of discourse. While Foucault's early works conceived discourse as autonomous rule-governed practices, his later works presented discourses as sites of knowledge and power that produce modern subjects and objects of governance. When Barron, Bruce and Nunan (2002) critiqued Foucault's later works their study examined the relationship between knowledge and discourse. They concluded that knowledge and discourse should not be perceived differently because:

> Knowledge operates in a particular configuration of time, in a particular time-space and discourse is the force field of tactics and strategies which realise this knowledge (2002:2).

Foucault proposed that particular discourses (or knowledge areas) are used by institutions and that the association of a discourse with a particular institution legitimates the discourse (or knowledge) and the institution (1991 [1978]:54). The techno-managerial language used in MRP Reports discussed above, creates new meaning and rights for the Waikato River. Broadly speaking, my analysis identifies three main types of discourse that MRP draws on to

construct its techno-managerial language. These are: 1) financial discourse which includes audit and business; 2) environmental discourse which mobilises the legitimating power of science; and 3) a 'Third Way' politics discourse which plays on the themes of inclusion and participation. The financial discourse of the reports includes the words:

> 'accountability', 'efficiency', 'competitors', 'growth enhancement', 'monitoring', 'natural capitalism', 'partnership', 'performance', 'reporting', 'risk-reduction', 'Single Bottom Line' and 'transparency'.

These are standard words used in the vocabulary of 'New Public management'. By contrast the environmental discourse includes words such as:

> 'algal growth', 'aquatic biota', 'aquatic habitat', 'bacterial contamination', 'bacteria runoff', 'bio-filter', 'conservation easement', 'eco-efficient' and 'ecological enhancement'.

The environmental discourse also use terms such as:

> 'emergency-preparedness planning', 'environmental-footpath', 'environmental-impacts', 'environmental-integrity', 'enviro-mark standard', 'flow-patterns', 'green-branding', 'modified environment', 'natural assets', 'natural energy' and 'wet weather flow management'.

In using the vocabulary MRP demonstrates its concern for conservation and ecosystems, and its grasp of science. The words above may be compared with those from the 'Third Way' politics discourse which speaks of:

> 'community bases', 'empowerment', 'public interest', 'public resources', 'river partners', 'shared obligations', 'shared responsibility', 'shareholder-value', 'stakeholder-dialogue', 'stakeholder-rating', 'stakeholder-trust' and 'stewardship'.

The theme in this discourse is about community participation, partnership and responsibility. All of the words appear in MRP reports published between 2000 and 2004.

However, discourses are seldom fixed or static. Individuals and institutions constantly rework and transform the terminology that underpins any particular discourse. People add new utterances to a discourse making some less important and dropping others altogether. There is a hierarchy of knowledge, and in Western societies, scientific knowledge is prioritised. To illustrate this, Foucault poses the following:

> What types of knowledge are you trying to disqualify when you say that you are a science? What speaking subject, what discursive subject, what subject of experience and knowledge are you trying to minorize when you begin to say: 'I speak this discourse, I am speaking a scientific discourse, and I am a scientist'. What theoretico-political vanguard are you trying to put on the throne in order to detach it from all the massive, circulating,

and discontinuous forms that knowledge can take (2004 [1997]:10).

Woolard and Schieffelin propose that some language is designed to be used only as an 'interactional resource' i.e. a language transmitted in written, but not spoken, form. Such language is typical of those created in European institutions (1994:64). This might also be said of the language of MRP reports. By contrast, Maori and other indigenous languages cannot easily be classified as interactional resource language because for the most part they are transmitted orally. When I asked MRP's Chief Executive Officer, Doug Heffernan, what he thought about MRP's role in creating a techno-managerial language for the Waikato River and what the consequences of the language were for Maori he said:

> *Actually, I hadn't thought of the language we use as having an effect on Maori or any other stakeholders, it could be so, I don't think it is intentional* (Interview May 2004).

Photo 12. MRP's Chief Executive Officer, Doug Heffernan

While he was probably referring to MRP's conscious use of language, the unconscious way that people use language must also be investigated. Woolard and Schieffelin argue that people use and create language not only to identify with groups of people and particular sets of social circumstances but also to create boundaries and clear distinctions between groups of people (1994:55). They also maintain that language varieties which are regularly associated with particular speakers are often revalorised, not just as symbols of group identity, but as emblems of political allegiance and of social, intellectual, and moral worth (1994:61).

While language serves to construct identities these are not necessarily static, as Kawharu reminds us 'language like culture is always evolving to dynamically meet present circumstances' (2000:350). Thus, a person's social context usually determines the type of language that they use. While Maori administrators and managers (like Tim Manukau of the WRLT who was referred to earlier in this chapter) use techno-managerial language to carry out their work, Cohen argues that people from local communities have agency and deal with the introduction of new language and knowledge in a number of ways. They may:

> [E]ither capitulate, and discard and even, perhaps repugn their traditional knowledge; or they may make a syncretic accommodation between local and extraneous knowledge; or they may subtly subvert the extraneous. They usually state that the expert knowledge is bogus. They do not claim the expert knowledge for themselves (Cohen 1993:32).

An example of the agency that Maori have in relation to MRP language and knowledge is illustrated in a comment by Tinirau Barlow of Turangawaewae Marae, who took issue with MRP's signage of historic sites and places along the Waikato River which incorporated the company's name and logo, she said:

> *Who are they [MRP], they're new on the block. They've only been here five minutes and they're stamping their name all over the place. We know the river, we don't need them to educate us about the Waikato River* (Field notes January 2005).

Tinirau Barlow's rejection of MRP signage is one way in which Maori may uphold a particular cultural landscape for the river. To further my examination of Maori agency in relation to MRP I will now analyse the implications of Memorandums of Partnership (MOP) and Memorandums of Understanding (MOU). In the last decade Maori have again been re-territorialised[99] around the Waikato River, however, this time the re-territorialisation is better understood in metaphorical terms as local Maori have not been physically separated from the river by forced land sales and industrial development. Rather, their relationship with the river has been transformed by various business agreements and policies that treat the river as an economic and strategic resource.

The Memorandum of Partnership: A Modern Symbol of Power

After Robert Mahuta's death in 2001, newly elected Waikato-Tainui tribal executives took control of the tribe's political discourse. The new Waikato-Tainui representatives were keen to forge a business relationship with MRP officials as they believed such a relationship would

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[99] For Inda and Rosaldo re-territorialisation refers to the process of 're-inscribing culture in new time and space contexts, (and) of re-localizing it in specific cultural environments' (2004:12).

118

not only legitimate their standing in the New Zealand business arena, but also within the tribe. In 2003, representatives from the Waikato-Tainui's tribal executive and the WRTC, who were acting in the capacity of the *iwi* authority of Waikato-Tainui, signed a MOP with MRP.[100] In 2002, Ngati Tahu-Ngati Whaoa's *iwi* authority also signed one as did Ngati Raukawa in 2003. In 2004, Ngati Tuwharetoa's *iwi* authority agreed to a five year strategic business plan with MRP. These agreements express a convergence of intent between the parties and indicate an intended common line of action. They are most often used in cases where the parties do not intend to create a legal commitment. In general, the MOPs and MOUs referred to above organise the power relations of, and between, tribal members and MRP. Tribal representatives with the authority to construct and sign the agreements are in positions of power. This power is further enhanced by the fact that the information in the agreements is confidential.

What is intriguing about these types of agreements is that, while they are widely publicised at the time of their signing, their actual detail is kept private.[101] Evidence of their confidentiality is illustrated in Section 6 of the Waikato-Tainui and Mighty River Power Memorandum of Partnership 2003 which follows.

> 6. CONFIDENTIALITY
> 6.1 This agreement is confidential to Waikato-Tainui and Mighty River Power. While the parties shall be free to disclose the existence, principles and objectives of the agreement in a public forum, specific details of the terms of this Deed of Memorandum of Partnership and of such other matters as the parties agree, shall be confidential to them and shall not be disclosed to any other person without the prior agreement of both parties.

The confidentiality clause in this MOP is perplexing given that the document defines the 'Waikato Raupatu Trust Company Limited [as] acting in the capacity of Waikato-Tainui'. Earlier in this study Cheater and Hopa critiqued the name Waikato-Tainui and explained that it was the name selected by Robert Mahuta and other tribal officials to mean Waikato tribal members (Cheater and Hopa 1997:211-12). For anthropologist, Jon Altman, MOUs between indigenous groups and large companies are often of no value to indigenous groups as he asked rhetorically:

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[100] The two main representatives were Kingi Porima (The Chairperson of Waikato-Tainui's tribal executive) and Hemi Rau (The CEO of the WRLT).
[101] See for example, NZPA 'Tainui and Mighty River Power agree on river care' *The New Zealand Herald* (8 July, 2003); NZPA 'Generator and tribe sign deal' *The New Zealand Herald* (9 July, 2003); 'Key parties create Waikato River partnership' Mighty River Power News (8 July, 2003)

Why would anybody want to sign an agreement with a powerful group if (a) the agreement was not legally binding and (b) it was confidential? (Field notes Altman 2008).

As the agreement is a private document that is not legally binding I suggest its purpose is to act as a 'symbol' to signify the new business relationship between the Waikato Raupatu Trust Company and MRP. As Cohen notes:

> Much of what symbols 'mean' or express may be beyond or behind consciousness; much of what they 'mean' may not be expressed explicitly at all: it may be secreted away, 'private' (Firth, 1973), 'tacit' (Sperber, 1973), 'implicit' (Douglas, 1975) or 'unconscious' (Needham, 1980), either because these meanings are so inchoate as to be inexpressible, or because their value depends upon their being left unstated. (Cohen 1987:12)

In the case of Waikato-Tainui and MRP, the 'official' reason given for the agreement was to outline the ways in which the two parties would work together to preserve and enhance the Waikato River. Waikato-Tainui and MRP issued a press release explaining:

> 8 JULY 2003
> Key Parties Create Waikato River Partnership Press Release
>
> Waikato-Tainui and Mighty River Power, two of the largest stakeholders in the welfare of the Waikato River, have signed a partnership agreement outlining how they will work together to contribute to the future wellbeing of the river. Waikato-Tainui regard the Waikato as their ancestral river while most of Mighty River Power's current electricity generation comes from the eight dams and nine stations along the Waikato. Last night the two organisations signed an agreement outlining the way they would work together to ensure the preservation and enhancement of the river and its surrounds for future generations. [See Appendix 10 for the entire version of the press release].

This press release is the only record that I have been able to find where Waikato-Tainui officials publicly acknowledge that they are 'stakeholders' in the Waikato River. However, it is worth noting that, prior to the MOP that was signed off by the new Chairperson of Waikato-Tainui's tribal executive, Kingi Porima, all other public Waikato-Tainui tribal documents for the Waikato River had been formulated and authorised by Robert Mahuta. As a tribal leader who was a scholar in linguistics, he was well aware of the power of language and discourse. Therefore, he is likely to have kept away from words and terms that threatened Waikato-Tainui and the Kingitanga's political positions with the river. Significantly, official documents produced during Robert Mahuta's era only ever referred to Waikato Maori as *tangata whenua* and *kaitiaki* of the Waikato River. For instance, the word *kaitiaki* was used in association with Waikato-Tainui Maori when the tribe's relationship to

the Waikato River was defined in *Environment Waikato Policy (1999)*. This was expressed as follows:

> 2 MATTERS OF SIGNIFICANCE TO MAORI
> 2.2 Iwi in the Waikato Region
> 2.2.3 Waikato-Tainui
>
> Waikato-Tainui are currently represented by the Tainui Maori Trust Board. They have never objected to sharing the waterways or its fisheries and its use for recreation. However, it offends Waikato-Tainui to see the waters of the Waikato River and other waterways being depleted and polluted by users. Waikato-Tainui therefore object to the abuse of the River and other waters. The principle concern of Waikato-Tainui as Kaitiaki, is management, restoration and protection of the environment for future generations.

Having examined how Waikato River Maori were reclassed as stakeholders and *iwi* stakeholders by MRP and tribal representatives who wanted to construct business relations with MRP, I will now investigate a second major discursive shift. This occurred when, on signing their Deed of Settlement in relation to the Waikato River in August 2008, Waikato-Tainui members were reclassified as 'Guardians' of the Waikato River. 'Guardians' was the name agreed to by selected Waikato-Tainui tribal officials (namely Tukoroirangi Morgan and Raiha Mahuta) and Crown representatives.

Guardians of the River: Towards a New Waikato-Tainui and Crown Discourse

In a television interview, Tukoroirangi Morgan, the co-negotiator of Waikato-Tainui's river claim, declared:

> For a long time we have been a spectator to the activities that have been run on the river, we've had no say. Today is an opportunity to entrench a gateway that allows Tainui to participate in a significant way in activities on the river (One News 26 May 2007)

Additionally, a statement released by the government on the same day announced that the Waikato River Draft Agreement in Principle March 2007 between Waikato-Tainui and the Crown would:

> [E]stablish a new management structure for the river, creating 'Guardians of the Waikato River' to be responsible for a vision and strategy for the river, which would be made up of Waikato-Tainui, other iwi, the Crown, and Environment Waikato.

This new 'Guardians of the Waikato River' framework reflects the government's attempt to address the social, cultural and economic injustices of alienating Maori from the Waikato River and its surrounding lands. The novelty of this approach lies in the creation of a 'co-management' structure for the Waikato River involving representatives from Waikato-Tainui,

other river *iwi*, and the Crown.[102] The declared aim is to provide a shared 'vision of protection and care that will represent all interests' in the river (2007:11-12). Instead of Maori being '*iwi* stakeholders' (as the MRP reports define them), the Waikato River Agreement in Principle December 2007 classified them as 'Guardians'. Under the heading 'Guardians Establishment Committee' (GEC) the agreement alleged that a new Guardians model for co-management would consist of:

> a) four members appointed by Waikato-Tainui to represent the interests of Waikato-Tainui;
>
> b) one member each appointed by Ngaati Tuuwharetoa, Te Arawa, Raukawa, and Ngaati Maniapoto to represent their interests as Waikato River iwi;
>
> c) up to seven members appointed by Ministers of the Crown to represent the interests of all New Zealanders in the Waikato River; and
>
> d) one member to represent the regional community interest, appointed by Ministers of the Crown after receipt of a nomination from Environment Waikato (Waikato River Agreement in Principle December 2007:12).

The overall composition would thus be eight Maori and eight Crown representatives. This is already discussed in the introduction of this thesis. However, the number of appointees on the GEC has been reduced from 16 members to 10 (Te Aho 2009:17). The current GEC is comprised of one Waikato-Tainui appointee, four other river *iwi* appointees and five Crown appointees. According to Linda Te Aho:

> The GEC is a forerunner to a permanent body [of Guardians] who will be appointed in time and whose scope will apply to the Waikato River and activities in the catchments affecting the Waikato River…. The name and makeup of the permanent guardians is still subject to negotiation but will involve members appointed by Waikato-Tainui and other river iwi, and an equal number of members of members appointed by the Crown, one of whom will be nominated by the regional authority, Environment Waikato (Te Aho 2009:17).

I note that the GEC assembly did not include representatives from all Maori groups with interests in the river or the other 'river stakeholders'.[103] The effect is a bi-partite division of 'GEC appointees' that divides them into two camps: Maori and Crown, which no doubt resonates with New Zealand's official policy of bi-culturalism (O'Sullivan 2007).

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[102] See Lansing (1991) and Strang (1997, 2001) for parallel ethnographic works on co-managing water.
[103] The Federated Farmers wanted to be included in the Guardians co-management structure but have been excluded. See the Summary Report of *Summary of Issues on the Draft Agreement in Principle Waikato River Claim August 2007* page 8.

What is the meaning of this word 'Guardian' that both parties agreed to? The term 'guardian' generally refers to a 'defender, protector, or keeper and a person who looks after and is legally responsible for someone who is unable to manage their own affairs' (Oxford English Dictionary 1999:631). An equivalent Maori term is *kaitiaki* (Ngata 1993:212 – see also Minhinnick 1989:1-2, Kawharu 2000, Marsden 2003 [1992], Matiu and Mutu 2003:166-168). According to Kawharu, the interpretation of the term is 'perhaps a response to the Crown's need to understand more fully what *kaitiakitanga* [or guardianship] means in terms intelligible to the Crown' (2000:349). Yet, Kawharu is aware that a problem has developed in the translation of *kaitiaki*[*tanga*] to guardian[ship] where *kaitiaki*[*tanga*] has 'become locked into meaning simply guardian[ship] without embracing the wider obligations, rights and spiritual dimension that the word *kaitiaki* entails' (Kawharu 2000:349). To recognise that the Maori understanding of *kaitiaki* includes a 'spiritual dimension' is important. However, as Tambiah (1990: 92) warns us, we should be wary of describing indigenous peoples in terms of their 'mystical beliefs' (see Marsden 2003[1992], Royal 2002:27) while much of their practical behaviour in everyday life is overlooked, or of describing Europeans in terms of their supposed scientific rational-logical thought.

