

MAORI AGRIBUSINESS SECTOR

IMPROVING MAORI CAPABILITY
TO MAKE DECISIONS FOR THE
DEVELOPMENT OF MAORI LAND
PROJECT REPORT – KELLOGG 34

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LEADERSHIP PROGRAMME



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1. EXECUTIVE SUMMARY

This report outlines research conducted to identify how Maori decision making capability can be improved to increase the development of Maori land and to recommend ways to support that capability.

The research identifies how historical Maori decision making frameworks enabled Maori to develop their land collectively as a tribal people. It describes the key differences of historical frameworks compared to the current legislative Maori Land Trust frameworks provided for in the Te Ture Whenua Maori Land Act 1993, and the constraints to progressing Maori land development.

A key point of the research highlights, that historically Maori worked collectively as inter-dependents and demonstrates how modern legislative frameworks today, that promote individualism or independence, have disbanded the traditional Maori ability to work collectively. Individualism is established with the appointment of trustees who to some degree act independently on behalf of their land owners. The research identifies this as a key deferent to the development of land. The handing over of authority and decision making from the owners to trustees presents a risk or threat to the owners. This has contributed in the loss of ability to develop Maori land.

The results of the data analysed, tests of additional processes and the introduction of critical thinking techniques such as Six Thinking Hats, present opportunities to reinstate the collectivised approach to developing land as Maori practiced historically – pre European contact.

The report finds that the application of additional processes such as facilitation techniques and Six Thinking Hats can improve land owner participation and with the application of thinking techniques, can mobilise the development of Maori land and encourage new styles of thinking for Maori.

The recommendations of the report are for further testing and refinement of the process and for the process to be tested in other sectors (outside Primary Industries).

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Kellogg 34 – for advice and guidance

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3. INTRODUCTION

Maori land assets are a significant contributor to both the Maori and New Zealand economies. Collective Maori Land ownership makes up approximately 5% or \$1.5m hectares¹ of all land in New Zealand.

Statistic's New Zealand data for Maori Exports 2015 shows that Maori Small and Medium Businesses exported goods worth \$44 million to 53 countries and Maori Authorities² exported goods worth \$485 million to 65 countries.

Primary Industry products, seafood, dairy and meat made up 89% of the total value of Maori exports in 2015. Seafood was the top export commodity being 59% of the total.

Therefore it is important that Maori develop their land and have robust Governance and Management teams to bring their primary industry producing lands into productivity. Governors have important responsibilities to make decisions for the development and protection of the land on behalf of their owners.

The aims and objectives of this project are to understand how Maori decision making capability can be improved to enable a greater uptake of land development. This project conducts qualitative research using a thematic analysis approach with Maori land owners in Northland to better understand their decision making challenges and explore techniques that may help improve decision making capability, outside of mainstream literacy and numeracy education, to lift the productivity of Maori owned land.

4. METHOD

The research methodology for this report comprises three primary components.

4.1 Semi-structured Interviews and Unstructured Conversations

The first method, consists of semi-structured interviews and unstructured adhoc conversations with Kaumatua and Kuia and work colleagues on the topics of;

- * Decision making frameworks used by Maori historically
- * Historical events and/or key turn points that may have altered historical decision making frameworks
- * Land development aspirations from land owners, responsibilities of trustees and the relevance of skills to manage land

¹ Te Puni Kōkiri Te Ōhanga Māori *The Māori Economy 2013*

² Maori trusts and incorporations, and their subsidiaries

A majority of the interviewees and participants to which unstructured conversations were held did not want to be identified in this report so it was agreed that they would remain anonymous.

Feedback and comments from the participants of related themes was captured and are presented as quotations. The themes were identified post conversations and interviews as the information began to show trends in responses.

Seven interviews were conducted with Maori land owners (generally) irrespective of age, experience or intellect. 15 people were invited to participate but 8 declined. The questions spanned three key areas aligned to decision making, economic use of land and representation. Most of the interviewees had to be encouraged to expand on their initial answers to the questions as many had never participated in an interview of this sort before. Most of the responses published in the report came as a result of general discussion on the topic of decision making, trustee representation and land development through prompting supplementary questioning as participants relaxed into the conversations and interviews. In this regard, the results should be considered together with other research on the topic.

