

## **Rangatiratanga and generosity : making the connections**

**Philanthropy New Zealand Conference Wednesday November 3, 2004**

I am delighted to be here this morning to support your endeavours. As a trustee of the ASB Trust I want to bring you warmest greetings and acknowledge a new convergence of interests between yourselves and ourselves, a convergence that will be aided by the skill, patience and experience of Jenny Gill in particular. Our Board is pleased to support Jenny's role in your organisation. I am convinced that this connection will bear positive fruit in the near future.

I have entitled my talk today, Rangatiratanga and generosity ; making the connections. It has been commonplace to hear that there is no Maori cultural equivalent to the concept of philanthropy as we are discussing it today. In my experience this is not true. What's more I will suggest that a sophisticated treaty based understanding of the protection of rangatiratanga would result in a true recognition of Maori generosity that for the most part remains hidden to most New Zealanders.

Let me illustrate my point by telling you about a great New Zealand story. At its centrepiece is Ngati Whatua o Orakei, the hapu of Ngati Whatua iwi who by a 1991 Act of Parliament are recognised as holding manawhenua (tribal authority within a region) standing in the Auckland isthmus. The re-emergence of this tribal hapu after nearly a 110 years of seeming absence from public affairs is one of the startling re-discoveries of Auckland in this last 30 years.

It has been my fortune to be closely involved with this hapu for 20 of those 30 years.

I want to frame the context of our conversation by talking about the founding of Auckland. My description though discusses not the Pakeha history of this place which may be well known to you, but the tribal history of this place.

But first, the briefest of scans of our founding story of Auckland. Let me take you through a journey traversing three centuries. Many of you may be familiar with this. For some it will be new news.

- in 1840, just months after the signing of the Treaty, Apihai Te Kawau, paramount chief of Ngati Whatua invited Governor Hobson to come to Tamaki Makaurau to set up his seat of government. He offered Hobson an inducement. Come, he said and I will give you 3000 acres to develop your settlement. Make this the capital and I will give you more. The area transferred in modern day terms was Parnell, the CBD, Ponsonby, Grey Lynn, Herne Bay and some of Newmarket and Mount Eden

- In 1841 a gathering of 1000 Ngati Whatua greeted Hobson on the shores of Okahu Bay. Te Kawau addressed him. "Governor, Governor, welcome as a father to me: there is land for you ... go and pick the best part of the land and place your people, at least our people upon it."

The block chosen is latter day Westmere, Pt Chevalier, Western Springs, Waterview, Avondale, Mount Albert, Titirangi, Sandringham, Mt Roskill, Three Kings, Balmoral, Kingsland, Mount Eden and Epsom.

This represented the transfer of a further 9000 acres.

Why would Apihai have made such a significant gesture? What was behind his thinking? The answer was an alliance. The transfer of land was in Maori terms a “tuku rangatira”, a chiefly gift with strings attached. There could be no gift without reciprocity and this ‘utu’ was to be the advantages to be gained from commerce, education and health and the protection of all under the law. The Orakei report of the Waitangi Tribunal commented that the “ settlers came not as conquerors, not as interlopers, but as Te Kawau’s invitees to share the land with Ngati Whatua.”

- All this contains a certain poignant relevance for in 1869 at a hearing of the Native Land Court Apihai Te Kawau was asked “Who were the people who sold Auckland to the Europeans?” The answer was “I did not sell it, I gave it to them.” On the further question of “Did not the government give you and your people money for it afterwards?” Apihai answered: “No, I have been constantly looking for payment but have not got it.”

Why was Apihai in the Native Land Court? Because within 5 years of the invitation to Hobson to come to Auckland, Ngati Whatua who had previously uncontested standing as manawhenua across the Auckland isthmus had seen over 100,000 acres of its land disappear with little to show for it. By 1868 they were reduced to the 700 acre Orakei Block deemed by the court at that time to be forever inalienable, not to be sold. This was later reversed just before the first world war. In 1913 government changed the policy. While Ngati Whatua leaders were with New Zealand troops overseas the government passed a law allowing for the individualisation of title. The land was sold off and what remained then was a marae, a pa and an urupa based at Okahu Bay.

- In 1951 the marae and pa were deemed an eyesore on Tamaki Drive and unsafe for habitation. The Auckland City Council evicted all residents to new State housing on the Kitemoana St hill and razed the marae and attendant buildings to the ground. The quarter acre urupa was all that remained.