Taniwha: The Original Guardians of the Waikato River?

While 'Guardian' has become a new label in the Crown-*Iwi* settlements process, it is not a particularly new idea for Waikato River Maori. The term *taniwha* (water denizen) has long been used as a synonym for *kaitiaki* and guardians of the river.[104] *Taniwha* are water creatures that live in lakes, rivers and oceans. When Tilley examined metaphors he described how the meaning of a word could be transferred to another word belonging to the same shared category of meaning (1999:5). The significance of a Waikato River *taniwha* named *Tuheitia* is described by historian Margaret Orbell.[105] Her account of the Waikato ancestor, Wiremu Te Wheoro, oral tradition is as follows:

> In the sixteenth century, Tuheitia was a leading chief in the lands to the south of the Waikato River. Tuheitia was an avid fisherman who often went fishing with his brother-in-law Tahinga. On one fishing expedition, Tuheitia caught many fish and Tahinga caught none. Angered by Tuheitia's catch, Tahinga drowned Tuheitia. When Tahinga returned to shore he sent word to his sister Te Ata that he and Tuheitia had returned. When

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[104] See also Dansey's article titled 'Waikato's dragons would approve activities of Maori group'. Dansey describes the analogous nature of *taniwha* and Waikato Maori in relation to the Waikato River *Auckland Star* (2 December 1961).

[105] Another version of this story recorded by Leslie Kelly explains that it was the chief, Kokako, who plotted Tuheitia's death and not Tahinga (Kelly 2000 [1949]:90). Tuheitia is also the name of the current Kingitanga leader.

Tuheitia did not arrive home in the evening Te Ata became very upset and went looking for her husband at the beach. As she gazed out to sea, she saw Tuheitia's tattooed arm thrust up through the ocean. This sign signified that he had become a *taniwha*.

Waikato Maori claim that Tuheitia now lives in the Waipa River. This is a river which joins the Waikato River at Ngaruawahia. Just before the British were about to invade the Waikato, many Maori saw Tuheitia swimming in the Waipa River. The presence of the *taniwha* signalled that something terrible was about to happen (Orbell 1995:224).

Oral accounts like this not only describe *taniwha* but also define what the concept of *kaitiaki* means and its English equivalent. *Taniwha* with their full faced head and serpentine body are carved onto the main gates and painted on many front-of-house structures at Turangawaeawae Marae (see Photo 1 on page 1). The *taniwha* image has also been used on Waikato tribal badges, blazers and T-shirts and is the key symbol for Turangawaewae Marae's Annual River Regatta. This recalls, albeit in a different context, similar processes of identity-formation and emblem-creation described by Handelman and Shamgar-Handelman in Israel. As they note, such emblems encode:

> co-ordinates of time and space, historicity and place. In its visual composition the emblem construes the capacity to expand diachronically into a vision of the living of history, and living history, in a particular place (1990:195).

Their observation corresponds with the *taniwha* symbol which simultaneously denotes 'chief', '*kaitiaki*' and 'guardian' to Maori throughout New Zealand. While the *taniwha* symbol may seem unfashionable when compared with more recent Waikato-Tainui symbols,[106] the strength of this particular symbol lies in its wide recognition and associations with the past. Because *taniwha* are one of Waikato *iwi* and the Kingitanga's oldest symbols, they are considered to be 'authentic' and therefore immutable. However, the power of symbols also resides in their ability to reflect ambiguity as well as authority, authenticity and status (Hobsbawm and Ranger 1983).

Hobsbawm and Ranger's classic study of 'invented tradition' illustrates how rituals and symbols are often manipulated for overtly political ends. In a similar vein, the symbolism of *taniwha*, chiefs, *kaitiaki* and guardians are also manipulated by core members of the Kingitanga to denote Waikato *iwi* and the Kingitanga's authority in relation to the river.

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[106] See the Te Hookioi Waikato-Tainui Publication Issue 29 June 2009 on page 25 where a 'revamped Waikato-Tainui logo' is introduced. It is explained that a new Waikato-Tainui logo 'has been officially unveiled, launching the tribe's new-look branding and replacing the original Tainui logo'.

Indeed, many people perceived Robert Mahuta as a great *taniwha* when he was alive as he was not only a well known chief but also a self-professed *kaitiaki* of the river.[107]

In the process by which a new discourse is formulated certain 'key words undergo shifts in meaning' (Shore and Wright 1997:12) to create new semantic clusters which are, in turn, the building blocks for that new discourse. For Waitako-Tainui's new settlement agreement with the Crown, an example of this might include the words '*mana whakahaere'* (authority, rights of control)*, 'awa tupuna'* (ancestor river and ancestral river)*, 'te mana o te awa'* (the spiritual authority, protective power and prestige of the river) – all of which draw on the ideas of guardianship and responsibility (see the Waikato Raupatu River Settlement Information Package August 2008). The word 'guardian' has shifted from being associated with the 'welfare of human beings who are unable to care for themselves' to being 'the name for an elite group of representatives who have been selected to protect the Waikato River'. As 'guardian' is not a term used in early MRP reports, I suggest that it is not part of the company's techno-managerial language for the river. However, 'guardian' is a key word of the new Waikato-Tainui and Crown co-management discourse for the river.

Conclusion

Since Robert Mahuta's death in 2001, tribal political structures around the Waikato River have changed considerably. In the past decade, Maori have gone from calling themselves *tangata whenua* and *kaitiaki,* to being re-labeled as stakeholders and *iwi* stakeholders by MRP, to now referring to themselves as 'Guardians of the Waikato River'. In this chapter I have tried to show how language is implicated in these issues of identity, power and shifting property rights. While the terms stakeholder and *iwi* stakeholder were used by the State and corporate entities with interests in the Waikato River, it was not a term used by Maori. Correspondingly, the terms *tangata whenua* and *kaitiaki,* which are used by Maori, are not publicly used by the State or corporate entities. The terms 'stakeholder' and '*iwi* stakeholder' were used by MRP when Maori were making claims to the Waikato River. Maori, however, preferred to use the terms *tangata whenua* and *kaitiaki* when referring to themselves in relation to their claims.

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[107] See for example Wellwood, Elinore and Nathan, 'It's a win for the river: Tainui blocks ECNZ carve up' *Waikato Times* (1 April, 1999).

Do these shifts in language really matter? Does a change in title alter the legal rights and responsibilities involved? Does the term guardian suggest a new relationship and identity between Maori and the Crown? Shifts in key terms like tribe, *iwi*, stakeholder, *kaitiaki* and guardian reflect the ongoing attempt by State and Maori groups to negotiate property rights and resources. These terms reflect a local manifestation of New Zealand's national story, one which tries to implement specific Treaty of Waitangi bi-cultural principles. A second point I make in this chapter is that shifts in discourse have social and material consequences. The term Guardian, which is used by Waikato-Tainui, actively constructs new social and geographical boundaries for the Waikato River.[108] The term re-defines Maori as 'co-managers' with new rights in the river, but at the same time it prevents Maori from pursuing property rights. It is probable that Waikato-Tainui's current tribal representatives are aware of the implications of introducing techno-managerial language and other interactional discourses into Waikato-Tainui discourse. It is even possible that some tribal representatives use the specialist languages and discourses to further transform the tribe's social structure. As I will argue in the next chapter, one of the main effects of this has been to reduce the status of the Kingitanga Movement and its leaders while boosting the influence of elected tribal executives and Guardian representatives. The net effect of this new discursive shift seems to be the eclipse of the traditionalists who, until fairly recently, were led by powerful leaders such as Te Arikinui Te Atairangikaahu, Robert Mahuta and Tumate Mahuta, and the accentuation of a new partnership between certain elected Waikato-Tainui Te Arataura members and the Crown. However, the new 'Guardian' identity may also alienate many Waikato Maori who have no choice but to be represented by this group of officials whose position and authority derives from the economic and financial potential of the river and their relationship with the Crown.

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[108] For evidence of the term's use see Te Hookioi No 25 April 2008, Te Hookioi No 27 November 2008, WRLT Annual Report 2008, WRLT and WRRT Annual Report 2009.

Chapter Six

RETHINKING BOUNDARIES:
FROM RIVER ANCESTOR TO ANCESTRAL RIVER

> What is needed, then, is more than a ready ear and a deft editorial hand to recapture and orchestrate the voices of 'others': what is needed is a willingness to interrogate, politically and historically, the apparent 'given' of a world in the first place divided into 'ourselves' and 'others'. A first step on this road is to move beyond naturalized conceptions of spatialized 'cultures' and to explore instead the production of difference within common, shared and connected spaces (Gupta and Ferguson 2001 [1997]:45).

The last chapter explored the discursive shifts in the way MRP reclassified Maori along the river as 'stakeholders' and the way in which, more recently, the term 'guardian' has become a mobilising metaphor that lends legitimacy to a new co-management model for the Waikato River. This chapter continues this examination of the ways in which people construct political discourses in the process of claiming important resources (see Bender 1998, Caftanzoglou 2001, Strang 2001 and Mackey 2005 for parallel studies). However, discourses do not exist in a social vacuum and, while they are constructed for political ends, this is usually done to serve the interests of particular groups. In this sense a focus on new and contested discourses around the river is also an analysis of contested social and political groupings that sheds light on some of the tensions and divisions that exist within the different interested parties, as the above quotation from Gupta and Ferguson suggests. Discourse, as an analytical tool, can be used to explain how groups of people define the boundaries of, and their relationship to, the Waikato River. At first sight it may seem that these small linguistic shifts are trivial matters. They are, however, indicative and expressive of much more important struggles for influence, prestige and power.

The arguments developed in this chapter are as follows:

1) A brief ethnographic and sociological analysis is used to illustrate the cleavages, tensions and rivalries between three different leaders, each of whom claim legitimate authority to make decisions for Waikato Maori.

2) Then, I analyse how these different leaders and their supporters advance their claims to authority using discourses and counter discourses.

3) These themes are then further developed using Fredrik Barth's theory of knowledge (2002), presented then in terms of a tripartite model involving the relationship between a) language specialisation, b) institutionalisation and c) knowledge transmission.

The aim of the chapter is to show how shifts in power relations are closely tied up with the changing language and idioms concerning the relationships with the river; that is, the changes between Kingitanga and the river, the Te Arataura and the river, The Waikato Raupatu Lands Trust and the river, *iwi* and the river, and *marae* and the river.

Social Divisions and Leadership Patterns

In the mid 1980s, when Robert Mahuta initiated the Waikato Maori claims process, he adopted the expression of *Tupuna Awa,* which evoked the idea of the Waikato River as the tribe's 'ancestor'. While the term may appear to represent a traditional Maori worldview which resonates with ideas of deep metaphysical and kin-related ties (like those expressed by Marsden 2003 [1992]:31-34, Matiu and Mutu 2003 and Royal 2002), it is likely that Robert Mahuta and other Kingitanga leaders recognised that this articulation of the tribe's relationship was a powerful way of advancing the claims process. Because the fortunes of the Kingitanga were closely tied to the claims process, success in one area would guarantee success in another. In short, *Tupuna Awa* was the key idiom associated with Robert Mahuta and other senior members of the Kingitanga's claim for the Waikato River.

Today, however, the structure of authority relations among Waikato River Maori has changed. Two new groups with claims to authority and *mana* have arisen around the structures of Te Arataura and its Chairperson, Tukoroirangi Morgan, and the Waikato Raupatu Lands Trust and its CEO, Hemi Rau. Inevitably, there is some degree of competition between what would seem as the more traditional representation of Waikato *iwi,* and the more ostensibly modern representatives whose authority derives from Te Kauhanganui, Waikato-Tainui's governing body, which was established in 1999. This division of authority recalls Max Weber's (1949, 1978) classic analysis of rulers falling into one of three ideal-type categories:
1) Traditional leaders who draw legitimacy from custom, practice and heredity;
2) Charismatic leaders who emerge in familial and religious environments; and

3) Legal leaders whose authority is based on expertise and their formal position in relation to bureaucracy, administration and the law.

Each of these ideal-type leaders is accompanied by a 'fundamentally different sociological structure of administrative staff and means of administration' (Whimster 2004:133-145). This classification is useful for understanding the public power struggles in Waikato *iwi* today.[109] Briefly, these tensions and rivalries are between the three main office holders and authority figures of Waikato *iwi*.

The first leader is King Tuheitia who is the head of the Kingitanga and a direct descendant of the first Maori King Potatau Te Wherowhero. He was inducted into this office on 21 August 2006 after the death of his mother Te Arikinui Te Ataitrangikaahu.[110] Beyond Waikato Maori, King Tuheitia is recognised as an *ariki* and paramount chief by other Maori tribes because of his lineage and rank. He therefore corresponds to Weber's ideal of the traditional leader (Whimster 2004:135-138, Jones 1968).

Photo 13. King Tuheitia

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[109] See for example, Tahana, Y 'Tainui fight threatens to end up in court' *The New Zealand Herald* (2 December, 2008); Tahana, Y 'Opponents of Tainui's shake-up short on time' *The New Zealand Herald* (3 December, 2008); Tahana, Y 'Followers want more access to King' *The New Zealand Herald* (22 August 2009); Tahana, Y 'Pressure mounts on Tainui leader' *The New Zealand Herald* (16 December 2009) online at http://www.nzherald.co.nz. Reporter Not Named 'Rau, Pohio must reapply for jobs' *Waikato Times* (2 December, 2008); Akuhata, K 'School-probe duo in charge of Maori king's office' *Waikato Times* (7 November, 2009) online at http://www.waikatotimes.co.nz.
[110] See Chapter Two for a discussion of the selection process for the office.

The office of the Kingitanga was traditionally the most authoritative voice of Waikato Maori, even though Kingitanga heads were not expected to speak for themselves. However, since Robert Mahuta's death, the Kingitanga has lost some of its hold over the decision-making processes of Waikato Maori. The key supporters of the Kingitanga could generally be described as loyalists. King Tuheitia's main supporters are located at Turangawaewae Marae, Waahi Pa, *marae* scattered along the northern-most third of the Waikato River and *marae* in the Kawhia region. Various factors unite these *marae* including a shared history of land confiscation, continuing loyalty to the political and social project of Te Puea Herangi who was an influential leader of the Kingitanga Movement (King 1984 [1977]), and continuing political and economic benefits that derive from Waikato-Tainui's settlement process.[111]

The second leader is Tukoroirangi Morgan who combines elements of Weber's charismatic leadership with institutional and legal authority (Whimster 2004:138-145). Tukoroirangi Morgan is not a member of Waikato's *kahui ariki* but is generally perceived to be an adept politician and Maori orator. Before he became involved in Waikato tribal politics, he was an elected MP of the New Zealand First Party from 1996 to 1999.

Photo 14. Tukoroirangi Morgan

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[111] This includes attendance allowances for *marae* representatives participating in Te Kauhanganui meetings, annual financial grants for *marae* who affiliate to Waikato-Tainui and educational scholarships for tribal members affiliated to Waikato-Tainui *marae*.

Tukoroirangi Morgan represents Te Hoe o Tainui Marae on the Te Kauhanganui and is the Chairperson of the Te Arataura. He held this position for a one year term between August 2003 and September 2004 when the tribal executive was then called the Te Kaumarua, and again from February 2006 to now (at the time of writing, February 2010, he still held this position). The name change from Te Kaumarua to Te Arataura took place in November 2004, after Te Arikinui Te Atairangikaahu, who was unhappy with the way members of the tribal executive were conducting themselves, and many of their decisions, directed that the executive change its name from Te Kaumarua to Te Arataura. While the name, Te Kaumarua, derived from King Tawhiao's nineteenth century Maori parliament where 12 executive representatives were equated, at least symbolically, with Jesus' 12 disciples, Te Arataura may be translated to mean 'the leading strand' i.e. in a plaited rope. The newly named body also reduced the number of tribal executive members from 12 to 11.