4.2 Review of Literature

The second method, was a review of literature relating to current legislative decision making frameworks prescribed for Maori Land in Te Ture Whenua Maori Land Act 1993. The legislative frameworks were analysed against historical tribal decision making frameworks. A review of literature relating to current education barriers for Maori was also undertaken to identify potential educational barriers to decision making.

4.3 Facilitated Workshops and Critical Thinking Technique Workshops

The third method, tests whether certain facilitation techniques and critical thinking techniques can improve the decision making challenges facing Maori land owners. At the start of this project, this method was not considered, but as curiosity rose as a result of the unstructured conversations, interviews and literature review, a decision was made to include the tests as a means of exploring simple solutions.

A workshop was facilitated with two Northland based hapu to test whether bringing both land owners and trustee's together to explore land use opportunities and to make key decisions collectively on their land development pathway would be effective. This process differs from current standard practice where only the trustees meet to explore development ideas. The aim is to create a space for both land owners and trustees to explore the ideas.

Participants were all closely related in which most could whakapapa to both hapu. The subject land blocks for development exploration were located within the tribal boundaries of the hapu, in some instances, side by side. Most of the participants were shareholders in all the blocks.

All of the land blocks for collective development exploration were unutilised except for two blocks that have Papakainga housing. A total of seven (7) Trusts and one (1) hapu owned Limited Liability Company were represented. All of the Trusts had previously attempted to gain agreement with their land owners on social and economic development ideas.

A facilitated Six Thinking Hat's workshop was also conducted with a Government Department team, all who are of Maori descent and working with Maori land owners in the primary industries sectors. The workshop focused on a review of their funding regime to identify how the fund could be used more practically and purposefully.

Eight (8) people participated in the workshop and collectively the group held more than 10+ years of experience, knowledge and skills for working with Maori land owners in land development. Only 1 of the participants had previously participated in a Six Thinking Hat's workshop.

5. SETTING THE SCENE

Information in relation to Maori life and practices historically was gathered for the project through informal adhoc conversations and interviews with Kaumatua, Kuia and Maori land owners.

The intent of the conversation process was to gain an understanding of how Maori decision making was conducted historically and to determine the economic productivity of land governed by Maori historically. The process also presented information in regard to chronological historical events that have led to change in the traditional decision making frameworks. These inferences, as to how these changes may have impacted Maori's ability to make robust decisions for the development of their land, have been taken into consideration for the findings of this project.

5.1 Maori Society – Pre European Contact

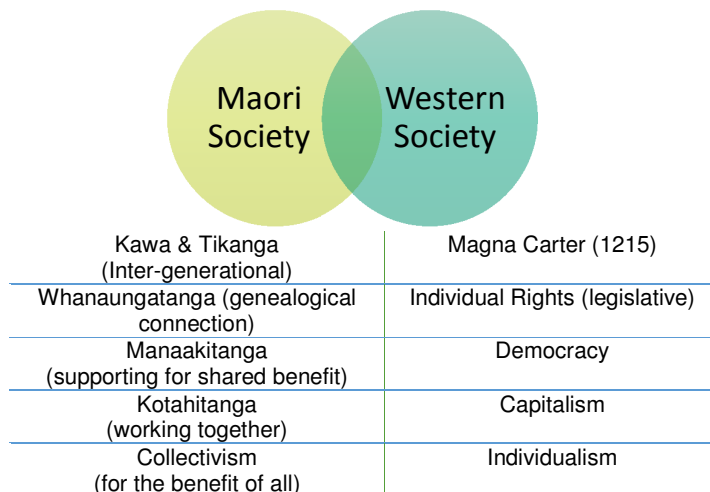
Conversations conducted with Kaumatua and Kuia³ on the topic of understanding Maori society pre European contact, identified that Maori lived as an inter-dependent society. Their account of stories handed down over the generations describe Maori living as an

³ Kaumatua and Kuia Conversations (anonymous) – August 2016

interdependent society, where a tribe of people depended on each other. The context is that one whanau depended on another whanau for multiple advantages and to survive.