Thus to summarise: the once proud people of the Tamaki isthmus, at 1840 holding sway over the whole of Auckland; the people who invited and induced Hobson to Auckland to form the seat of government; were reduced in precisely 112 years to a landless few living off the state. They were without a marae on which to fulfil their customary obligations and were left with a quarter acre cemetery being the last piece of land they could tribally claim as their own.

It is not surprising therefore that in 1978 when a group of Ngati Whatua led by Joe Hawke said ‘no!’ to the Muldoon government’s plan to subdivide what they genuinely believed was their legitimate estate, people everywhere began asking, “Just who are these people?”

In his second claim before the Waitangi Tribunal (Wai 9) Joe Hawke and others outlined the case relating to the disposal of the Orakei Block, the land ordered by the court in 1869 to be forever inalienable. The outcome was unequivocally in their favour and Bastion Point in 1991 was finally transferred back into Ngati Whatua’s hand by Act of Parliament. The area vested included the whenua rangatira now known as Takaparawhau park, the smaller Okahu Park comprising the original papakainga and the foreshore.

Let’s for a moment pause to consider the first thing Ngati Whatua did when it took back the land. The first thing it did was to gift a huge chunk of Bastion Point back to Aucklanders.

That's right, they gave it back to all of us for our unimpeded use. The most expensive land with the best views in all of Auckland. The land where Michael Joseph Savage rests. Ngati Whatua agreed to manage this jointly with the Auckland City Council (the same Council that had stood by at the burning of their marae) for the benefit of all the people of Tamaki Makaurau and beyond.

What therefore is it that enables a people who sought for 150 years to get some form of justice that recognised their cultural destitution, to react in their moment of triumph with such generosity to those who had dispossessed them?

What underpins such an act of philanthropy? To put it simply; the recovery of their rangatiratanga, their mana.

The 1991 Act of Parliament has authenticated their position. And Ngati Whatua's immediate response had been to reciprocate with their own culturally determined expression of philanthropy.

Now is not this philosophy at the heart of what we are trying achieve as funders? If those who are in receipt of the funds or support are supplicants, diminished by that very receipt, then we have failed in our task. Surely our job is not as dispensers of charity but focused on the enhancement or restoration of mana; the honour, dignity and respect that comes from control over their own life, both for the individuals and organisations we support.

A Maori conceptual framework for this that we as Pakeha should easily relate to is 'utu'. Utu is often characterised as revenge. It can indeed carry that resonance but there is a far more subtle notion in the use of the concept that concerns reciprocity. It is the actions required to start new relationships or maintain existing relationships that also describe utu. This is less a matter of having accurate balance so that what is received is returned later in similar measure. Rather it is a matter of orientation, the binding of people by mutual benefit, debt and obligation.

As Pakeha an example of us operating within this framework is when we consider our culture of inheritance, the gifting of our personal estate by way of will to those closest to us after our death. This is recognition of the essentially human cycle of life where at turns one is dependent, independent and quite often dependent again in various stages of age and the access to resources follows such a cycle. We recognise the key to an integrated life is the effective stewardship of the family resources in a way that maintains balance and equity within the group and endures across generations.

What works for us as Pakeha in an individual cultural framework has a parallel for Maori within a collective cultural framework. Regardless of cultural nuance the effective application of utu creates that most precious of two-sided coin, trust and respect. And we all recognise when these qualities are absent.

Let me illustrate my point. Recently I had proposed to me that I might front a commercially sponsored campaign on primetime television focused on education about the Treaty, most particularly for Pakeha. The producer asked a commercially experienced 'hard head' from the advertising industry to comment on the viability of the idea. The response was clear and unequivocal:

" The pendulum has swung too far in both directions, the foreshore and seabed issue just becoming a force that swings the pendulum to the far side. I also believe issues

could well be resolved with more astute Maori leadership. I think, like Pat Snedden, that Kiwis are essentially reasonable, but don't want to see the country's resources handed over to the visible face of Maoridom – who they see as a bunch of unemployed radicals who have hijacked just causes in order to justify otherwise useless lives. Right or wrong perception is reality.”