As Tukoroirangi Morgan is not a senior lineage member of the Kingitanga, his authority is based on his mandates from the Te Kauhanganui and the Te Arataura. He also draws considerable status and influence from his role as co-negotiator in the Waikato River claim, along with Raiha Mahuta. While he enjoys the support of his own *marae,* he does not have a fixed constituency of permanent supporters, as King Tuheitia does. The alliances he enters into with people tend to be strategic, situational and fluid. Although Tukoroirangi Morgan has gained much influence from his mediating role, he did not have command over the tribe's financial resources until very recently. That signing power resided in the office of the tribe's CEO and legal leader of Waikato Maori, Hemi Rau.

Hemi Rau first entered Waikato tribal politics in 1999 as one of Te Kotahitanga Marae's representative on Te Kauhanganui. He was then elected onto the Te Kaumarua executive, where he held the position of secretary. Like Tukoroirangi Morgan, Hemi Rau served on the Te Kaumarua when Robert Mahuta was still a member.[112] However, since November 2002, he has been appointed by, and is answerable to, the Te Arataura. Although appointed by the tribal executive, he enjoyed considerable autonomy for a long time. Hemi Rau's main support comes from the people he has employed at the WRLT. He most closely corresponds to the ideal legal, rational and bureaucratic ruler identified by Weber i.e. a leader with no

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[112] Though Robert Mahuta's popularity had waned, as Te Atairangikaahu's *kahui ariki* representative on the Te Kaumarua he was recognised as a chief and leader not just a board member.

traditional authority and little charisma but considerable status as a result of their expertise as administrators (Whimster 2004:133-135).

Photo 15. Hemi Rau

There is a long history of failed attempts to oust Hemi Rau from the Te Kaumarua and WRLT which he has successfully defeated through recourse to the courts. In December 2008, when his role as CEO of the WRLT was disestablished by the Te Arataura, *The New Zealand Herald* reported Hemi Rau as saying 'this is a personal vendetta being carried out by some board members who continue to pursue personal agendas in retribution for conflicts I had with them as a former board member'.[113] Though the members of Te Arataura have so far been unsuccessful in their plans to remove Hemi Rau, a recent article by Karla Akuhata in the *Waikato Times* reported that the Te Arataura have shifted some of the tribe's important affairs, such as the running of the Maori King's office, beyond his control. Tukoroirangi Morgan is reported as saying:

> The board [Te Arataura] made a decision sometime ago that the king's office would be set up separately to the tribal offices....that meant Mr Rau has no authority over any of the activities of the king's office. (*The New Zealand Herald* 7 November, 2009).

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[113] See for example, Tahana, Y 'Tainui fight threatens to end up in court' *The New Zealand Herald* (2 December (2008); Tahana, Y 'Opponents of Tainui's shake-up short on time' *The New Zealand Herald* (3 December, 2008); Tahana, Y 'Media leaks cost Tainui staffer job' *The New Zealand Herald* (19 December 2009) online at http://www.nzherald.co.nz.
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Overall, there is a complex power play at work between these three individuals and the offices they hold. The power to sign off on the tribe's finances would seem to be central to the ongoing power struggle. As one observer remarked 'whoever has the King in their deck has the trump card'. This might explain why there have been so many attempts to strip Hemi Rau of his 'cheque-signing' function. It is against this background of personal and political power struggles that the different discourses concerning the Waikato River can be understood. Let us turn to explore the two discourses that they have used to make claims to power and authority in the Waikato River.

River Ancestor versus Ancestral River: Competing Waikato Maori Discourses

Because the terms *Tupuna Awa* and *Awa Tupuna* are comprised of the same Maori words some people assume that the terms have the same meanings, but informants for this study clearly indicate that this is not the case. When I asked a group of Waikato Maori in 2008 if the two terms meant the same thing, Mere Daniels, an elder from Turangawaewae Marae replied:

> *No Tupuna Awa and Awa Tupuna are different. You know, one is about the tupuna [ancestor] and the other one is about the river* (Field notes 2 August 2008).

What do the two terms mean when they are translated into practice and politics? In Maori language, adjectives are typically placed after the noun, emphasising the first word in the term. Definitions of the word '*tupuna*' generally speak of 'grandparents', 'relatives of grandparent's generation' and 'ancestor' (Ngata 1993:14, Williams 1985 [1844]:458) while the word '*awa*' is defined to be a 'river', 'channel' or 'gully' (Ngata 1993:446, Williams 1985 [1844]:23). Thus, *Tupuna Awa* may be translated to mean River Ancestor; and *Te Awa Tupuna* (*Awa Tupuna*) may be translated as Ancestor River. Describing the river as a *Tupuna Awa* or River Ancestor reflects the fact that Waikato Maori view rivers holistically and as an intrinsic part of their culture, politics, economy and identity. Ingold demonstrates that the term ancestor has four meanings: firstly, ordinary humans who lived in the past; secondly, spirit inhabitants of the landscape; thirdly, mythic other-than-human characters; and fourthly, original creator beings (Ingold 2000:140). For Waikato Maori, *Tupuna Awa* can be understood as a blend of Ingold's second, third and fourth categories. *Awa Tupuna* on the other hand fits into his second category only.

The term *Tupuna Awa* is recognised and used by Maori from other *iwi*. For instance in 1994, Archie Taiaroa, the Chairperson of the Whanganui River Trust Board, spoke of *Tupuna Awa* in an oral submission. He said Whanganui Maori were:

> embarrassed after 118 years of making applications to different forums, to different levels of government, trying to prove who they are, trying to say 'This is our Tupuna Awa, this is our ancestor', and come again today to make the same presentation. And as such they are saying 'This is it' (Waitangi Tribunal 1999:55).

In 2005, *Tupuna Awa* was still an important term of reference for Waikato Maori working at the WRLT, as Environmental Manager, Tim Manukau, illustrates with this comment:

> *The Waikato River is my Tupuna Awa. The Tupuna Awa has to be respected you can't go elsewhere and say you have a special relationship with another river* (Interview February 2005).

Also speaking of *Tupuna Awa* before Waikato-Tainui's river settlement was Maea Marshall of Maketu Marae:

> *The other day at the marae there was this conversation where they were discussing whether the river was a tupuna or not. Some were saying it was a tupuna, but there were others, who were saying the river wasn't a real tupuna because it wasn't a person, you know it wasn't a living breathing thing with a whakapapa* (Field notes February 2004).

This comment received a swift response from another Waikato person:

> *Of course it's a tupuna, they're thinking like rocket scientists, not Maoris* (Field notes February 2004).

Joseph Haumaha who is from Ngati Raukawa had this to say when he was asked if the Waikato River was a *Tupuna Awa*:

> *Is the Waikato River a Tupuna Awa... oh you mean an ancestor, we don't talk about it like that, but yes I guess it is an ancestor* (Interview January 2005).

To sum up, many but not all Waikato River Maori perceive the river to be a *Tupuna Awa* [or ancestor]. This view is recorded in the *Summary of Issues Draft Agreement in Principle-August 2007* for the Waikato River with:

> It has been expressed that Waikato-Tainui should not make the assumption that everyone regards the river as a tupuna and secondly, that it should not necessarily come under the mantle of Kingitanga. The reality is that there may be potential for legal action should this issue be unresolved (Summary of Issues Draft Agreement in Principle-August 2007:10).

The evidence of this study shows that the term *Te Awa Tupuna* was introduced to Waikato tribal members in the final stage of settling the tribe's river claim. The term *Te Awa Tupuna* (also written as *Awa Tupuna*) was written several times in the draft Agreement in Principle

for the Waikato River which was presented to Waikato-Tainui's Te Kauhanganui on the 16 December 2007. While the glossary of the document translates *Te Awa Tupuna* to be 'Ancestor River' a more comprehensive definition of the term in the body of the document is:

> The River is a tupuna (ancestor) of Waikato-Tainui which has mana and which in turn represents the mana (spiritual authority, protective power and prestige) and mauri (life force) of the tribe. The River is a single indivisible being (2007:27).

Another way of defining *Te Awa Tupuna* has been to create a customised map of the Waikato River outlining *Te Awa Tupuna* territory. Let us now turn to examine two maps that were created for Waikato-Tainui's river settlement with the Crown.

Mapping Te Awa Tupuna Discourse: Redefining Modern Waikato-Tainui Territory

In courts and the claims environment, written material like maps are still assumed to be more authoritative and accurate than oral evidence. This was illustrated in the discussion of Robert Mahuta creating maps to define Waikato *iwi* territory (see Chapter Four). Yet maps only convey what their architects want to show, and furthermore, do not fully illustrate the dynamic and complex nature of territorial boundaries and social relationships (Strang 1997:216, 223-224). Critiquing the consequences of maps created by colonial administrators in the late nineteenth century Metge pointed out that:

> Once lists and maps were made they came to be accepted as definitive and 'right' and the fluidity of the traditional system was frozen (1976 [1967]:129).

These characteristics of maps mean that they are contentious in the land claims environment, where they are often used to define exclusive boundaries and claimants' rights.

The Waikato Raupatu River Settlement Information Package August 2008 contains two maps which show how the social and physical territory changes according to whether the landscape is represented by *The Guardians of the Waikato River* (see Map 5) or *The Waikato River Statutory Board* (see Map 6). These maps have been bureaucratically created to assign authority and competence over particular parts of the Waikato River to the Crown and Maori tribes of the Waikato River. As noted in Chapter Four, the GEC consists of two appointees from Waikato-Tainui, four from other river *iwi* and six from the Crown. The appointees and their relationship with the Waikato River are represented by Map 5. The GEC creates a new nucleus of power for the Waikato River. Prior to Waikato-Tainui's river settlement and the GEC co-management body, Kingitanga leaders were recognised as the primary Maori power-brokers for the Waikato River.

Because Map 5 draws attention to the modern tribal bureaucratic power of the GEC for the Waikato River, it works to obscure and appropriate social and physical territory that was once conceptually dominated by the Kingitanga through *Tupuna Awa* discourse. *Tupuna Awa* discourse defines the Waikato River as an ancestor and an indivisible entity that cannot be separated from its Waikato Maori descendants. While Map 6 does not show boundary lines crossing through the Waikato River, the title of the map makes it clear that a number of Maori tribes and the Crown now share authority in the river. However, Map 5, which is titled *The Waikato River Statutory Board* map emphasises the section of the Waikato River between Karapiro and Port Waikato. A boundary line has been drawn through the Waikato River at Karapiro and territory to the north of Karapiro is highlighted. As discussed in Chapter Two this section of river and the lands that surround it are associated with Waikato-Tainui Maori. Furthermore, the Summary of Issues Draft Agreement in Principle document links this section of river to the idiom of *Te Awa Tupuna* (2007:28, 44).[114]

As Hirsch points out, 'places do not naturally change from one thing into another' (1995:6). It is people, particularly cartographers and surveyors who change the definitions of the meaning of place (see Anderson 1983). In anthropological terms, this act of remapping is of considerable significance. It reflects a symbolic appropriation of space (Bourdieu 1977, Strang 2004). It is also a way of imposing meaning on space (Geertz 1993 [1973]). Remapping also engages with space imaginatively (Bateson1973, Gibson 1979, Ingold 2000). A universalistic anthropological perspective contends that renaming the landscape is about creating a new habitus and cultural space. A great deal of effort and strategising by Waikato-Tainui and Crown officials has gone into transforming the cultural landscape of *Tupuna Awa* into *Te Awa Tupuna* and its new GEC. These different cartographies, based on alternative ways of classifying the same territory, highlight the politics of mapping and the way this redefines the relationships between people and place.

To what extent does this bureaucratic naming and re-imagining resonate with the wider community? To what extent do these macro-level changes affect people living in the communities? As Anderson (1983) has shown, very often the geographical boundaries created by administrators come to delimit the imagined homelands of nations.

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[114] In the SOIDAIP August 2007 document *Awa Tupuna* is written as *Te Awa Tuupuna* using Bruce Biggs and Robert Mahuta's preference for spelling Maori words that have a long vowel with a double vowel.
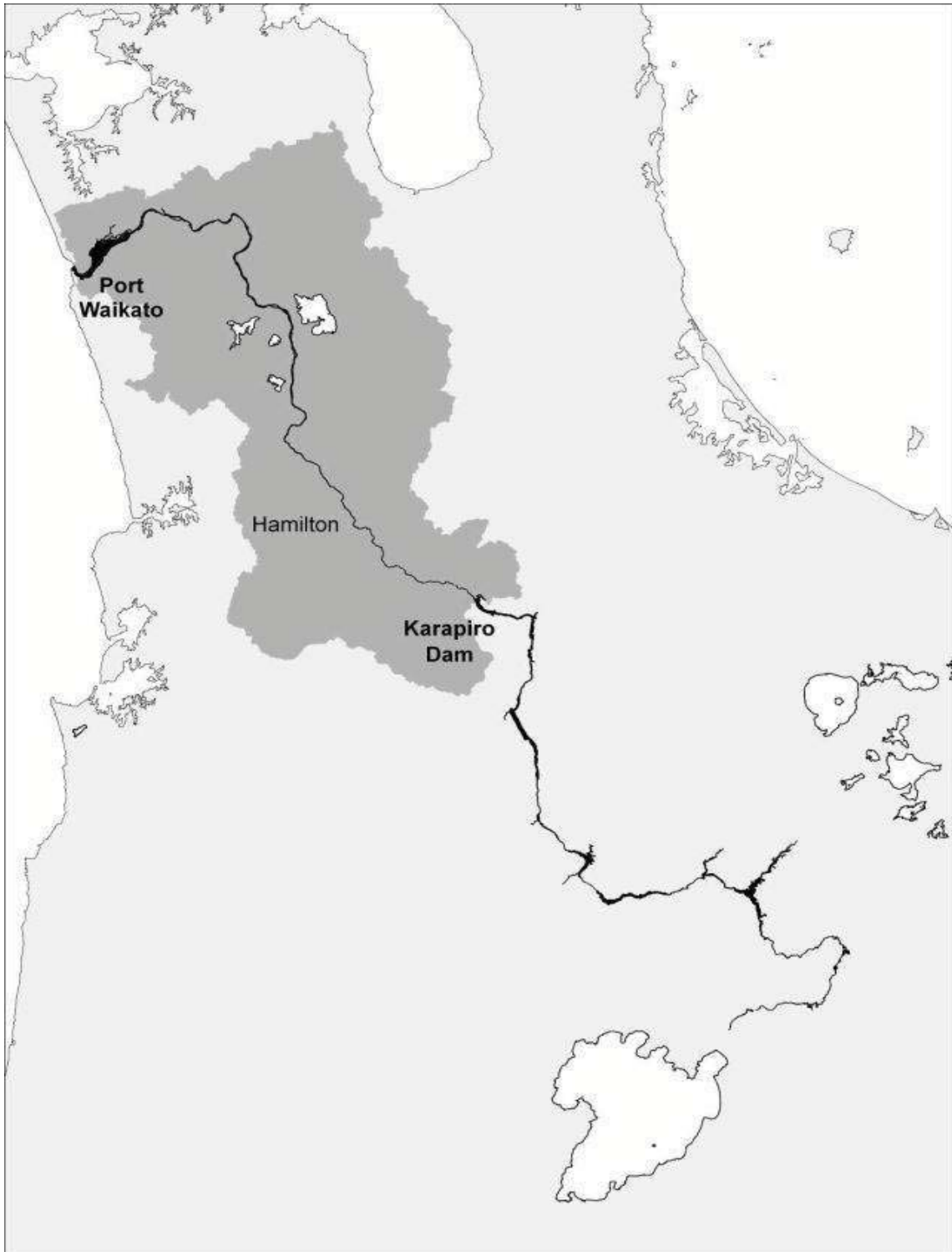
The Guardians of the Waikato River Map
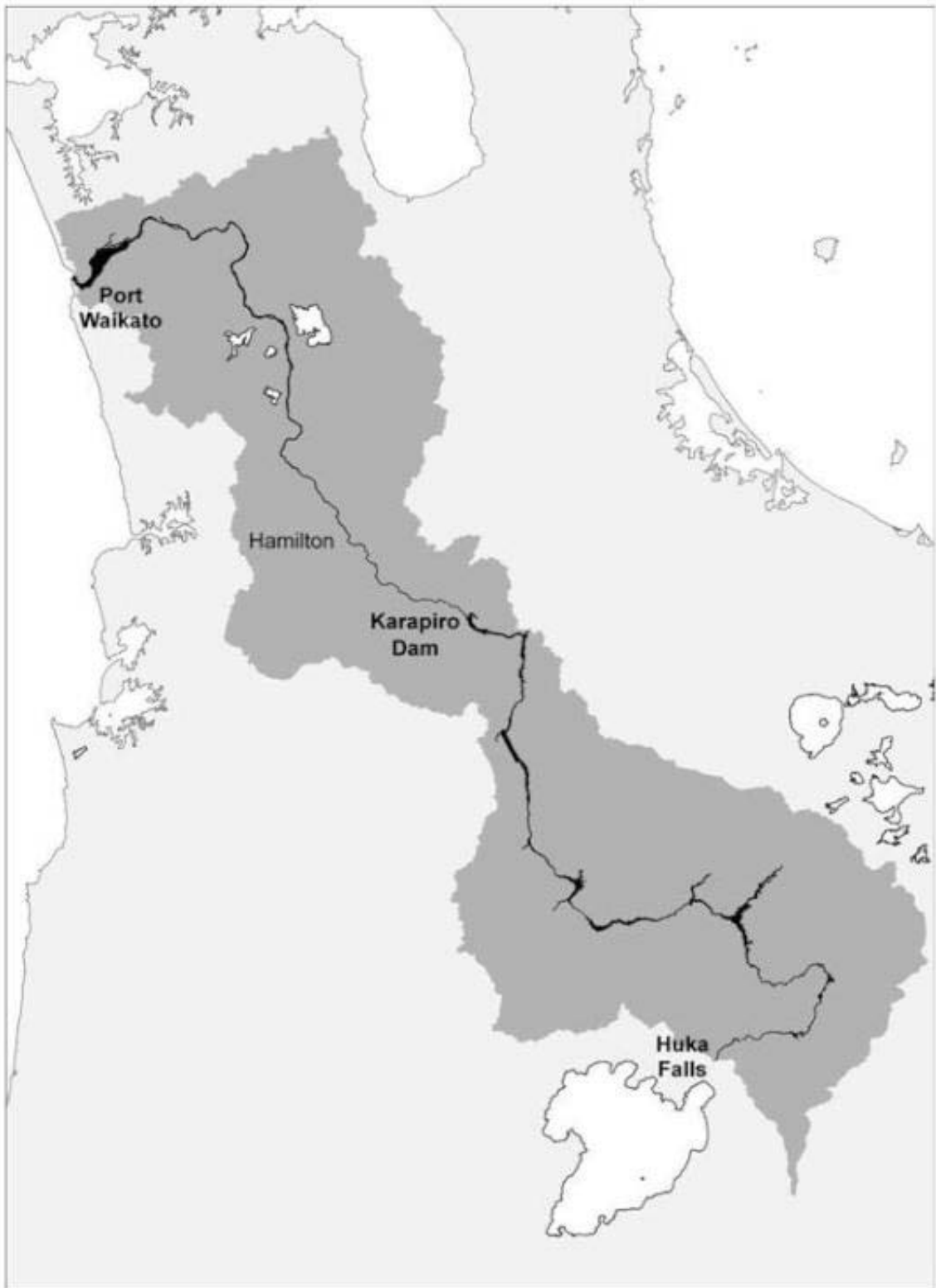
Map 5