They went on to express that Maori hapu and whanau is regarded as an inter-dependent Society whereas Western Society is generally focused toward a society based on individualism. The two societies are based on different organisational paradigms and different sets of values.

Figure 1: Differences between Maori⁴ and Western Societies



It is understood that the values⁵ underpinning the Maori inter-dependent society is designed to enable the society to be balanced, stable and orderly. Maori values were historically and continue to be pivotal to the way Maori live today.

The Magna Carta is a charter of liberties. It was approved by King John in June 1215 at Runnymede⁶. The Magna Carta is a document constituting a fundamental guarantee of rights and privileges for the people. It was esteemed to be the foundation for equality and fairness. It promotes democracy, capitalism and individualism.

5.2 Maori Values

Kaumatua and Kuia described a set of values that underpin the Maori way of life. They describe the values as being interconnected originating from God the creator to Man Kind and through to Mother Earth. All are connected and therefore all must be well cared for in order for the connection to remain strong and relevant.

⁴ Kaumatua and Kuia Conversations (anonymous) – August 2016

⁵ Value statements may vary from hapu to hapu and iwi to iwi, have slight variations or meanings

⁶ Claire Brey and Julian Harrison, Magna Carta: Law Liberty, Legacy (13 March–1 September 2015) exhibition catalogue – Magna Carta An Introduction

Figure 2: Core Maori Values⁷



Wairuatanga – Connected with the Creator (spiritual realm)

Rangatiratanga & Turangawaewae (Mana) - Ownership right & right to Govern

Whakapapa – Genealogy connecting to Rangatira, Whenua and Moana

Whanaungatanga – Genealogical connection to each other & the land

Kaitiakitanga – Optimising Culture, Environment, Economy & Hapu Wellbeing

Kaumatua and Kuia explain that the inter-connectedness of the values brings into light the requirement for what is termed a holistic approach to all things Maori. The holistic approach incorporates the importance for bringing broad knowledge bases (many kaitiaki) together that may be held by individuals, thus the requirement for collective decision making.

Pre European contact, Maori land tenure was generally communal and flexible, accommodating shared hapu and whanau interests in the same land. In contrast, Western societies exchanged land permanently for goods or money⁸.

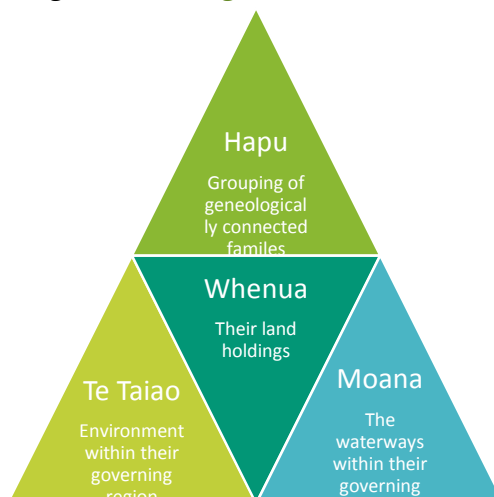
An example of tribal or communal tenure is a bird eye view of a Maori village landscape which would reflect waterways (fresh & salt) pa, urupa, Papakainga, gardens, kaimoana and kai ngahere (food harvested from the forest), all of which was maintained and developed by hapu collectively. Kaumatua and Kuia deem this landscape as the 'estate' clarifying that waterways,

⁷ Verified by Kaumatua and Kuia Conversations but should be noted that there may be slight variations to core values with each Iwi and hapu

⁸ Ngaitakoto and the Crown, Deed of Settlement of Historical Claims, 27 October 2012, Pre Treaty Transactions, page 13

forests and land were also part of the estate being interconnected and managed holistically as the leading attributes to support development such as food gardens.

Figure 3: Tikanga Maori Structure⁹



Kaumatua and Kuia conversations identify that a traditional Maori structure incorporates four important elements¹⁰ – Hapu (people), Whenua (land), Moana (ocean & waterways) and Te Taiao (the environment).

The structure illustrates the bird's eye view of land being managed holistically within broader natural surroundings¹¹. The core values presented in figure 2 above strengthen the focus to manage the estate as one whole unit.