It is not hard to see that when ‘we’ hold the resources ‘they’ aren’t going to get them, because ‘they’ can’t be trusted. The sheer irrationality of this view needs challenging. The overwhelming fear is that Maori control of some of the country’s resources will lead to a calamity for the rest of New Zealand and that Maori will exact ‘utu’ for historical sleight. This utu will not be the kind of reciprocity I have just described. Trust is simply not possible where fear dominates. And the fear is not supported by the evidence.

Contrast this with real-life experience where Maori do have control of the resources, such as with the Orakei example discussed earlier. Let me quote an extract from the Chairman of the Ngati Whatua o Orakei Maori Trust Board, Sir Hugh Kawharu in his evidence to the Waitangi Tribunal on the Foreshore and Seabed Bill in January this year:

THEN from the trauma and the ashes the Crown restored title to Orakei’s 150 acre ‘Whenua Rangatira’ parklands including the foreshore at Okahu Bay, forty years later in 1991. The Whenua Rangatira is now being controlled by the Orakei Reserves Board comprising three representatives of the Ngati Whatua o Orakei Maori Trust Board and three representatives from Auckland City Council. By statute, the land is managed, financed and developed at the expense of the Auckland City Council in view of the land (including foreshore) being kept for public as well as hapu enjoyment. Likewise, by statute, the chairperson (and the casting vote) is reserved for a Ngati Whatua representative in recognition of the hapu’s title and mana whenua. The fee simple title to the land is registered in favour of the Ngati Whatua o Orakei Maori Trust Board.

The arrangement has worked successfully and without untoward incident since its inception in 1992. This arrangement is incorporated within the Orakei Act 1991 and more particularly section 20 of the said Act. It is a benign but efficient regime; and here at least the mana of Ngati Whatua stands tall, intact and protected. In light of the current debate, I can confirm that public access to the foreshore of Okahu Bay has been unrestricted from the day title returned to Ngati Whatua. The universal celebration there at the dawn of the new millennium was an event I believe none of the thousands who were present will never forget. And of course the beach continues to give pleasure daily to those who come and go.

This is a model that the Crown might consider further in respect of foreshore and seabed policy. Here, at Okahu Bay ownership is formally recognised in favour of Maori, with the reservation that the foreshore and seabed are to be made available for the common use and benefit of the members of the tribal group and the public, and administered in accordance with an Act agreed to by Maori and the Crown. I have been privileged to have been chairman of the Orakei Reserves Board to date.

The key is the retention of mana. If the Crown's proposals for the Foreshore and Seabed are implemented, then that will result in a direct loss of mana which flies directly in the face of that which I have set out earlier in relation to the Orakei Reserves Board. Clearly that is a prejudice which Ngati Whatua will suffer and one which cannot be remedied by monetary compensation or mere recognition of use rights."

This is as clear a description of principles of resolution of the foreshore and seabed discussion as you might find because it addresses both rights and responsibilities in the exercise of rangatiratanga, the matter at the heart of the Maori response to the Bill. How potent this act of astute leadership is as an antidote to the fears of those opposed to any Maori control of the foreshore and seabed. The 1991 Orakei Act exemplifies an approach where rights and obligations go hand in hand and where all parties negotiate a way into the future that is pragmatic and workable and profoundly Treaty based. And in this particular case, everybody gets access to the beach as has been our centuries old custom.

It is the metaphor for trust between the parties today which exactly mirrors the trust underpinning Ngati Whatua Paramount Chief Apihai Te Kawau's invitation to Governor Hobson to set up government on Ngati Whatua land in Auckland in 1840. Subsequent events for over a century and a half, showed that trust to have been systematically betrayed. It has now been restored by historic agreement with the Crown and no one has suffered from the recent decision. Rather, all benefit.

What then has the recovery of mana and their rangatiratanga meant for Ngati Whatua and the hapu at Orakei? Quite simply the affirmation of their manawhenua has unleashed the capacity for generosity that arises when you are in control of your own resources. No longer the supplicant, mana diminished, but instead a significant player at the table of Auckland affairs. What does this look like?

In practical and contemporary terms Ngati Whatua hapu at Orakei is now once more in control of their own affairs as defined and expressed through their:

- socio-cultural activities (related to housing, education, health and marae based activities)
- economic development (especially joint ventures where external finance and development expertise are applied to hapu land), and
- political relations (such as agreements with central and local government and regional institutions and organisations)

The 1991 Act meant the full and unfettered return of their marae. The hapu had the chance to rebuild their whareniui and improve their facility to offer manaakitanga (appropriate hospitality) to honour their obligations to others within their rohe (tribal area), both Maori and tauiwi. It also provided the cultural locus for the tangihanga (ritual farewell of the dead) for those who have passed on, an absolutely fundamental reflection on hapu mana.