I suggest the map also identifies the Kingitanga's territorial representation of *Tupuna Awa*.

Map 6

I suggest the map also identifies Waikato-Tainui and the Crown's territorial representation of *Te Awa Tupuna*.

A Foucaultian Perspective of Discourse

While other Maori, like the Whanganui River people, also use the expression *Tupuna Awa,* Kingitanga leaders have developed their own meanings of the term and have formulated their own specific discourse for the Waikato River using the *Tupuna Awa* phrase (Waitangi Tribunal 1999:31, 55, 71). Waikato-Tainui's river negotiators and Crown representatives have carried out a similar practice for the term *Te Awa Tupuna.* These two rival discourses of *Tupuna Awa* and *Te Awa Tupuna* can be analysed from a Foucaultian perspective.

According to Foucault, the key and independent components of discourse include the following: 1) Objects and Subjects, 2) Enunciative Modalities, 3) Concepts and 4) Strategies (Foucault 2003 [1972]:44-78). Foucault proposes that the objects and subjects of a discourse are the entities that disciplines recognise within their field of interest. They are the things that are commonly spoken of in a discipline. By contrast, enunciative modalities are the circumstances which structure a particular discursive activity. Concepts are the groups of categories, elements and types which organise a discourse. And finally, strategies are the alternative approaches to what is communicated in any particular set of circumstances. In practice, the rules for the formation of strategies shape which tactic best serves the purpose of a discourse. Let us now examine how useful Foucault's somewhat abstract model is for analysing the *Tupuna Awa* and *Te Awa Tupuna* discourses.

Objects and Subjects

The objects and subjects of *Tupuna Awa* discourse are distinguished with a special Maori language for the Waikato River. This language includes words such as: *tupuna* (ancestors), *rangatira* (chiefs), *taniwha* (water denizens), *tangata whenua* (original Maori inhabitants), *kaitiaki* (guardian), *marae* (local communities and clusters of families), *waka taua* (ceremonial canoes), and *tuna* (eels). While the words used to define the objects and subjects of the Waikato River are also used by Maori living in other parts of the country, the evidence of this study suggests that these words have special meanings for Maori who affiliate to the Kingitanga. For instance, as we explained earlier in this chapter, the word *taniwha* is a metaphor that can mean water creature, chief, guardian and metaphysical signpost. The *pepeha* below conveys that *taniwha* are important subjects for Waikato Maori:

   He piko he taniwha, he piko he taniwha, Waikato taniwharau.
The *pepeha* is usually translated as:

At every bend a *taniwha* or chief, at every bend a *taniwha* or chief, the Waikato River of 100 *taniwha* (chiefs).

The *taniwha* concept has been associated with Waikato Maori for generations, as Harry Dansey observed in his article titled *Waikato's Dragons Would Approve Activities of Maori Group.* At least since the 1960s, the concept of *taniwha* has been closely linked to chiefly definitions of Waikato Maori and metaphysical creatures and sign posts.

Waikato is of course, the name of a great river and of the tribes which live in the valley…, *Taniwha* is a legendary monster and *Rau* means 100. The meaning then is Waikato of 100 dragons. Maori orators would usually follow this expression with the observation that at each bend of the river is a sandbank, that each sandbank is a taniwha and that each taniwha is a chief. Thus in the proverb the Maori pays Waikato the compliment of saying that it is a tribe of many chiefs, each with the courage and strength of a dragon (Dansey 1961).

Enunciative Modalities

What circumstances structure *Tupuna Awa* as a particular discursive activity? The Treaty of Waitangi claim for the Waikato River lodged by Robert Mahuta in the 1980s stimulated a particular type of discursive activity in which the river was publicly referred to as an ancestor. As discussed in Chapter Three, in 1998 elders from Waikato *iwi* gave evidence to the Environment Court referring to the Waikato River as a *'tupuna'* (see *Mahuta v Waikato Regional Council* A91/98). An understanding of enunciative modalities also speaks to the recent change of the term '*Tupuna Awa*' into '*Te Awa Tupuna*'. I suggest the change was driven by the need of the current river negotiators to diminish the 'metaphysical dimension' and 'river ancestor' features of their claims discourse, and to distance the tribe's 'river settlement agreement' from the institution of Kingitanga. The current river negotiators and the Crown may have felt that, compared to *Tupuna Awa, Te Awa Tupuna* was a less problematic concept for other Maori tribes of the river and New Zealanders on the whole to deal with.

Concepts

The fundamental 'concepts' that organise *Tupuna Awa* discourse are *tupuna* (the ancestor), *kaitiakitanga* (guardianship), *whanaungatanga* (kinship and relatedness), *whakapapa* (the genealogies of all things), *tuakana-teina* (paired senior-junior relationships) and *mauri* (life-force). The informants of this study explain that the *mauri* of the Waikato River is the life-force imbued in its waters. The work that concepts perform is typically through their association with other concepts. Three important features of these concepts is their capacity

to demonstrate that: first, the river has agency; second, the river has been humanised; and third, that Waikato Maori have an obligation to care and protect the river. While *Tupuna Awa* discourse is structured using traditional Maori concepts, *Te Awa Tupuna* discourse is structured with both traditional Maori concepts and concepts from environmental, scientific, management and 'third-way' political discourses (see Chapter Five).

Strategies

The rules for the formation of 'strategies' shape which tactic best serves the purpose of the discourse. In the 1980s and 1990s, Kingitanga leaders used *Tupuna Awa* discourse to legitimate a claim for 'rights and ownership' for the Waikato River. This discourse emphasised Waikato Maori's duty to 'care for their ancestor' and the 'reciprocal relationship' that Waikato Maori have with the river. Kingitanga spokespeople such as Kamira Binga Haggie of Turangawaewae Marae and Iti Rangihinemutu Rawiri of Te Awamarahi Marae explained that these understandings are passed down from generation to generation (see *Mahuta v WRC* A91/98, 29 July 1998). However in 2006, it became evident that the State would not relinquish ownership of the Waikato River and Waikato-Tainui's river negotiators were forced to take another course of action to claim power and legal authority to the Waikato River. The strategy they adopted was to work in partnership with the Crown, creating a 'co-management' discourse for the Waikato River using the term of *Te Awa Tupuna.*

The point of this discussion is to demonstrate that space, place, territory, community, resources, and landscape can be transformed by even slight changes in language, in this instance changing the term *Tupuna Awa* to *Te Awa Tupuna.* These are examples of counter discourses which are discussed next.

Anthropological Studies of Counter Discourses

A number of anthropologists have conducted studies which examine rival counter discourses. In most cases, however, the counter discourses belong to very different groups of people who have competing interests in a place or resource (see for example Bender 1998, Caftanzoglou 2001, Mackey 2005, Strang 2001, 2008). In a study that investigated the 'strategies' of counter discourse, Eva Mackey (2005) evaluated two versions of universal human-rights discourse that were created by groups of people with similar political interests and concerns. The discourses were used to stop North American Indian land claims. In New York State, a

group of American citizens calling themselves the 'Upstate Citizen for Equality' (UCE) wanted to stop the local Cayuga Indian land claims in their area (2005:17). A similar situation existed in Ontario, Canada where Canadian citizens using the collective name 'Chatham-Kent Community Network' (CKCN) opposed a land claim by the local Caldwell Indians (2005:16). Both the UCE and the CKCN used universal human-rights discourses to protect their land rights.

For Mackey, the counter discourse created by the UCE drew on ideas of historical conquest and the creation of America as a nation. UCE members said that the Cayuga were conquered over 200 years ago and that they were not a special group of American citizens. The UCE emphasised the aspects of human-rights discourse which asserts that America is one nation and that all American citizens should have equal rights. The Cayuga Indians for instance should not be entitled to make claims for lands 'lost' by their ancestors. In contrast, Mackey illustrated that the human-rights discourse used by the CKCN (Canadians) was much more benevolent than that used by the UCE (Americans). The CKCN strategy emphasised their environmental concerns for the claimed land and their social responsibility for the Caldwell Indians (2005:19). Importantly, the CKCN blamed the federal government for agreeing to a settlement with the Caldwell Indians rather than blame the Indians for making a claim. When Mackey compared the two strategies of human rights discourse she said that:

> The CKCN strategy seems, at least rhetorically, less antagonistic to land claims. But is this indeed the case? What are the sources and potential repercussions of these strategies? In the Canadian context, such strategies block land claims in a less overt subtler way, couched as they are in assertions of benevolent concern…. However, the effects of such 'benevolent' discourses, I argue are ultimately potentially just as antagonistic to aboriginal land claims as the overt nationalist ones we see in New York (2005:19).

In a study on contested perspectives of place Roxane Caftanzoglou (2001) defines a 'hegemonic discourse' and a 'sub-ordinate counter-hegemonic discourse' for two groups of people with interests in the Acropolis. The first discourse represents the State's vision of the Acropolis as an archaeological treasure. This discourse has three following key objectives: first, to establish the Acropolis as a significant aspect of Greece's national heritage and identity; second, to legitimise the national scholars' management of archaeological remains; and third, to convince western onlookers that the new Greek State can fulfil its role as guardian of Greece's heritage.

The sub-ordinate counter-hegemonic discourse belongs to the community of Anafiotika, a

settlement located below the Acropolis, consisting of approximately fifty houses, which were originally built in the 1860s by immigrant workers from the Cyclades. From the State's point of view, the settlement is a collection of 'hovels'. There are now forty-five people living at Anafiotika (2001:21-22). By telling stories, the people of Anafiotika transmit a discourse about themselves and their settlement based on shared and individual memories. Tensions exist because the presence of Anafiotika is inconsistent with the State's 'vision' for the Acropolis, and the discourse described above. While Caftanzoglou's work presents two competing discourses, she points out that the two discourses overlap, she writes:

> The hegemonic discourse and subordinate counter discourse while playing off each other actually share many values and assumptions, though they may ascribe different meanings to such categories, strategically using them to further their own claims…. Studies that focus on the encounter of opposed discourses tend to present them as seamless and self-containing, while in fact both are full of internal contradictions, ambivalence, and 'grey zones'(2001:22).

This work illustrates that people must take ownership of the past in order to own and control the future.

In contrast, *Tupuna Awa* and its counter discourse *Te Awa Tupuna* have been created by groups of people from the same ethnic, cultural and tribal groups. The subtle difference between the two discourses is that *Tupuna Awa* was constructed by Kingitanga leaders and used by Waikato Maori who belong to the Kingitanga while the *Tupuna Awa* discourse legitimated the claim by Waikato Maori (and the Kingitanga) to the Waikato River.

In the Far North of New Zealand, the Ngati Kahu elder, McCully Matiu and the Ngati Kahu scholar Margaret Mutu (2003), have identified a similar type of Maori discourse (which they call an epistemology) in a book titled *Te Whanau Moana* (a literal translation is Sea Family). *Te Whanau Moana* is the name of one Ngati Kahu *hapu* located at Karikari (Mutu 2002:76-77). While the customs and protocols of *Tupuna Awa* have for the most part been transmitted orally, the customs and protocols for *Te Whanau Moana* are now recorded in a comprehensive text which legitimates Ngati Kahu's claim to coastal lands, waters, flora and fauna in their tribal area. Like *Tupuna Awa, Te Whanau Moana* emphasises the Maori principles of *whanaungatanga* (relatedness)*, whakapapa* (genealogy)*, tikanga* (protocols) and *kaitiakitanga* (guardianship). However, while Ngati Kahu and other northern Maori tribes emphasise the principle of *mana whenua* (authority derived from tribal lands) in *Te Whanau Moana* discourse, *mana whenua* is not a part of *Tupuna Awa* discourse. Matiu and Mutu

define *mana whenua* as:

> A person or tribe who 'possesses' land is said to hold or be the mana whenua of the area and hence has the power and authority to produce a livelihood for the family and the tribe from this land and its natural resources (2003:157-8).

This definition of *mana whenua* would do little to defend and endorse Waikato Maori's present day authority and *mana* in the Waikato region, because most Waikato Maori lands and resources were confiscated by the Crown in the 1860s (Kawharu 1996 [1989]: 216-225).[115] One tribal elder from Turangawaewae Marae remarked:

> *Northern people and some other Maori use mana whenua and I know what they mean. But if a tribe's mana is derived primarily from owning land well we [Waikato] would be stuffed eh. That word [mana whenua] doesn't hold the same weight here* (Field notes December 2009).[116]

As one Maori reviewer summed it up, Matiu and Mutu's text:

> [P]rovides excellent descriptions of *Te Whanau Moana's "Customs and Protocols"* in a manner that constitutes a case study of hapu history and its attitudes towards land and resources. Together with the Treaty of Waitangi issues in Chapter 9, these provide useful analogues for situations elsewhere. However, despite its wider appeal, the book's value to descendants of Te Whanau Moana and Te Rorohuri, now and in the future, will considerably outweigh its value to other readers (Williams 2004:105-106).

In short the book itself is a prime example of claiming through renaming, and forms an indelible association between a particular people and the resources of the area which are mapped out in the text (see Mutu 2005:187-209 for more on Ngati Kahu's claim; and Kawharu 2008 for another example of claiming by naming and the association of resources with particular Maori ancestors).