In particular, the Rangatiratanga, Turanagawaewae (mana) (ownership and right to manage) core values solidify hapu ownership of the land, the management rights to the waters that surround them and the right to manage the environment within their tribal boundaries. This holistic combination of elements therefore gives rise to the concept where Maori decision making applies to all elements as a whole, not just the land in isolation of the other elements.

5.3 Considerations on Societal Frameworks

The two primary decision making construct themes that emerge from the information are collectivisation and individualism. The Collectivism model applied by Maori is underpinned by a set of core values that seem to follow a connection from the spiritual to physical realm.

The Individualism model applied by Western Society is underpinned by the Magna Carta 1215, which is a man-made foundation that establishes rights and privileges.

⁹ Kaumatua and Kuia Conversations, 2016

¹⁰ The elements described may differ from hapu to hapu

¹¹ Refer to section 4.2 of this report

Figure 4: Societal Construct Differences



While the two constructs are different, a key difference between the two models is that the Maori model and its core values are unchanging. The Western model can be changed as and when required. Whether the ability to change is a strength or a weakness, this is not the focus of this project. The two constructs differ significantly and focus to deliver differently.

5.4 Summary: Maori Decision Making – Pre-European Settlement

A common theme in the feedback from the Kaumatua and Kuia conversations identified that Maori were (and still are) oral¹² people. The land was collectively owned without any need to prove individual documented ownership. Occupancy was ownership as opposed to written land deeds until the land was lost to another tribal group through raupatu (conquered in battle). All members worked collectively for the greater good of all and based upon the theory that a society is made up of many knowledge holders (kaitiaki) working collectively to survive and thrive. This tribal construct enabled a united decision making capability.

6. ECONOMIC PRODUCTIVITY

Maori history handed through the generations orally and presented through story-telling and traditional carvings and customs¹³ depict a strong economic foundation. Accounts show that Maori utilised land in a number of ways particularly root crops (on a grand scale) and eaten fresh and stored for out of season consumption and trading.

The traditional Maori economy was centred on a natural resource base with strong cultural social norms and practices to enable the sustainability of hapu. A whakatauki (Maori proverb) used by Maori across the generations is “*Naku te rourou, nau te rourou ka ora ai te Iwi*” translates “*by my basket (and) by your basket, the people will live*”¹⁴ Maori identified food and other natural resources as currency. Having an abundance of food was a sign of a hapu’s prosperity and ability to survive.

¹² Having no identified written language outside of Maori art and other expressive forms such as carvings.

¹³ Kaumatua and Kuia Conversations (anonymous) – August 2016

¹⁴ Kaumatua and Kuia Conversations (anonymous) – August 2016

Figure 5: Watercolour painting by Cuthbert Charles Clarke



Alexander Turnbull Library – Ref B-030-007

This painting done by Cuthbert Charles Clarke, in 1849 of Maori in the Bay of Islands, Northland, depicts an enormous wooden structure built to hold food that would be used in hakari (feasts). The scale of the structure also named by many tribe's as a Pataka Kai, suggests that food was plentiful and the hapu were prospering.

Ranginui Walker (2015) is noted as saying¹⁵ that “prior to Pakeha arrival, no one hungered, there was no such thing as poor people”. Food was in abundance and Maori thrived as a result. Others are also noted in saying that Maori did not even have a word for poverty as such a thing did not exist. The word “*pohara*” (poor fellow) was not introduced to the Maori language until Pakeha arrived in New Zealand. These expressions were discussed with Kaumatua and Kuia who confirm the accuracy of the statements made.

6.1 Considerations on Maori Decision Making for Land Development Historically

All conversations held with Kaumatua and Kuia recall oral histories that demonstrate abundance. Poverty did not feature in those historical recalls. The only mention of a time when pre-European accounts signalled a hardship, relate to the hardship experienced when Maori journeyed from Hawaikinui on their migration to New Zealand. It was explained that food supplies upon the waka had to be portioned sparingly and some perished on the waka

¹⁵ Professor Ranginui Walker, Video Interview – Why do Maori keep wanting to talk about sovereignty? April 2015

from illness and starvation. This account however is not the focus of this project but prior to European contact in New Zealand, there is a strong suggestion that decision making within hapu ranks was effective as Maori had access and ability to collect, store and trade food and natural resources.