The Act also foreshadowed potential for a comprehensive Treaty settlement (beyond the 700 acre block) and currently Orakei is in direct negotiations with the Crown.

Its social development extended to reaching agreement with Housing New Zealand as the Crown agent on the transfer of ownership of 100 state houses in the early 1990s along with the attendant deferred maintenance and mortgage. A focus on educational achievement now sees the hapu claim tertiary educated graduates to Masters and PhD level across many disciplines whereas pre-1987 such numbers with first level degrees were in single figures. On another front health services have grown to the extent that Orakei is today the most extensive Maori primary health provider in the Auckland region.

The economic development potential unleashed by this statutory recognition of manawhenua has transformed the quarter-acre hapu of 1951 to a significant land-holder, including significant parcels of downtown Auckland land. The Crown in this time has provided two separate allocations of funds. One of these, \$3 million, came as an endowment with the 1991 Orakei Settlement. On a second occasion the Trust received an 'on account' advance for lifting the moratoriums on surplus rail land when the railways were privatised in the mid-1990s. The Ngati Whatua commercial presence in the marketplace is now recognised as substantial and savvy.

Recognition of manawhenua re-introduced Ngati Whatua into the political and cultural life of Auckland via a structural relationship with the Crown and its agents. Such a reintegration is evidenced by Orakei now playing host to every significant dignitary visiting Auckland including the presidents of China, Russia and the United States.

Today the restoration of mana is plan for all to see. It is therefore precisely the process of this recovery that has re-ignited the exercise of rangatiratanga and with it the capacity for reciprocity and generosity.

Having spent nearly half my life as part of the Orakei experience, I want to say how inspirational it has been for me as a Pakeha to be party to this transformation. As philanthropic funders we often work at a distance from those we support. Certainly this is my experience on the ASB trusts. Sheer necessity for us part-timers makes this a reality.

But we need to step out of our natural milieu if we are to be transformative in our processes. We have to go where our life experience has often not taken us previously, or else we risk becoming obstructive, not by intention, but through ignorance. For example I have often felt a kind of awkwardness that often afflicts us Pakeha when we are involved in cross cultural judgements around Maori projects in particular.

When I am part of such awkwardness I think on my own history of growing up as an Irish Catholic of which I am very fond. At our convent school we were taught the Catechism, the book of rules that governed our faith and most particularly our moral behaviour. It was extraordinarily culturally defining and thus very secure. As an adult I came to discover the rules taken literally sometimes lacked the nuance necessary to satisfy adult enquiry. Many

of the moral questions had moved on, the issues of the day changing rapidly, my belief systems having to become more sophisticated to cope with modern realities.

There are the seeds of a similar experience I think for my and my parent's Pakeha generation about our relations with Maori. We are too often afraid to leave the received version of our history behind and adapt to the today's more sophisticated learnings.

I suspect this is so because this new learning has in part subjected us to a relentless forensic examination of the mis-judgements and fraudulent activity of our 19<sup>th</sup> century forbears. We find some of the implications of this newly discovered history hard to swallow. This new historical articulation has on the surface at least, unsettled our centre of cultural gravity, reducing our confidence in our cross-cultural future. We are suddenly nervous about what we might lose, forgetting for the moment the enormous lift to our Pakeha mana secured by our actions as a just and open people in supporting the examination of this history through the Waitangi Tribunal.

Consider the importance of that last statement. I am unaware of any other country where the dominant culture has provided for the forensic analysis of their indigenous history in the way we have done, and have acted on such an analysis to redress historical wrongs. Those who agitate to sew this process up as soon as possible or to stop it altogether, miss the fundamental gains achieved. The nation is reconciling itself to its past, slowly, adroitly within a paradigm that we have created uniquely for ourselves and will endure. For many of us it is acutely uncomfortable, but nobody's died from this discomfort yet!

But we should be alert to the impact of this discomfort on ourselves and our colleagues in the grant-making sector. We are inclined to bring to the table as grantors prejudices that have not been addressed and because we are in positions of power over funds these prejudices count. People legitimately entitled to support do suffer because the 'risk' of the unknown is magnified. We see this in Parliament all the time. We can assume it resides also within our own organisations.