Te Awa Tupuna discourse created jointly by Waikato-Tainui and Crown representatives emphasises Waikato-Tainui tribal identity, Waikato-Tainui's partnership with the Crown and modern understandings of co-managing the Waikato River. *Te Awa Tupuna* discourse endorses and advances the authority of three groups of Waikato-Tainui officials: firstly,

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[115] During Robert Mahuta's time as a Waikato leader and even after his death, the term *'mana whakahaere'* held prominence in Waikato-Tainui policies and agreements for the river. Mana whakahaere means 'vested with the power to control'. An example of the use of the term manawhakahaere appears in the introductory clause of the 2003 Memorandum of Partnership between Waikato-Tainui and Mighty River Power:

> 1. INTRODUCTION
> 1.1 Waikato-Tainui are tangata whenua of the Waikato River and exercise mana whakahaere over the Waikato River and adjacent areas. The Waikato River is of immense cultural and historical importance to Waikato-Tainui and has been so for many generations since the arrival of ancestors in the area which now forms the *rohe* of Waikato-Tainui

[116] Ritchie's definition of *manawhenua* is germane to the Waikato situation 1992:52-53.

Waikato-Tainui's river negotiators; secondly, tribal administrators who are dealing with the reforms of the co-management agreement; and thirdly, members from the tribe who have been selected to sit on the GEC. The current Waikato-Tainui appointees are:

1) Tukoroirangi Morgan, co-negotiator of the Waikato River Claim and Chairperson of Te Arataura;

2) Linda Te Aho, Associate Dean of Maori at the School of Law, Waikato University.[117]

When a group establishes a relationship with a place there is the potential to exclude and diminish the rights and interests of others. Whose authority and rights in the Waikato River have diminished with the establishment of *Awa Tupuna* and the GEC? What part has the Crown played in transforming power relations between Waikato Maori groups? And, more importantly for the purposes of this analysis, what work does discourse play in redefining these relationships of authority?

Discourses and Relations of Power

To address these questions it is useful to draw insight from Foucault's writings. In his later works, Foucault shifted the focus of discourse from one of constitution, to examining the political nature of discourse and its influence on power and knowledge. David Marsden points out that the control of discourse is fundamental to the reproduction of inequalities in class and gender relations. He suggests that 'it requires constant discursive effort to continually reassert the status of a discourse as 'true', objective, neutral or normal and to displace other emergent discourses, labelling them as abnormal, disordering or political' (Marsden 1994:25). Similarly, Fairclough proposes that Foucault presents discourse as 'a site of power and struggle' and that 'to have control over the orders of discourse is a powerful mechanism for sustaining power' (1989:73-74). This understanding raises questions regarding different cultural understandings of power. Gupta and Ferguson suggest that Foucault observes power as:

> [N]ot a substance one might have or an essential force one might resist but the name that one attributes to a complex strategical situation in a particular society (Gupta and Ferguson 2001 [1997]:18).

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[117] The other GEC members are: River *iwi* appointees: Weo Maag of the Maniapoto Trust Board; Stephanie O'Sullivan the Environmental Manager of the Raukawa Trust Board; Roger Pikia of the Te Arawa Trust Board; Dean Stebbing of the Tuwharetoa Maori Trust Board. Crown appointees: Gordon Blake is the former Mayor of South Waikato District Council and a Dairy Farmer; Bob Simcock is the Mayor Hamilton City Council; Traci Houpapa is a Principal of THS & Associates; Don Scarlett is the Regional Affairs Manager for MRP; Alan Livingston is the Mayor of Waipapa Districy Council and Andra Neeley is a Councillor for Environment Waikato.

Similarly, Cohen writes that 'power' is an aspect of nearly all social relationships:

> Most political scientists are fully aware of the fact that power does not exist in a 'pure form' but is always inherent in social relationships of varying types (1974:xi).

Also writing about power, Harvey proposes 'that the powerful are those who have the ability to move things around' (2001:207). The relationship between location and movement involves the ability to create fixity and draw people into relationships with you, marking your place as central and defining the marginality of others. This dynamic is one of the ways in which people's everyday actions are fashioned by the power that surrounds them. Foucault argued it is not the truth of knowledge which is powerful, but the ability to mobilise people to agree with you that a particular knowledge is the truth. Thus, the people in a society who can make particular knowledge 'the truth' are the most powerful. For Foucault:

> Each society has its regime of truth, its "general politics" of truth: that is, the types of discourse which it accepts and makes function as true, the mechanisms and instances which enable one to distinguish true and false statements, the means by which each is sanctioned; the techniques and procedures accorded value in the acquisition of truth; the status of those who are charged with saying what counts as true (1977:530).

However, Foucault's view of discourse and its influence on power relations may be contrasted with Jurgen Habermas' view of 'dialectics created through discourse' (Habermas 1998b:4-5). While Foucault contends that decisions are always made by the people in a group who are most persuasive, Habermas emphasises the merits of shared decision making. For Habermas open discussion and debate is a potential path toward the agreement about what is factually true and what is morally right. Thus, he proposes that discourse can be understood as a field where parties can negotiate with one another on an even footing with a shared view of wanting to reach an agreed understanding (1998a:xi). Participants of this type of discourse must have an equal and open chance of entering the discussion, and there must be no external or internal constraints preventing participants from assessing the evidence and argument. Habermas argues that ideal outcomes between parties based on truth and rightness can be achieved through rational discussion (Moore 1995:14). Examples of ideal speech situations can be observed operating in institutions, such as, *marae*[118], *poukai* (the annual round of 28 Kingitanga loyalty gatherings), Nga Marae Toopu and Te Kauhanganui. These forums were created so that public tribal discussions could take place and consensus amongst the group could be reached when making important decisions.

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[118] Waikato Marae practice asserts that it is the role of males to deliver oratory on the marae forecourt.

Barth's Analysis of Knowledge

Just as Foucault distinguished the rules of formation for discourse, Barth (2002) has identified the typical mechanisms that constitute knowledge. Barth's study examined the creation of knowledge in three distinct societies: the Baktaman of New Guinea; Hindu's living in Bali; and University academics in the United Kingdom. He begins his comparative ethnography by questioning whether knowledge is best understood as 'a thing' or 'a relationship'. The work also elucidates how traditions of knowledge are configured, variously reproduced and changed. Barth's framework for analysing knowledge is comprised of three interdependent parts:

> [F]irst any tradition of knowledge contains a corpus of substantive assertions and ideas about aspects of the world. Secondly, it must be instantiated and communicated in one or several media as a series of partial representations in the form of words, concrete symbols, pointing gestures, actions. And thirdly, it will be distributed, communicated, employed, and transmitted within a series of instituted social relations. These faces of knowledge are interconnected (Barth 2002:3).

Barth describes how knowledge is produced by individuals and populations in the context of the social relations they sustain. Not only does he argue that 'most of the knowledge that people have is accumulated by learning from others' (2000:2), but he proposes that different traditions of knowledge are characterised by distinct, and in their own way, stringent criteria of validity (2000:10). He created the following model to represent his analytical framework.

Barth's Model of Knowledge

TRANSMISSION OF KNOWLEDGE

Barth's Model of
Knowledge

**LANGUAGE
SPECIALISATION**

INSTITUTIONALISATION
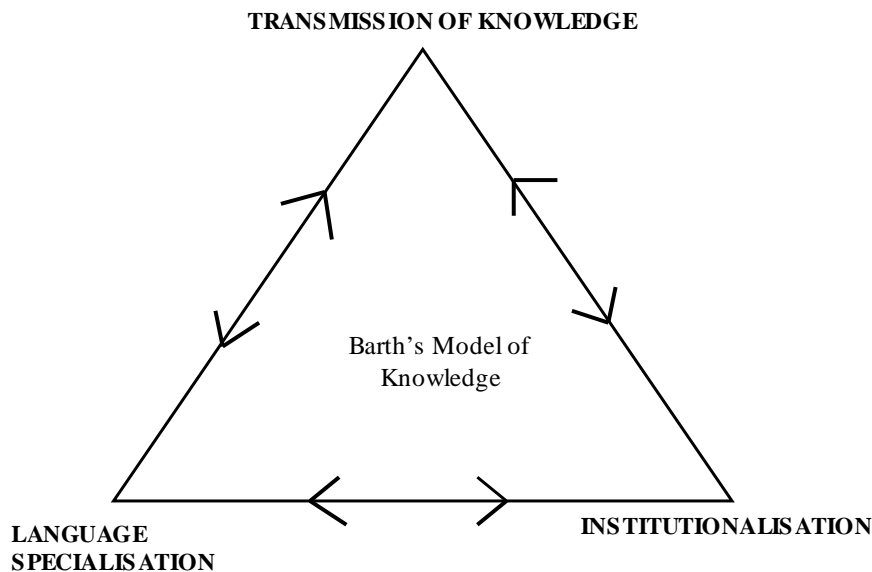
Figure 3

Relating Knowledge to Discourse and Vice Versa

Ideas and knowledge, and understandings and meanings do not transpire by themselves. They are the result of a construction, the rules of which must be known and the justifications of which must be scrutinised (Foucault 2003 [1972]:28). According to Barron, Bruce and Nunan, Foucault's ordering of objects shows that knowledge is shaped through discourse and that discourse shapes knowledge (2002:1). Foucault is clear that individualised knowledge areas (or discourses) belong to specific institutions and, consequently, the association of particular knowledge areas within an institution legitimates both the knowledge and the institution. Foucault wrote:

> When one speaks in the singular of *psychiatry,* or of *medicine,* or of *grammar,* or of *biology,* or of *economics,* what is one speaking of? What are these curious entities which one believes one can recognize at first glance, but whose limits one would have some difficulty in defining? Some of them seem to date back to the dawn of history (medicine, mathematics), whereas others have appeared quite recently (economics, psychiatry), and still others have perhaps disappeared (casuistry) (1991 [1978]:54).

According to Foucault the members of institutions constantly transform knowledge and discourse. An institution's members are responsible for adding new utterances to a discourse, making some utterances less important and dropping some utterances all together. Combining Barth's analysis of knowledge with Foucault's analysis of discourse, I have constructed an

148

amplified variation of Barth's Model of knowledge. This model demonstrates that particular knowledges and discourses have a number of fundamental principles at their centre. These principles are expressed in language specialisation. Their fundamental principles and their language specialisation are institutionalised and then transmitted in various ways.

Model of Relations between Knowledge and Discourse

Fundamental Principles

Language Specialisation

Institutionalisation

Knowledge Transmission
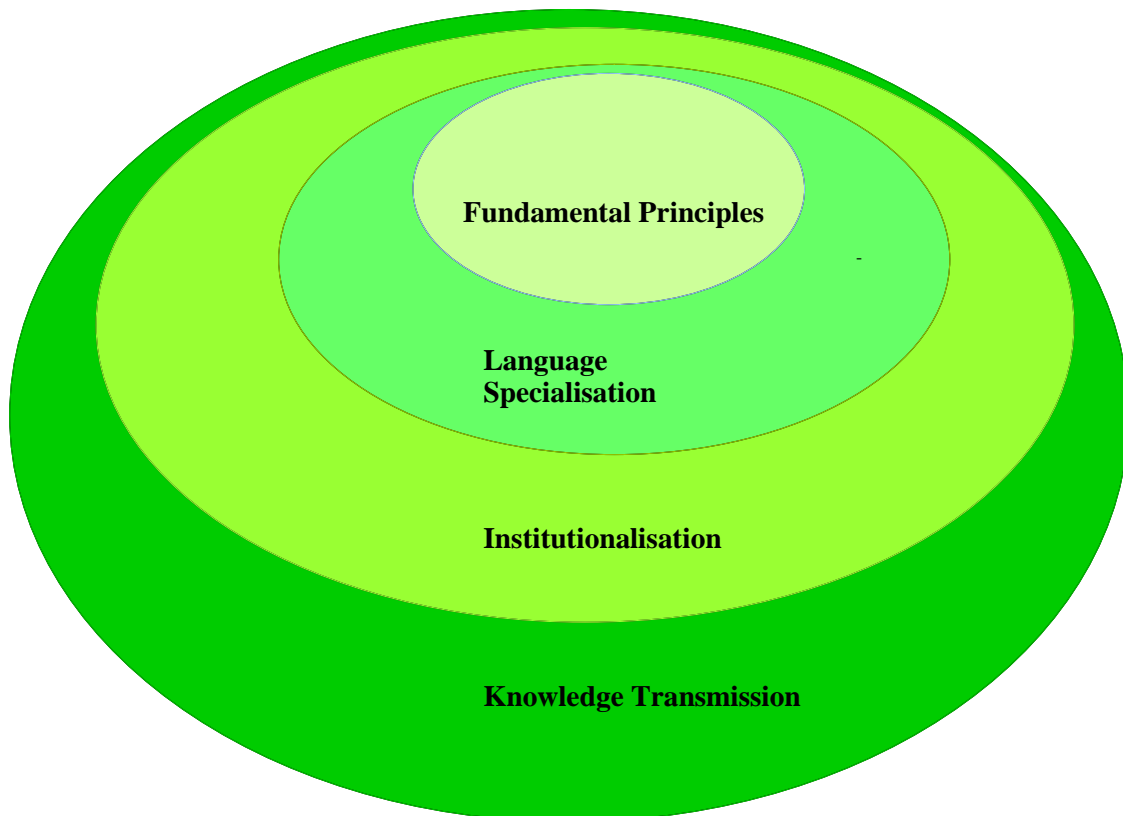
Figure 4

Model of Tupuna Awa Knowledge and Discourse
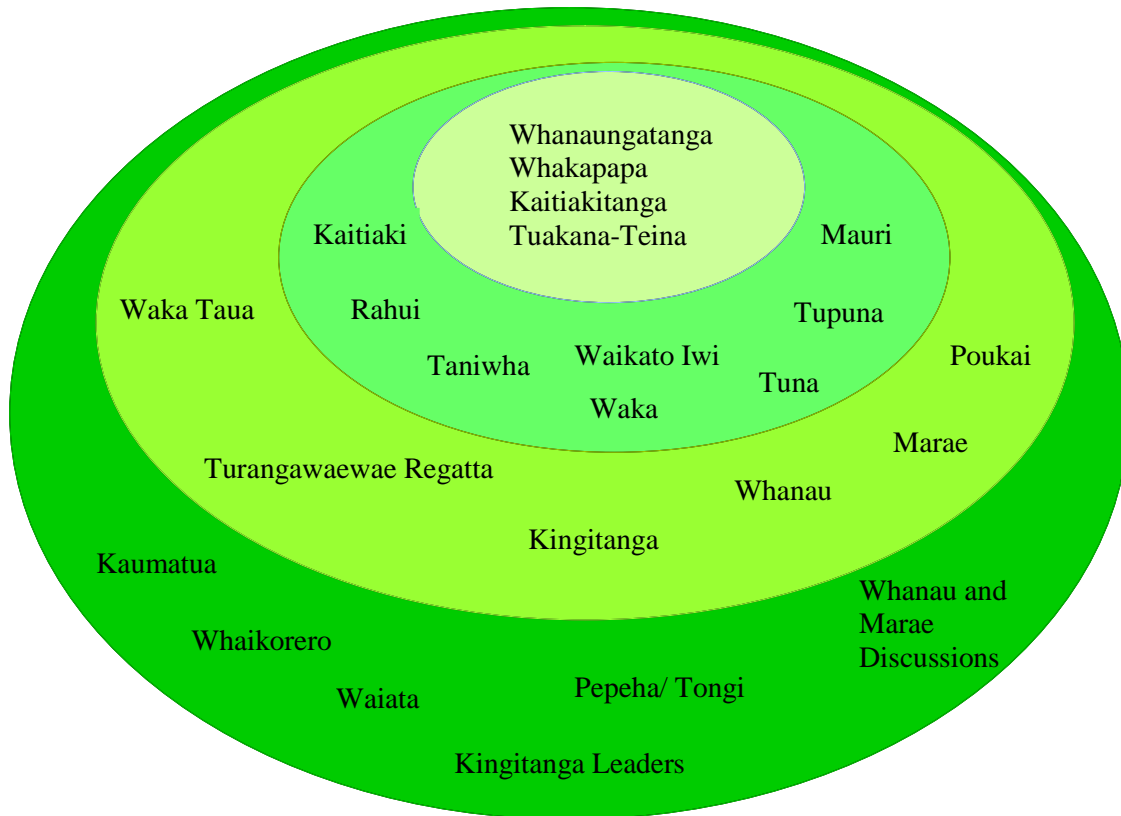
Figure 5

Can my model be used to represent *Tupuna Awa* knowledge and discourse? *Tupuna Awa* discourse is comprised of Waikato River knowledge, which includes information about: the harvesting of river foods, tribal territories of the river, restricted activities with references to the river, the identification of sacred sites and guardianship obligations. As explained above, the key principles that organise *Tupuna Awa* discourse and knowledge are *whanaungatanga* (relatedness), *whakapapa* (ancestral connection), *kaitiakitanga* (guardianship) and *tuakana-teina* (the paired junior-senior relationship). These principles are represented in the inner circle of the model. The second circle represents the language specialisation of *Tupuna Awa* which includes words such as *taniwha, kaitiaki, rahui* (restrictions), *tuna, mauri* and *waka*. This language specialisation (words and their specialised meanings) has been institutionalised by Kingitanga leaders who are represented in the third circle. The fourth circle of the model represents the way in which *Tupuna Awa* knowledge is transmitted. I note that most *Tupuna Awa* knowledge is transmitted orally by *whanau* and *marae* members when they participate in activities together. In the northern reaches of the Waikato River, local Maori knowledge and expertise of the river is still bound up in institutions that are organised by Kingitanga

loyalists.[119] Carlson Wirihana demonstrates this in an interview where he talked about the *waka taua* contingent:

> *The translation of waka taua is war canoe but these days it is more ceremonial. When I say 'ceremonial' we bring them out for show not for wars. When we bring them out on the regatta, it is a chance for a lot of us to portray and follow the footsteps of what is as they say 'whai te huarahi o nga kaumatua me nga rangatira'- it is traditionally following the footsteps of our ancestors who have gone. And it is all about putting yourself at the depths of what the waka taua and Kingitanga stand for, because they are part and parcel of the same thing* (Interview June 2001).