Another emphasis from the oral history accounts and as symbolised in Cuthbert Clarke's painting was that land utilisation for the production of crops featured strongly. My thinking on this is that it would have required a great deal of cooperation and decision making capability to produce crops on such a large scale.

Decisions would have had to have been followed up with action to see great structures like the one in the painting become a reality. This leads me to believe that Maori were strong decision makers and using their land to its fullest capacity historically.

6.2 Economic Productivity Early European Contact

The historical accounts set out in the Iwi Deeds of Settlements between the Crown and Iwi¹⁶ throughout Te Taitokerau all give a similar account of Maori as an industrious people and open to opportunities, pre and post Treaty.

The European population in New Zealand increased significantly during the 1830s, with most arriving first in Northland. British missionaries and their supporters were some of the first settlers to establish themselves. Church missionary stations were established and stations placed around fertile areas. Dwellings and the beginnings of European farming operations soon followed¹⁷

Pre Treaty land transactions with settlers were based on Maori expectations of creating beneficial and ongoing relationships with settlers. These relationships were based on trust and would only occur once chiefs had confidence that the settler could be trusted. Food and other tradable items such as flax were transacted between Maori and Pakeha to support this new economic opportunity. However settlers quickly sought to formalise their relationships with Maori to acquire land by way of European land deeds. For an oral people (Maori), written land deeds were a new concept and many were signed by chiefs not realising the legal consequence of the documents. They were signed in 'trust' due to the relationship held between the tribe and the settler at the time.

¹⁶ Te Rarawa and the Crown, Deed of Settlement of Historical Claims, 28 October 2012, Pre Treaty Transactions, page 17

¹⁷ Ngaitakoto and the Crown, Deed of Settlement of Historical Claims, 27 October 2012, Pre Treaty Transactions, page 13

In Northland, the Church Missionary Society established the first written land agreements for many tribes. On several occasions, the deeds were signed by chiefs who had an interest in the land but didn't have the sole 'decision making' right for the land as the land was owned collectively. The chiefs who held the final (post discussion with the tribe) decision making rights for the land were excluded from the negotiations. In most cases, Maori were not aware of the legal consequences the negotiations and transactions would later have until force was used by the settlers to have tribes removed from land.

The land deeds gave the appearance of transferring title from the chiefs to the European settlers, but in many cases the transactions took place with Maori individuals (who had no sole decision making rights) and not with the chiefs who would have received a mandate by the collective to do so. These land transactions led to the loss of land and control over resources for Maori. It brought catastrophic change for Maori. The grief sparked warfare throughout Northland (and across New Zealand) with settlers¹⁸.

6.3 Considerations for Economic Productivity Early European Contact

One key theme emerging from the pre-treaty accounts across all the deeds of settlements is the need for Maori to build trusted relationships. The deeds reveal an openness and willingness to transact with missionaries, traders and settlers however there is an underlying tone for the need for trusted relationships.

The other strong theme emerging from the deeds is first acknowledgement that the two different societal frameworks (see page Figure 1 above) were a mismatch. Neither Maori nor Europeans understood the differences in each other's societal values and foundations and this led to devastating outcomes (loss of land) to Maori. The Europeans singled out individual Maori to sign deeds (individualism) and not the Maori hapu (collectivism) to sign the deeds.

6.4 The Treaty of Waitangi

The Ministry for Culture and Heritage who research New Zealand History and create online resources say that the Treaty of Waitangi is New Zealand's founding document. Their NZ History pages¹⁹ describe that as British migrant numbers increased in the late 1830's and imminent plans for extensive settlement were obvious. Land transactions with Maori were being carried out on a large scale, the unruly behaviour by some settlers and signs that the French were interested in annexing New Zealand led to a move by the British Government to

¹⁸ Te Rarawa and the Crown, Deed of Settlement of Historical Claims, 28 October 2012, Pre Treaty Transactions, page 17

¹⁹ Ministry for Culture and Heritage, New Zealand History, The Treaty in Brief, Treaty FAQ's, September 2013, pages 1-3

annex the country. Their intent was to protect Maori, regulate British subjects and secure commercial interests.