How might we get over this? One way we do this is by owning our cultural selves, who we are, our right to belong here. Here we can thank Trevor Mallard for a great question.

Am I as a Pakeha, indigenous? Well, emotionally yes and technically no. For me to claim my 140 years of direct ancestry here is a source of pride and this is my home. But can I fairly claim to be indigenous in the same way as Maori who have been here from around 1300 AD? To do so would be to sideline 500 plus years of Maori experience prior to my forebear's arrival. What's more my forbears were not the first people to settle here, an important element of the definition. So to claim to be indigenous in the same way as tangata whenua is unfair and technically it is not factual. And if there is one matter that we need to do today is to stick to the facts.

But nor do I wish to tug my forelock in this matter. As Pakeha we claim our belonging through being descended from the settlers who agreed the Treaty. The same Treaty that by joint agreement of tangata whenua and tauiwi, gives all subsequent migrants and their communities the right to call this place their own. The importance of this cannot be understated. It was the Maori Land Court Chief Judge Durie in 1990 who first described Pakeha as tangata Tiriti, those who belong to the land by right of the Treaty. It is our unimpeachable security, our right to belong passed from generation to generation.

On one side of my family my migrant ancestors arrived at Port Albert near Wellsford in the 1860s. They became farmers. At the Port Albertland wharf there is a plaque thanking Ngati

Whatua for their assistance in settlement and acknowledging that without that they would not have survived.

Today we are shaped by a set of cultural reflexes toward the land, our environment and the interaction between Maori, Pakeha and Pacific peoples that exists nowhere outside of this place. And increasingly our population is playing host to many new communities and will continue to do so. For the vast majority of us tauiwi, most especially Pakeha, we no longer have a bolt-hole to escape to anywhere else in the world that accepts us as their own. I have visited the heart of my Irish and Scottish roots and except for the most surface of acknowledgement they did not see anything of themselves in me nor me in them. I am here in Aotearoa New Zealand for good because I have nowhere else to go. And I am content with that.

My view is that it is this concept that so many of us post-Treaty migrants have emotional difficulty with. We passionately and intuitively know we are not strangers in our own land, but we are unresolved as to how to describe ourselves.

Resolving this will help us relax about the new view of our history. Denying the distinct and different world-view of our Treaty counter-party will not satisfy this need. At present my observation is that Pakeha (and for that matter many new migrants) look at the Treaty as being not our Treaty but their Treaty, a method of leverage for resolving Maori claims. So once we finalise their grievances the relevance of the Treaty will be no more.

How much more satisfying would it be if we all claimed and acknowledged our own sense of belonging, different but authentic to its core, Treaty-based in its origins? Then this discussion would be quite different. The Treaty would become our Treaty and our behaviour in relation to the principles of that Treaty would be inclusive not exclusive.

Most critically, this cultural confidence in our future, fully recognising of the rangatiratanga of our Treaty partners would see the unlocking of the very capacity for generosity we seek to promote. This is not the musings of a theoretician. It has come directly out of my own journey of discovery. From being arrested at Bastion Point in 1982 protesting at the attempted move by Housing NZ to sub-divide the land to now being Chair of Housing NZ Corporation, the poacher has become the gamekeeper. From being engaged as an economic adviser to Orakei when they had not much more than a quarter acre urupa to now being involved in the settlement of their comprehensive treaty claim, I have observed at close hand the catapulting of cultural capacity. All of New Zealand has been the beneficiary.

So may I leave you with one final reflection. The transformation of Orakei came about not by money, not by luck or chance, brilliance of leadership and stewardship, although all these features are present. It came about by the people remaining steadfast for more than a century, refusing to surrender their origins and finally the Crown recognising that a wrong needing righting. In that process honour and dignity was restored both to the giver and the receiver. Mana Maori and mana Pakeha were thus reclaimed.

This in my view can be a part of our philanthropic paradigm. Restoration and respect for mana, and the capacity for utu (reciprocity) are intuitively embedded within Maori cultural frameworks, but they are not limited to such frameworks. We can adopt such thinking without offence to our own cultural practices. Rather we can be enhanced in our own praxis so that all benefit. That is the possibility available to us in the country today. Let us take it with both hands. ENDS