While some knowledge of *Tupuna Awa* discourse serves a practical purpose, other knowledge of the discourse has been created to demonstrate the relationship between Waikato Maori, the Waikato River and Kingitanga leaders. The type of practical knowledge situated in *Tupuna Awa* discourse is cogently discussed by Bicker, Sillitoe and Pottier who propose that indigenous communities create local knowledge (and discourses) to protect and sustain a way of life. They suggest that indigenous groups establish community-structures that identify problems and deal with them through local experience, innovation and the exchange of information with other groups (2004:xi). Posey claims that indigenous knowledge consists of:

> [I]nformation about location, movements, and other factors explaining spatial patterns and timing in the ecosystem, including sequences of events, cycles and trends. Direct links with land are fundamental and obligations to maintain those connections form the core of the individual and group identity (2002:28).

Let me illustrate the type of practical knowledge situated in *Te Tupuna Awa* discourse with an ethnographic vignette. There are many ways to catch eels and the different locations along the Waikato River favour particular methods. As the waters of the Waikato River are very swift just after Turangawaewae Marae the best way to catch eels here is with hand-lines. An informant from Turangawaewae Marae who prefers to keep their identity anonymous recalled:

> *I remember going in my grandparent's car at night with my sister and other family members to The Point. The Point is a two minute drive from my grandparent's home and is the place in Ngaruawahia where the Waipa River meets the Waikato. At the Point my sister and I were told that we were not allowed to go near the water. When my grandfather and uncles got their eel gear ready I saw that their equipment included hand-lines, some extra hooks and sinkers, a container of chopped meat, a reel of cotton, torches and a mallet. After the hooks were baited they tied cotton around the meat to make sure that it would not come off in the water. After they threw their lines into the*

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[119] Such institutions include the *Waka Taua* (ceremonial war canoe fleet), the Turangawaewae River Regatta and *poukai* (Kingitanga loyalty gatherings).

river my uncles directed the light of their torches onto the water to attract eels. One uncle explained 'if the line feels like it is tugging or tight and heavy pull it up'…. I remember the pull of the eel being very strong, once the eel was hauled out of the water it was dragged on to the grassy part of the bank. The eel was a light grey colour and very fat, it squirmed and wrapped its body tightly around the line. The only way my uncles could remove the hook from its mouth was to hit the eel over the head with the mallet (Interview January 2006).

The other type of knowledge of *Tupuna Awa* discourse demonstrates the relationship between Waikato Maori, the Waikato River and Kingitanga leaders. An example of this knowledge is illustrated with the following story from my childhood when I lived at Turangawaewae Marae.

One summer in the early 1970s, a group of us went for a swim in the river at the back of the *marae* with our mothers. I was five years old. Back in those days before you got into the river you had to do your sixes. Your sixes are when you touch the river's water six times with your right hand and then you touch your forehead six times with your wet hand. We were told you had to do this when you went swimming in the river because it would keep you safe from drowning. Back then, all the kids at the *marae* did their sixes before they went swimming. They even did their sixes before they swam in pools or at the beach. It was my grandfather, Pihikete Gad Muru, who explained the significance of 'the sixes' to me. He said 'your sixes is a very important thing because when you touch the water six times and then your forehead, you are acknowledging the river and the five Maori Kings and the Maori Queen' (Field notes August 2006).

This ritual is still carried out by Waikato Maori who affiliate to the Kingitanga. However, now that the Kingitanga has a new leader - King Tuheitia, the practice is referred to as 'sevens'.

Model of Awa Tupuna Knowledge and Discourse

Guardianship
Conservation
Co-management
Co-governance

Guardians

Well being
of the river

Co-management

Te Arataura

Mana
Whakahaere

The River Settlement

Waikato-
Tainui Iwi

Waikato-Tainui River
Negotiators

The Crown

Te Hookoi
Magazine

Waikato Raupatu Lands Trust

Consultation
Hui

Press Releases

Te Kauhanganui

Waikato-Tainui River
Negotiators

The Deed of
Settlement

AIP Documents

Figure 6

Space, place, territory, community, resources, and landscape can be transformed by even slight changes in language. In practice, changes in language transform both knowledge and discourse. Wright points out that that there is a danger in perceiving indigenous groups as discrete, bounded systems in a functional way and representing indigenous knowledge as undynamic and unchanging (Wright 1994:49). On the whole, Wright's argument is consistent with Foucault's (1991 [1978]) discussion of the transformation of knowledge (and discourses) due to augmentation, repositioning and the elimination of 'utterances'.

As the term *Te Awa Tupuna* first emerged in the Draft Agreement in Principle for the Waikato River (December 2007), which was constructed by Waikato-Tainui river negotiators and the Crown, there is uncertainty as to who was responsible for the term's construction. It is likely, however, that both parties were involved in negotiating the term and its associated meanings. What new knowledge and discourse for the Waikato River is created by the term *Te Awa Tupuna*? Not only does *Te Awa Tupuna* define the modern territory of Waikato-Tainui Maori, that being the area of river between Karapiro and Port Waikato but *Te Awa Tupuna* may also be understood as the new co-management discourse for the Waikato River.

153

The study of co-management discourse in relation to water management is not a new thing to anthropology. In Lansing's (1991) study, he described the management of a rice irrigation network in Bali, based on the traditional role of 'water temples' which included the paramount 'temple of the Crater Lake' and a number of local temples (see also Strang 1997, 2001). While fundamentally religious entities, the temples also provided a mechanism for local subak[120] to participate in the allocation of water. This co-operation in water management linked thousands of farmers together in a social order based on the production of rice. Paddy fields were built around the water temples and the allocation of water was made by priests. For the Balinese, irrigation was not simply about providing water for crops; water was used to construct a complex artificial ecosystem, and structure the power between people. However, the Green Revolution introduced changes to the Balinese system.[121] Lansing described the attempts of the country's Dutch administrators to regulate the allocation of the water by creating bureaucracies that surveyed and taxed lands and built irrigation works. In Lansing's view, these bureaucracies did not effectively replace the traditional system of water temples with their knowledge of the 'socio-biophysical systems involved in rice production' (1991:127). New rice varieties and modern techniques transformed traditional planting routines and shared irrigation schedules. While the new approach to rice planting had positive outcomes initially, devastating results soon followed, including pest infestations, water shortages and pesticide pollution. It was soon realised that traditional subak management was a more effective way to produce rice. Along with the pragmatism of managing the water in the interests of everybody, the religious discourse moderated the tensions which occurred between the communities. In this example water creates an important network for the people. Local communities are part of a wider group which is unified by a water resource.

There are a number of potential parallels between the Balinese religious discourse and *Tupuna Awa* discourse of the Waikato River. For instance, the subaks have a similar function to *marae* communities in that they have responsibilities to both manage and protect their respective local water resources.

The challenge for the Maori appointees of the GEC and future Maori officials for the

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[120] A subak is the name of water management irrigation system for paddy fields on Bali Island.
[121] The Green Revolution marked a significant increase in agricultural productivity resulting from the introduction of high-yield varieties of grains, the use of pesticides, and improved management techniques.

Waikato River will be to insure that Maori interests in the river are protected and maintained.

Conclusion

In this chapter I have shown that it is through discourse that local Maori communicate their understandings of local lands and resources, but discourse also influences the way in which they perceive and experience them. This chapter demonstrates that the creation of *Te Awa Tupuna* discourse by Waikato-Tainui's river negotiators and the Crown has effectively diminished the authority of *Tupuna Awa* discourse. While *Tupuna Awa* is a term used by Maori from both the Waikato and Whanganui Rivers, its counter discourse, *Te Awa Tupuna,* is a modern construct that is used primarily by tribal officials and administrators. Not only has *Te Awa Tupuna* discourse altered the territorial space of Waikato River Maori as I illustrated in an examination of the bureaucratic re-mapping of the river, but the discourse has also changed the social and political space of the river by creating new Maori leaders and tribal relationships.

The recent Waikato-Tainui river settlement with the Crown has changed the political landscape of the Waikato River. As the Crown has forced Maori tribes of the Waikato River into alliances with one another to progress their river claims, the once dominant role of the Kingitanga as the organising institution of the different river tribes has been largely reduced. It is now the Crown that organises the relationships between the tribes. Ultimately, the Crown decides which river tribes may participate in the GEC and future co-management structures. At present the GEC is made up six Maori representatives and six Crown representatives. While the Crown's representatives have been selected either because they represent the interests of an economically important river stakeholding group or because they have specific scientific or managerial expertise, the Maori representatives have been selected largely for pragmatic reasons, either because they are legal leaders or charismatic leaders in a Weberian sense with the political savvy and know-how to push forward initiatives with tribal constituents.

This new political-discursive arrangement poses some fundamental challenges for the traditional Kingitanga leadership. What role does this leave the Kingitanga in the co-management of the river? How influential will Kingitanga leaders be in future decision-making regarding the Waikato River? Has the settlement of the Waikato River claim created new Maori leaders and new-types of Maori leadership? These questions are explained in the

conclusion of the thesis.

Chapter Seven

CONCLUSION

The Waikato River is an important national resource with a long history of people making claims to it, including Treaty of Waitangi claims by Maori for ownership and guardianship rights (Ballara 1998:153-155, Jones and Biggs 1995:110, 138-149). This process of claiming has most recently culminated in Waikato-Tainui and the Crown signing a Deed of Settlement for the river in 2009. A major outcome of this agreement is a new co-governance structure for the river that has equal Maori and Crown representation.

A central discussion of this thesis is that the Waikato River lies at the heart of tribal identity and chiefly power and has therefore become a key focus of ongoing local struggles for prestige and *mana*. When Waikato lands were confiscated by the colonial government in the 1860s, many Waikato *hapu* not only lost their homes and livelihoods, but in the context of being Maori, they lost status and *mana* too. Against a background of lost lands and resources, this thesis has examined the significance of the Waikato River as a key symbol in restoring Waikato-Tainui status and *mana*. However, Maori are not the only group who claim interests in the Waikato River.

The Language that Flows from the River

This study has shown the way that discursive practices can both consciously and unconsciously mediate shifts of power, including the power to exert rights and interests in the river. Woolard and Schieffelin suggest that 'people use language not only to identify with groups of people and particular sets of social circumstances but also to create boundaries and clear distinctions between groups of people' (1994:55). In addition, Shore and Wright point out that language mobilises people and creates new subjects and objects of governance whilst concealing the mechanisms through which power works (1997:4-5). Their view is informed by Foucault's concept of discourse that defines how specific words and language create discourses, and how discourses are used to legitimate and transform power structures (2003 [1972]). To show how particular words and types of language transform power structures this study examined Barth's (2002) model of knowledge, which cogently demonstrated the importance of language specialisation for transmitting knowledge to people and also how

language specialisations associate and institutionalise people.

An original contribution that this thesis makes to anthropological scholarship is that it has applied discursive practices to empirically track the shifting power relationships and fluid boundaries of groups of people with interests in the Waikato River. This thesis explored the bureaucratic processes and the unique river-discourses that have been created and used by Maori tribes, the Crown and MRP, and asked what role does the politics of language play in transforming identities, power-relations and socio-political hierarchies?

The three primary discourses that this thesis identifies and examines are *Tupuna Awa, Te Awa Tupuna* and the techno-managerial language used by MRP. Long before negotiating Waikato-Tainui's river claim, Kingitanga leaders such as Princess Te Puea Herangi and Sir Robert Mahuta established a discourse for the Waikato River using the idiom of *Tupuna Awa*, which defined the Waikato River to be an important tribal ancestor. *Tupuna Awa* is the discourse associated with the Kingitanga and the initial Waikato *iwi* land and river claim. The focus is on the river as an ancestor and the genealogical relationship between Waikato people and the river. The metaphysical aspects of the river are emphasised (eg *taniwha,* the curative powers of the river's waters). Importantly, Kingitanga leaders are recognised as mediating the relationship between Waikato tribal members and the river.

In contrast, Waikato-Tainui's river negotiators and Crown officials have recently embraced the idiom of *Te Awa Tupuna* which has redefined Maori understandings of the river. This discourse emphasises *iwi* identities, *iwi* partnerships with the Crown and understandings of co-managing the Waikato River. *Te Awa Tupuna* is the discourse associated with the more recent river claim and settlement process that have resulted in a co-management structure for the river. The focus here is more on the health and sustainability of the river itself, and co-management of the river by Waikato Tainui *iwi* and the Crown (including local government as the Crown's agent). This discourse tends to diminish the status of the Kingitanga.

The MRP discourse is focused on the river as a sustainable resource – primarily a resource for the production of electricity. It emphasises the scientific and environmental aspects of the river and prudent management of the resource. It recognised other groups as having relationships with the river, but only in the sense of them being stakeholders. The river creates significant economic benefits for both MRP and the Crown, and security of electricity

supply is critical for the nation's wellbeing. Maintaining MRP's relationship through techno-managerial discourse, with the river is vital. Some elements of this discourse have been adopted in the *Te Awa Tupuna* discourse.

Each of these discourses or knowledge areas, as Barth has shown, relies on language specialisation to define specific groups of people. By tracking the subtle shift between *Tupuna Awa* and *Te Awa Tupuna* this thesis has shown the shift of power from Kingitanga to elected legal leaders. So, along with the shift in discourse there has been a related shift in the nature of tribal leadership. Barth's model demonstrated the importance of agents in the transmission of knowledge. *Tupuna Awa* was closely associated with Kingitanga leaders and, in particular, Robert Mahuta. One of the reasons why *Te Awa Tupuna* discourse has attained traction is because it is being promulgated by tribal leaders who have been able to build strong relationships with the Crown. As a result the discourse is reflected in official documents and legislation.

So why have the two discourses emphasised the Waikato River? A key finding of this thesis has been that Maori claims to the river are motivated primarily by the desire to restore and enhance *mana*. In some respects this is pragmatic given that Waikato Maori have minimal land ownership and no opportunity to regain privately owned land through the Treaty claims process, as generally there is no power to force the return of private land. While not discussed in this thesis, there is in my view a 'public perception' that Waikato *iwi* are well endowed with land and other resources. This is often the way that Kingitanga members portray the situation. But, the reality is that there is little opportunity to regain *mana* through claims to land, and certainly not the significant opportunities that the river creates for this purpose.