The Treaty is an agreement, written in Māori and English that was made between the British Crown and about 540 Māori rangatira (chiefs). Lieutenant-Governor William Hobson was tasked to secure British Sovereignty over New Zealand. The Treaty was prepared in just a few days and Missionary Henry Williams and his son Edward translated the English draft into Maori overnight. This occurred on the 4th February 1840. Approximately 500 Maori debated the document for a day and a night before it was signed on 6 February.

About 40 chiefs, starting with Hone Heke, signed the Maori version of the Treaty on 6 February 1840. By September, another 500 had signed the copies of the document that were sent around the country although many Maori refused to sign the document.

The Treaty is a broad statement of principles on which the British established a political framework to found a nation and build a government in New Zealand. The document has three articles. In the English version, Māori cede the sovereignty of New Zealand to Britain; Māori give the Crown an exclusive right to buy lands they wish to sell, and, in return, are guaranteed full rights of ownership of their lands, forests, fisheries and other possessions; and Māori are given the rights and privileges of British subjects.

The Treaty in Māori was deemed to convey the meaning of the English version, but there are important differences. Most significantly, the word 'sovereignty' was translated as 'kawanatanga' (governance). Some Māori believed they were giving up government over their lands but retaining the right to manage their own affairs. The English version guaranteed 'undisturbed possession' of all their properties', but the Māori version guaranteed 'tino rangatiratanga' (full authority) over 'taonga' (treasures, which may be intangible). Māori understanding was at odds with the understanding of those negotiating the Treaty for the Crown, and as Māori society valued the spoken word, explanations given at the time were probably as important as the wording of the document.

Different understandings of the Treaty have long been the subject of debate. Since the 1970s especially, many Māori have called for the terms of the Treaty to be honored. Some have protested²⁰ – by marching on Parliament and by occupying land. There have been many studies of the Treaty and a growing awareness of its meaning in modern New Zealand²¹.

²⁰ Oral account of the Maori Land March, David and Harata Clarke, Land March coordinators, 2014

²¹ Ministry for Culture and Heritage, New Zealand History, The Treaty in Brief, Treaty FAQ's, September 2013, pages 1-3

6.5 Application of the Treaty

As noted above, Maori were economically prospering in the 1840's and 1850's albeit by this time individually not collectively and in the context of the food currency and not money. The new economic opportunities for Maori saw a turn from the collectivisation (hapu) structure to one based on individualism due to the opportunities available from the settlers developments.

Kaumatua and Kuia conversations attribute these changes, coupled with the loss of land and control over resources, to the initiation of mistrust of the Europeans and a deepening grief and anger among Maori toward them. The establishment of schools and accounts of the mistreatment of Maori children by school masters across Northland communities for speaking Te Reo (the Maori language) in the school yards further compromised the trust between Maori and Europeans.

Some Kaumatua and Kuia recall oral histories from their grandparents about the unruly behavior of whalers who docked their ships in Kororareka (Russell, Bay of Islands) where they would restock their ships and entertain themselves with wine and women. This way of life was strongly discouraged by the hapu although some individuals left the hapu to explore this new way of life. Kaumatua and Kuia also expressed that as more individuals left the hapu to explore this new way of living (independently) the hapu collective strength and capability began to deconstruct. They also reflect on a time when their men were sent to war leaving the women to defend what was left of their lands.

Mason Durie's version in relation to Maori responses to colonisation²² suggests that between 1820 –1859 their response to trade, technology, education and religious conversion saw a positive engagement. However the colonising process did cost Maori in terms of their economic, cultural degradation and human suffering.

The Ministry for Culture and Heritage describe that Hone Heke a prominent Ngapuhi chief was the first to sign the Treaty of Waitangi as an influential Maori leader in favour of the Treaty. By 1844 however, Hone Heke became disillusioned by the failure of the British government to deliver his people economic prosperity. He also became apprehensive of the governments increasing control over Maori affairs. In protest, he cut down the flagpole at the British settlement of Kororareka (now named Russell) in the Bay of Islands. The flagpole was re-erected but cut down again three times however the final felling of the pole in 1845 signaled war between the British troops and some northern Maori²³.