Talking About Ownership Increases Mana

Inevitably, the Treaty claims process raises issues of ownership. Is it necessary to own the river in order to obtain *mana* from it? Or is it enough that Waikato-Tainui Maori are legally recognised as being a part of the river's future? The evidence of this study suggests that it is ongoing participation and recognition in the river's affairs from other groups that increases *mana*. For Maori, 'legal ownership' is not necessarily the 'end game'. What is vital in the process of Maori claim-making is the restoration of *mana* which as this study pointed out can

be achieved in a number of ways and, legal ownership is only one of the ways. This thesis demonstrated that there are different understandings of 'owning'. On the one hand there is the orthodox understanding of legal ownership, whereby the river would become the exclusive property of individuals or groups. On the other hand, Maori *tikanga* understandings are less about exclusive ownership and more about belonging to the river. Legal ownership of rivers is problematic and politically sensitive given the multiple interests involved and the fact that water is always moving. Underlying the recent co-governance agreement between Waikato-Tainui and the Crown is an implied agreement to not determine legal ownership of the river, at least at this stage. The emphasis is on managing the river to improve its health, rather than owning the river. This is certainly a politically acceptable outcome. However, the process of reaching the agreement has, to some extent, increased the *mana* of some Waikato-Tainui individuals. The process and outcome has demonstrated that Waikato-Tainui 'belong' to the river, but whether it has increased the *mana* of the tribe as a whole is debatable. The fact that Waikato-Tainui's representation on the WRA is the same as the other river tribes tends to undermine the traditional seniority or *tuakana* status that the tribe and the Kingitanga had.

In the past, traditional Kingitanga leaders of Waikato *iwi* derived authority and *mana* from their lineage, rank, *tuakana* status and personal charisma, however the post settlement era has created a new kind of leader. These are the technical-bureaucratic leaders who interact with government and corporate representatives. This leader is the public face of the tribe and, while their traditional authority amongst ordinary Maori may not have increased, their status among government and corporate officials is great. This study shows that things have moved on in the Waikato since van Meijl's period of study. No longer is there a contest over leadership and authority between senior linage members of the Kingitanga. The new challenges for positions of authority within the tribe are coming from members outside the *kahui ariki*. As this thesis has showed the two key players battling it out are Tukoroirangi Morgan and Hemi Rau. At the time of writing this thesis Tukuroirangi Morgan seemed ahead in the game. Not only does his expertise in Maori language and knowledge of things Maori give him the edge on his opponent but the *mana* he has sourced from being associated with the Waikato River has increased his status as a Maori leader throughout New Zealand.

This thesis has also shown that for tribes, claims have just as much to do with 'acting out of a responsibility or an obligation to care' as they do with protecting a financial and political

'interest' in the Waikato River. Therefore, when Gulliver refers to disputants 'acting out of interest , and using whatever resources are available to them to press their own cause forward' (1979:193), the word 'interest' should perhaps be given a wide definition to encompass the various responsibilities and obligations that tribal individuals and groups have in relation to the Waikato River. For Maori, being involved in the claims process (as well as opposing others using the river through the courts), and the outcome of the process, are both important. Being involved in the process itself provides evidence to future generations that the current generation attempted to protect and regain cultural treasures for the future. But protecting and regaining resources is only part of the story. The key interest is not to exclude others but, rather it is to build relationships and mobilise people and attain the power and *mana* that goes with this. This is an on-going process. Reaching a 'full and final' settlement, therefore, is not necessarily the most valuable outcome.

The thesis discussed the works of Toon van Meijl (1990, 2000, 2003, 2006a) and Ngapare Hopa (1997, 1999). In a way, this study is an extension their works, as the scholars also used Foucault's notion of discourse to examine the tensions and cleavages within Waikato *iwi*. However, their conclusions differ in some fundamental respects from those reached in this thesis. Van Meijl's study of the power relationships within Waikato iwi emphasised the struggle between Kingitanga modernisers and Kingitanga traditionalists, along with what he saw as inequalities between the leadership and 'ordinary' tribal members (van Meijl 1990). Hopa, however, claims that the corporate *iwi* identity of Waikato-Tainui was created by senior Kingitanga members and the Tainui Maori Trust Board. The primary function of the new entity was to gain control of lands and monies that were awarded to Waikato Maori in their settlement with the Crown and prevent *hapu* from the redress. Hopa pointed out that neither land nor money was distributed to many of the *hapu* who had their lands confiscated and therefore the *mana* of these *hapu* was this time being seized by senior members of the Kingitanga.

However, my thesis differs from van Meijl and Hopa's works in a number of ways. Both van Meijl and Hopa's studies are Marxist critiques that emphasise the inequalities within the tribe. Unlike van Meijl and Hopa, this thesis emphasises the importance of leaders and acknowledges the critical importance of the *tuakana-teina* concept which places obligations on leaders. In short, there is an expectation that leaders lead and that they make decisions for the group, taking into account the interests of the group as a whole. A key function of the

Kingitanga leadership during the time of van Meijl's PhD study was to pursue the land claim. Creating an 'elite' leadership that had traditional Kingitanga links and that also demanded the respect of the Crown was critical to a successful claim negotiation that would benefit the tribe as a whole. In a sense van Meijl's preoccupation with the contest between a traditional leader (Tumate Mahuta) being challenged by a modern leader (Robert Mahuta) was not an accurate reflection of what was happening within the senior ranks of the Kingitanga. Had van Meijl referred to Weber's (1949, 1978) ideal ruler types he should have concluded that Robert Mahuta fitted into all three leadership categories, including being a 'traditional leader'.

Like Hopa, this thesis provides a tribal-based perspective rather than a Maori view of current Treaty claims processes. Unlike many other works, however, this thesis is not intended to facilitate or advocate for a Treaty claim. The focus of the thesis is the central symbol of Waikato *iwi* tribal identity – the river - and its role in a wide range of Maori and non-Maori relationships. Moreover, this thesis is not only about tensions within the tribe but also, tensions between the tribe and others, including, other *iwi*, the Crown and MRP.

The recent Waikato River co-governance model is, for Maori and the Crown, a test case for resolving some of these tensions. What does this test case signify for the rest of New Zealand? Most significantly it shows how hard it is to develop a structure that addresses all the political goals of redress, including social justice, participation, equity and stakeholder rights on the one hand, and the issue of day to day management on the other. Thus tracking the way in which Maori and the Crown have found a strategic alliance of convenience to deal with the problem of Waikato River 'ownership' makes this research an original contribution not only to the anthropological literature of property but also to understandings of cross cultural processes in which the two main parties in negotiation are moulding discourses to forward their own interests both in relation to each other, and in relation to their own constituencies.

Why has this model been adopted as settling Maori claims to the Waikato River? Ultimately, it is a compromise for both parties. As noted above, by focussing on governance and management, the model avoids the need to determine complex political and legal issues of 'ownership'. It is probable that the co-governance model was the only politically acceptable option. However, by exploring the detail of how the co-governance structure will be managed this thesis examines some of the practical implications of the co-management

structure and, in particular, how it has created new opportunities for non-traditional Maori leaders. What has transpired from the agreement at the northern end of the river is the emergence of a new guard of Maori decision-makers who have challenged and displaced Kingitanga leaders as the main power brokers of the Waikato River. These new leaders are comfortable with the *Te Awa Tupuna* discourse and working with the Crown and businesses. Waikato-Tainui's current representative on the interim Guardians Establishment Committee is Tukoroirangi Morgan. His authority as a Waikato-Tainui leader is derived from being elected to Te Kauhanganui and being the Chairperson of Te Arataura, rather than being a member of the *kahui ariki*.

The significant point is that the new co-governance structure will have the primary decision-making power over the river; the river which is the source of Waikato-Tainui identity. In short, therefore, this new type of elected or appointed leadership has the potential to take control over the fundamental source of Waikato-Tainui identity. Formerly, this was the role of the Kingitanga.

Where to From Here?

Overall, the co-governance model may be a pragmatic solution to the problems created by competing interests in the river. There are other examples of the co-management of resources in New Zealand[122], but not of this scale, and not in relation to a nationally significant river. The future implications of the model are, therefore, uncertain.

The spectre of privatisation of MRP is ever present. It is difficult to predict whether the co-governance model will make such privatisation more or less likely. However, even though MRP is a separate entity, it is still subject to some control by the Crown. Therefore, by the Crown losing control of such a key user of the river, the influence of the co-governance structure could potentially be diminished.

While pragmatic, the co-governance structure is an inherently western model with appointed representatives making formal statutory decisions on behalf of the various groups. Therefore, it is a model or way of viewing the river which is foreign to most *iwi* members and one in

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[122] For example Mount Maunganui in the Bay of Plenty and land in Orakei in Auckland.

which they cannot easily participate. Is the model being foisted upon a group of people within which only a few are able to participate? This thesis demonstrated that there is a very real risk that certain individuals are able to 'capture' the process. If so, it must be questioned whether the full potential of the model can or will be realised.

Thus, this thesis concludes that, whether intended or not, the Crown plays a critical role in organising and transforming power relations between Waikato River Maori groups. And more importantly for the purposes of this analysis, this work has demonstrated that discourse plays a crucial role in redefining relationships of authority. This study has therefore provided a lens onto some of the tensions and internal conflicts within Waikato-Tainui as well as the contestations for power between *iwi* and the state. As I have tried to show the net effect is that we are in unchartered waters at the moment. Looking into the future, the long term implications of the co-governance model are anyone's guess. This thesis has shown that the new office of the Kingitanga has been eclipsed by a resourceful politician. However as one informant said 'in five years time it is unlikely that Tuku Morgan will still be in power' but as a note of caution he said 'but a lot can happen in five years'.

Appendix 1

Raiha Mahuta discusses the Waikato River Settlement in the Envirocare Magazine

Tooku Awa Koiora

This settlement started with people trying to right an injustice that destroyed their world. For the people of Waikato-Tainui, that destruction was caused by raupatu (land confiscation) which had real effects on its people, their land and resources and, in this case, the Waikato River.

I've learnt along the way that negotiators have to try to be reasonable despite the injustices of raupatu. That's the beginning. We entered into negotiations with the Crown to make better those injustices and to reach an agreement that can benefit the people and restore wellbeing to their environment.

Negotiations can stall if there is a lack of commitment or belief in an outcome that challenges the status quo and demands genuine power sharing. The Waikato River settlement has encountered obstacles and it is likely that the road will continue to be bumpy. People may not be ready to commit to the changes required to fully implement the intention of the river settlement or the lack of experience in co-management may prevent forward momentum, but we have to start somewhere.

Other factors preventing progress could be trying to reconcile evidence-based science in water quality,
efficient water allocation and land use with Maori values about the river, its environs and spiritual wellbeing. There are also road blocks when economic priorities get in the way of how we value the environment. After all, the Waikato River is the most developed river in the country.

The river has been waiting for so long to be restored to health and I am mindful that the settlement must
be about more than signatures on a page. We all need to see action on the river including central and local government and the wider community. Everyone must be committed and working towards the one goal – a clean and healthy Waikato river.

Raiha Mahuta
CO-NEGOTIATOR
Waikato-Tainui River Claim

See Environment Waikato 2010:1-2

Appendix 2

Summary of the Waikato River Settlement (2009)

Overview

The Waikato River Settlement is the final settlement of all Waikato-Tainui's historical claims relating to the Waikato River resulting from acts or omissions by the Crown prior to 21 September 1992 and includes:

An agreed historical account and Crown acknowledgements;

A commitment by the Crown and Waikato-Tainui to enter a new era of co-management over the Waikato River;

The Crown's recognition of the significance of the Waikato River to Waikato-Tainui; and

Arrangements for the Waikato River comprising:

- a primary, direction-setting document for the Waikato River called 'The Vision and Strategy' or 'Te Ture Whaimana';

- the establishment of a new co-governance entity, the Waikato River Authority;

- the establishment of a clean-up trust for the Waikato River;

- co-management arrangements for Waikato-Tainui; and

- recognition and provision for river-related customary activities undertaken by members of Waikato-Tainui.

Provision for a cultural harvest plan;

The Kiingitanga Accord and other accords as agreed in the 2008 settlement; and

Other provisions including the gifting to Waikato-Tainui of sites of significance, provision for co-management of river-related land, a commitment to engage over dispositions and the rights of first refusal in relation to the Huntly power station and a coal mining licence as agreed in the 2008 settlement.

The benefits of the settlement will be available to all members of Waikato-Tainui where ever they live.

Appendix 3

The original plan for my PhD study was to do a comparative study on indigenous people who have long-standing relationships with the Waikato River in New Zealand, and the St Lawrence River near Montreal, Canada. For this reason I travelled to Canada. Three weeks before leaving for Montreal to conduct fieldwork my father phoned and explained that there were some things that needed to be done before I left. With a sense of urgency he requested that I pick a day in the next week to return to the Waikato.

My drive back to the Waikato from Auckland was smooth until I reached Meremere. At Meremere the traffic had stopped because of road works. I sat in my car with nothing to look at but the string of cars in front of me and the Waikato River which was flowing past on my right hand side. When I phoned my father to let him know that I would be late, he laughed and said 'so you're getting a good view of the *awa*, we'll see you when you get here'. After a 10 minute wait the traffic began to move and it was not long before I was driving through the township of Te Paina, or Mercer as it is now known. Te Paina is a special place for members of Turangawaewae Marae as it is the place where Te Puea Herangi, in 1921, set off on a barge loaded with Waikato orphans. The barge travelled up the Waikato River to Ngaruawahia, where throughout the 1920s Te Puea and the orphans re-established Turangawaewae Marae.

As I drove on I passed through the small settlement of Rangiriri. This is the place where a turbulent battle between allied Maori tribes and the British militia occurred in 1863. Before entering Huntly township, where I was born, there is a vantage point where you get clear views to the other side of the river. From this spot it is possible to see Waahi Marae, home of Waikato *ariki*. On reaching Taupiri Mountain I beeped the car's horn to acknowledge my grandparents and all the other ancestors who are buried there. At Ngaruawahia I crossed over the Waikato River and looked down on my home *marae* of Turangawaewae. At my father's house there was a four wheel drive waiting, with three *kaumatua*. After greeting the group, my father explains that we were all going to do a *hikoi* (journey) of the Waikato River.

The first stop of our *hikoi* was Miropiko, an ancient Maori Pa site on the banks of the Waikato River in Hamilton East. As we entered the cleared site of Miropiko one of the *kaumatua* called out to the ancestors. His initial *karakia* was a greeting which was followed by an explanation of

what we were doing that day. He asked the dead ancestors of Miropiko if I might carry out the study of our *tupuna awa*. After the oratory to the ancestors we had another *karakia* and then walked around the site of Miropiko which overlooks the Waikato River. We then continued on our *hikoi*. At Putaruru one of the *kaumatua* commented that we were now in the heart of Ngati Raukawa territory. After Whakamaru another *kaumatua* voiced that we would soon be entering the *rohe* of the Te Arawa people. At Taupo we stopped and ate lunch beside Lake Taupo-nui-a-Tia. Here a *kaumatua* recalled the significance of the Ngati Tuwharetoa ancestor 'Tia', explaining that the lake was named after the ancestor who wore a flax cape. I was also told that the place where we were sitting was known as Tapuaeharuru, 'the place of resounding footsteps'. We then continued on to Turangi where we were welcomed by some people who have connections to Lake Taupo, the Whangaehu River and the Whanganui River.

At Turangi the Waikato *kaumatua* asked the small contingent of Ngati Tuwharetoa representatives if I might do some research on the Waikato River. At the time I was not sure whether the group would agree to the suggestion. However, after the cup of tea one of their *kaumatua*, John Ham, escorted our party to the Turangi Information Centre.

Photo 16. From the left, Hukiterangi Muru, John Ham and Mana Forbes,
Turangi Information Centre, 24 January 2005

There was a model of the Central Plateau at the Centre. Using the model, John Ham spoke about the upper Waikato River system. His knowledge of the area was extensive. After his talk we

continued on our *hikoi* arriving at the place where the Waikato River begins. It was here that our ritual practices reached their peak as one of the *kaumatua* asked the sources of the water and all the *tupuna* embodied in the waters if I might do a study of the Waikato River. After his *whaikorero* we had another *karakia* and then I was presented with a greenstone *taonga*. This *taonga* has the form of a hook and is called a *matau*. As I stood there feeling happy but slightly bewildered my father said 'when you get to Canada, you know you have to ask the *tangata whenua* there if you can study their *awa*, eh'. I looked at him horrified and said 'but I don't know any Indians'. He smiled and proceeded to *whakanoa* (bless) himself with water.

Appendix 4

One version of the history which I have summarised for this study comes from Grace's

(2005) *The Tuwharetoa.* The text describes the early Maori settlement of the Taupo region.