²² Mason Durie, Ka Hura te Tai, Tides of Transition pages 14 & 15

²³ The Treaty in Practice, Ministry for Culture and Heritage, NZ History online, September 2013

David Williams' perspective on treaty jurisprudence history²⁴ describes the Native Land Court as 'Te Kooti Tango Whenua – The Land Taking Court'. He describes the provocative title as an accurate description of a Court which had a dramatic adverse impact on the land holdings of Maori hapu during 1864 – 1909. The Crown policies and Laws of that time saw the Native Land Court become extremely effective at separating Maori from their land.

Again, Mason Durie's version in relation to Maori responses to colonisation suggests that overt opposition became highly visible in New Zealand between 1860 – 1879 when Maori publically displayed resistance, defiance and warfare.

My observations on this are that these chronological events may likely have resulted because Maori were separated from their lands and their natural environments and therefore they were unable live interdependently (collectively). There was no longer a requirement for Collective decision making in respect to developing land.

6.6 Treaty Settlements

The interpretation of the Treaty and the way in which it is implemented has been a topic of strong debate by Maori since its signing and continues today²⁵. In the 1970's Dame Whina Cooper led Northern Maori on a protest march to Wellington with the message '*not one more acre of Maori Land*'.

In my conversations with Kaumatua and Kuia, the protest known as the "Maori land march – not one more acre (of Maori land to be alienated)" was a political stand against the manner in which the New Zealand Government applied their obligations to the Treaty of Waitangi and the protests were to showcase the injustices caused by the settlers and the Governments legislation that caused the alienation of the Maori people from their lands.

The occupation of Bastion Point by Maori in 1977 was another key protest described by Kaumatua and Kuia that highlighted the need for Maori rights to be acknowledged. Their perspective is that the signed Maori version of the Treaty guaranteed Maori rights yet the Government had not acknowledged those rights adequately in their policies and laws.

Application of the treaty has to date resulted in various forms of Treaty Settlements. These settlements arise from grievances suffered by Maori from the Crown. To date the Crown has completed settlements with most Iwi in Northland (but not all).

²⁴ David Williams, Te Kooti Tango Whenua, The Native Land Court 1864 – 1909 pages 1 - 32

²⁵ Kaumatua and Kuia Conversations 2016

6.7 Summary: Economic Productivity

The information gathered gives confidence that Maori were economically productive during early European settlement. However, the introduction of land acquisition strategies and the legal mechanisms to achieve ownership of land were the catalyst to the dismantling of the collective Maori structure and decision making. As collectivisation dismantled, Maori lost land and with this, their ability to live as Maori. Their collective decision making and productivity effectiveness transitioned to individual decision making and productivity opportunities. Some thrived (individually) and some didn't.

This change in tribal structure was to some degree catastrophic for the Maori people. Their collective decision making and productivity effectiveness suddenly came to a grinding halt.

7. REVIEW OF LITERATURE

A review of literature of current day legislative provisions for Treaty Settlement land and Maori Freehold land administration was conducted to understand their structure and assess their ability to enable collectivism. Literature in relation to education of Maori was also conducted to understand the existing educational barriers.

7.1 Treaty Settlement and Maori Land Administration Structures

An exploration of modern day Maori land administration and decision making frameworks was carried out to identify whether the frameworks provide resolutions to the issues of collective decision making.