> The chief Ngatoroirangi was originally choosen to navigate the Tainui canoe but was tricked onto the Te Arawa canoe by the chief Tamatekapua. Angered by the deception, Ngatoroirangi left the Te Arawa party when they arrived at Maketu in the Bay of Plenty. After leaving the group he travelled up the Tarawera River where he discovered Tauhara mountain. However, at the same time Ngatoroirangi left Maketu, a chief named Tia who was also from the Te Arawa canoe, was travelling up the Kaituna River where he encountered Rotorua.

> From Rotorua, Tia went westward and discovered the Waikato River. Looking into the river Tia noticed that the water was very murky. This led him to believe that someone was ahead of him. This place on the Waikato River is now named 'Atiamuri' which means 'Tia who follows behind'. Determined to meet the person responsible for the muddy water, Tia hurried on. At a place on the river near Wairakei Tia found a set of rapids whose stepped form fascinated him. These rapids are now called 'Aratiatia' which means 'the stairway of Tia'. Continuing on his journey, Tia discovered Lake Taupo. As he traveled around the eastern shores of the lake to Hamaria he noticed that the colour and appearance of the cliff face resembled the rain cloak he was wearing. In response to that phenomenon the cliffs are now named 'Taupo-nui-a-Tia' meaning 'the great rain cloak of Tia'.

> Looking down from the summit of Tauhara Ngatoroirangi saw Tia walking around the lake. Concerned by Tia's presence Ngatoroirangi immediately threw his *taiaha* (spear) into the lake in order to claim it and its surrounding lands for his descendants. Ngatoroirangi then made his way to Tongariro Mountain, on reaching the summit he also claimed the great mountain and the surrounding district as his own.

Appendix 5

Latest Te Puni Kokiri Table of Ngati Tuwharetoa Hapu and Marae Locations

Hapu	Marae	Location
Ngati Haa	Mokai	Atiamuri
Ngati Hinemanu	Mangahoanga	Reporoa
	Ohaki	Reporoa
	Te Toke	Reporoa
Ngati Hinewai-Toroa	Ohaaki	Reporoa
Ngati Mataarae	Mangahoanga	Reporoa
Ngati Moekino	Mokai	Atiamuri
Ngati Parekaawa	Mokai	Atiamuri
	Poukura	Taupo
Ngati Rauhoto-a-Tia	Maroanui	Maroanui
	Nukuhau	Taupo
Ngati Tahu	Mangahoanga	Reporoa
	Ohaki	Reporoa
	Te Toke	Reporoa
	Waimahana	Reporoa
Ngati Tarakaiahi	Mokai	Atiamuri
Ngati Te Kohera	Mokai	Atiamuri
	Ongaroto	Atiamuri
Ngati Te Urunga	Nukuhau	Taupo
Ngati Wairangi	Mokai	Atiamuri
Ngati Whaita	Mokai	Atiamuri
	Ongaroto	Atiamuri
Ngati Whaoa	Mangahoanga	Reporoa
	Waimahana	Reporoa

Appendix 6

Latest Te Puni Kokiri Table of Ngati Tahu-Ngati Whaoa Hapu and Marae Locations

Hapu	Marae	Location
Ngati Mataarae	Mangahoanga	Reporoa
Ngati Rahurahu	Waimahana	Reporoa
Ngati Tahu	Ohaki	Reporoa
Ngati Te Rama	Te Toke	Reporoa
Ngati Whaoa	Mangahoanga Te Toke	Reporoa Reporoa

Appendix 7

Latest Te Puni Kokiri Table of Ngati Raukawa Hapu and Marae Locations

Hapu	Marae	Location
Kirihika	Rengarenga	Te Poi
	Ukaipo	Te Poi
Ngati Ahuru	Mangakaretu	Putaruru
	Ngatira	Putaruru
Ngati Ahuru / Ngati Mahana	Whakaaratamaiti	Putaruru
Ngati Apunga / Ngati Motai	Paparamu	Tirau
Ngati Haa	Mokai	Atiamuri
Ngati Hinerangi	Hinerangi Tawhaki	Matamata
	Rengarenga	Te Poi
	Tamapango	Matamata
	Tangata	Matamata
	Te Ohaki	Te Poi
	Te Omeka	Te Poi
Ngati Huri	Pikitu	Putaruru
Ngati Koroki / Ngati Mahuta	Maungatautari	Cambridge
	Pohara	Cambridge
Ngati Moekino	Mokai	Atiamuri
Ngati Parekaawa	Mokai	Atiamuri
Ngati Puehutore	Whakamarama	Te Awamutu
Ngati Tarakaiahi	Mokai	Atiamuri
Ngati Te Kohera	Mokai	Atiamuri
Ngati Tukorehe	Ruapeka	Okoroire
Ngati Tukorehe / Te Rangi / Rangitawhia	Tapapa – Manawanui	Tapapa
Ngati Wairangi	Mokai	Atiamuri
Ngati Wehiwehi	Ukaipo	Te Poi
Ngati Whaita	Ongaroto	Atiamuri

Appendix 8

Latest Te Puni Kokiri Table of Waikato-Tainui Hapu and Marae Locations

Hapu	Marae	Location
Ngati Aamaru	Ngataierua	Pukekohe
	Tauranganui	Pukekohe
	Te Awamarahi	Tuakau
	Te Kotahitanga	Onewhero
Ngati Apakura	Hiona	Ngutunui
	Kahotea	Otorohanga
	Mokai Kainga	Kawhia
	Purekireki	Pirongia
	Te Kopua	Te Awamutu
	Te Tokanganui a Noho	Te Kuiti
Ngati Haua	Kai a te Mata	Morrinsville
	Mangatoatoa	Tokanui
	Rakaunui	Araroa
	Rukumoana	Morrinsville
	Te Iti a Haua / Tauwhare	Tauwhare
	Te Raungaiti	Matamata
	Waimakariri	Hautapu
Ngati Hikairo	Waipapa	Kawhia
Ngati Hine	Horahora	Rangiriri
	Maurea	Huntly
	Waikare	Te Kauwhata
Ngati Koheriki	Mangatangi	Mangatangi
	Nga Hau e Wha	Pukekohe
	Umupuia	Umupuia
	Whatapaka	Auckland
Ngati Korokii	Aotearoa	Waikeria
	Maungatautari	Cambridge
	Ngatira	Putaruru
	Owairaka	Owairaka
	Pohara	Cambridge
Ngati Kuiaarangi	Kaitumutumu	Huntly
	Okarea	Okarea
	Taniwha	Waeranga
	Taupiri	Taupiri
	Te Kauri	Huntly
	Te Ohaki	Huntly
	Te Puea	Mangere
	Wahi	Huntly
Ngati Maahanga	Omaero	Whatawhata
	Te Kaharoa (Aramiro)	Raglan
	Te Papa o Rotu	Whatawhata
	Waingaro	Waingaro

174

Ngati Mahuta	Aruka	Taharoa
	Kaitumutumu	Huntly
	Maketu	Kawhia
	Motakotako	Te Mata
	Okapu	Ookapu
	Okarea	Okarea
	Taniwha	Waeranga
	Taupiri	Taupiri
	Te Kauri	Huntly
	Te Kopua	Te Awamutu
	Te Koraha	Taharoa
	Te Ohaki	Huntly
	Te Papatapu	Te Papatapu
	Te Puea	Mangere
	Te Tihi o Moerangi	Makomako
	Turangawaewae	Ngaruawahia
	Wahi	Huntly
	Waikeri	Ngaruawahia
Ngati Makirangi	Hukanui	Gordonton
	Tauhei	Tauhei
	Te Hoe o Tainui	Hoe o Tainui
	Waitii	Morrinsville
Ngati Naho	Horahora	Rangiriri
	Maurea	Huntly
	Waikare	Te Kauwhata
Ngati Ngutu	Kai a te Mata	Morrinsville
	Mangatoatoa	Tokanui
	Rakaunui	Araroa
	Rukumoana	Morrinsville
	Te Iti a Haua / Tauwhare	Tauwhare
	Te Raungaiti	Matamata
	Waimakariri	Hautapu
Ngati Paretauaa	Makaurau	Mangare
	Pukaki	Mangere
	Reretewhioi	Waiuku
	Tahuna Kaitoto	Waiuku
Ngati Paretekawa	Kai a te Mata	Morrinsville
	Mangatoatoa	Tokanui
	Rakaunui	Araroa
	Rukumoana	Morrinsville
	Te Iti a Haua / Tauwhare	Tauwhare
	Te Raungaiti	Matamata
	Waimakariri	Hautapu
Ngati Pou	Horahora	Rangiriri
	Maurea	Huntly
	Waikare	Te Kauwhata
Ngati Puhiawe	Waipapa	Kawhia
Ngati Raukawa ki Panehaakua	Aotearoa	Waikeria

175

	Maungatautari	Cambridge
	Ngatira	Putaruru
	Owairaka	Owairaka
	Pohara	Cambridge
Ngati Ruru	Parawera	Kihikihi
Ngati Taahinga	Oraeroa	Tuakau
	Pukerewa	Waikaretu
	Te Akau	Te Akau
	Te Poho o Tanikena	Opuatia
	Tikirahi	Te Kohanga
	Waikaretu / Weraroa	Waikaretu
Ngati Tai	Kaitumutumu	Huntly
	Okarea	Okarea
	Taniwha	Waeranga
	Taupiri	Taupiri
	Te Kauri	Huntly
	Te Ohaki	Huntly
	Wahi	Huntly
Ngati Tamainupo	Mai Uenuku ki te Whenua	Ranui
	Omaero	Whatawhata
	Te Kaharoa (Aramiro)	Raglan
	Te Papa o Rotu	Whatawhata
	Te Puea	Mangere
	Waingaro	Waingaro
Ngati Tamaoho	Mangatangi	Mangatangi
	Nga Hau e Wha	Pukekohe
	Umupuia	Umupuia
	Whatapaka	Auckland
Ngati Taratikitiki	Horahora	Rangiriri
	Maurea	Huntly
	Waikare	Te Kauwhata
Ngati Te Ata	Makaurau	Mangare
	Pukaki	Mangere
	Reretewhioi	Waiuku
	Tahuna Kaitoto	Waiuku
Ngati Te Weehi	Aruka	Taharoa
	Maketu	Kawhia
	Motakotako	Te Mata
	Okapu	Ookapu
	Te Koraha	Taharoa
	Te Papatapu	Te Papatapu
	Te Tihi o Moerangi	Makomako
	Turangawaewae	Ngaruawahia
	Waikeri	Ngaruawahia
Ngati Tiipa	Ngataierua	Pukekohe
	Tauranganui	Pukekohe
	Te Awamarahi	Tuakau
	Te Kotahitanga	Onewhero

176

Ngati Wairere	Hukanui	Gordonton
	Tauhei	Tauhei
	Te Hoe o Tainui	Hoe o Tainui
	Waitii	Morrinsville
Ngati Werokoko	Parawera	Kihikihi
Ngati Whaawhaakia	Kaitumutumu	Huntly
	Okarea	Okarea
	Taniwha	Waeranga
	Taupiri	Taupiri
	Te Kauri	Huntly
	Te Ohaki	Huntly
	Te Puea	Mangere
	Wahi	Huntly
Ngai Tai	Mangatangi	Mangatangi
	Nga Hau e Wha	Pukekohe
	Umupuia	Umupuia
	Whatapaka	Auckland
Tainui	Motakotako	Te Mata
	Poihakena	Raglan
	Pukerewa	Waikaretu
	Te Akau	Te Akau
	Te Kopua	Te Awamutu
	Te Poho o Tanikena	Opuatia
	Waikaretu / Weraroa	Waikaretu
Te Aakitai	Makaurau	Mangare
	Pukaki	Mangere
	Reretewhioi	Waiuku
	Tahuna Kaitoto	Waiuku

Appendix 9

<u>History of Settlement</u>

Maori settlement along the banks of the Waikato River can be traced back to 1560. As recorded by Kelly (1949) and tribal informants, this history can be summarized thus –

1560	Kokako goes to the Waikato Head.
1575	Tama-a-io expedition.
	Rereahu – settlement of Waipa, Mango-o-kewa.
	Maniapoto – consolidation of leadership.
	Te Ihingarangi – goes to live at Maungatautari.
	Tama-inu-po goes to Taipouri home of Kokao.
1600	Maki makes his way to Kaipara via Waikato.
	Kiki – nga uri o Kiki whakamaroke raakau.
	Mahuta and Paoa – lived at Te Uapata/Kaitotehe.
1625	Koroki married Wairere's daughter and begot Haua and Hape.
1675	Ngaere and Heke-i-te-rangi live at Pukerahua.
	Origin of name Ngaruawahia.
	Origin of saying "Mokau ki runga, Tamaki ki raro".
1700	Whare Tipeti and Tapaue.
	"Me pewhea koe e eke mai ai I te paepae tuangahuru o Uenuku".
1725	Te Putu lives at Tauprir defeats N. Tuwharetoa war party under Tutetawha at Taumatawiwi just above Karapiro.
	Papaka seeks Te Putu's help against Toaangine – Te Putu's reply, "Ehara te kaahu tau noa, aa paa taau ko nga kaahu pookere o Taamaki, ko nga kurii rangaunu e kore e ngaro i te hinapouri".
1750	Ngati Raukawa encroachment to Nukuhau.
	Ngatokowaru kills Te Putu and Tawhia-ki-te-rangi takes revenge on N. Raukawa at Maungatautari.
1800	Te Rauangaanga.
	Ngati Raukawa raids Hape.
	Battle of Hingakaka – East and West Coast tribes attack Waikato.
1820	Rise of Te Wherowhero, Te Hiakai, Te Kanawa, Mama, Te Rangituatea, Pehi Tukorehu and Te Rauparaha.
	Battle of Matakitaki against Ngapuhi invaders.
1830	Waikato establishes overall control of territory with expulsion of N. Maru and N. Raukawa.
1840	Signing of Treaty of Waitangi.
1850	Search for a Maori King.
1863	Confiscation of the Waikato.
1920-30	Te Puea taxes the Waikato river tribes to assist in the construction of Turangawaewae Marae.
1938	Tumate's body conveyed by river from Turangawaewae to Taupiri.
1940	Tributes of fish are presented to Koroki.
1942	Mahuta's body conveyed from Hukanui to Taupiri.
1952	Waikato war canoes salute visit to Turangawaewae of Queen Elizabeth II.
1971	Visit of Hon. Duncan McIntyre to Waahi Pa.
1975	Waikato war canoes salute Queen Elizabeth II on her second visit to Turangawaewae.

Appendix 10

MEDIA RELEASE: 8 JULY 2003 - Key Parties Create Waikato River Partnership.
"Waikato-Tainui and Mighty River Power, two of the largest stakeholders in the welfare of the Waikato River, have signed a partnership agreement outlining how they will work together to contribute to the future wellbeing of the river. Waikato-Tainui regard the Waikato as their ancestral river while most of Mighty River Power's current electricity generation comes from the eight dams and nine stations along the Waikato. Last night the two organisations signed an agreement outlining the way they would work together to ensure the preservation and enhancement of the river and its surrounds for future generations."

"We were very pleased to enter a partnership that recognises the ancestral role the river holds for Waikato-Tainui and acknowledges the contribution the river makes to our spiritual and temporal health," says Waikato Raupatu Trust Chairman Kingi Porima.

"Mighty River Power has recognised that as tangata whenua we exercise mana whakahaere over the region and we believe the presence of the dams has had an impact on our relationship with the river. However, we also acknowledge that the dams and their operations have produced positive community benefits."

Mighty River Power Chairman, Rob Challinor says the agreement with Waikato-Tainui shows the iwi have a clear vision and commitment to the future of the river as well as a dedication to community leadership in the Waikato.

"It has been a pleasure working with Waikato-Tainui. Both of our organisations share a strong commitment to the preservation of the river, as well as a desire to make a constructive contribution to the Waikato community. The signing of this agreement is a tangible demonstration of that commitment, with the ultimate beneficiary being the Waikato River."

The partnership focuses on several initiatives, including the following:

Enabling Waikato-Tainui to realise, in practical terms, their interest in managing the river

Establishing river-related enhancement projects, remedial works and scientific studies in and around the Waikato River and adjacent locations

Undertaking activities and promoting projects to improve the education, employment opportunities, health and wellbeing of the people of Waikato-Tainui

Enhancing the cultural relationships that are fundamental in Waikato-Tainui's relationship with the Waikato River

Waikato-Tainui and Mighty River Power have established a Partnership Committee, which will carry out the various initiatives outlined in the deed of memorandum.

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Dr Doug Heffernan, Chief Executive Mighty River Power, Ph 025 983905

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