Several²⁶ types of structures are available for the management of Maori Freehold Land and Treaty Settlement assets²⁷;

- a) Treaty Settlement Structures
 - ~ Mandated Iwi Organisation (MIO)
 - ~ Post Settlement Governance Entity (PSGE)
- b) Maori Land Administration Structures
 - ~ Ahu Whenua Trust
 - ~ Maori Incorporation

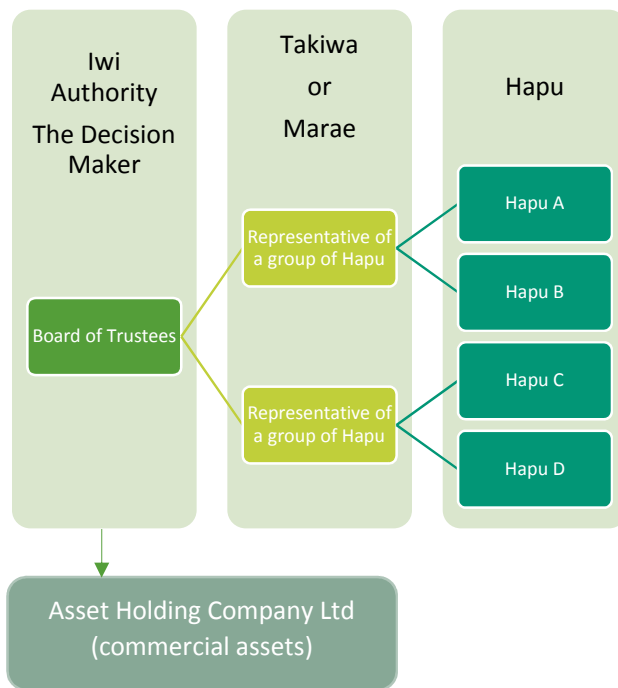
A comparison of the structures when compared to the findings on collective decision making structures, historically, was carried out.

²⁶ Only a selection of relevant structures are presented in this report

²⁷ Lands returned to Iwi from the Crown in Treaty Settlements

The Crown requires Iwi to adopt Treaty Settlement administration frameworks to conclude settlements. As settlements include the return of assets and cash to Iwi, the Crown requires accountability for the returned assets and cash. Below is an one version of a MIO and PSGE structure.

Figure 6: Settlement MIO and PSGE Structures



Structure example of Te Runanga a Iwi o Ngapuhi

Pre-European contact, all land in Northland was held by Maori. Post colonisation, Maori land makes up only 8.6% of all land in Northland, approximately 149,318 hectares²⁸. Some of this land is managed by Maori Land Trusts and Maori Incorporations established as a result of the Te Ture Whenua Maori Land Act 1993²⁹ (the Act).

The general interpretation of the Act is to;

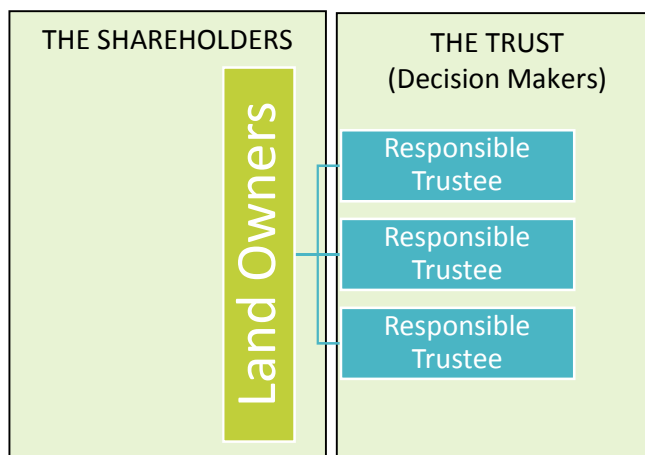
- (1) best further the principles set out in the Preamble of the Act;
- (2) that powers, duties and discretions conferred by the Act will be exercised as far as possible, in a manner that facilitates and promotes the retention, use, development, and control of Maori land as taonga tuku iho by Maori owners, their whanau, their hapu, and their descendants, and that protects wahi tapu;

²⁸ Statistics New Zealand, A Snapshot of the Maori Economy, 2013

²⁹ Ministry of Justice, Te Kooti Whenua Maori – Maori Land Court, Maori Land Online

- (3) in the event of any conflict in the meaning between the Maori and English versions of the Act's Preamble, the Maori version shall prevail

Figure 7: A Typical Maori Land Trust Structure



Each Trust holds a trust deed by which it operates. A trust deed details the number of trustees that will be appointed to manage the land and the processes in which trustees will be appointed and removed. The Maori Land Court has a role to formalise the appointment or removal of trustees. Once appointed, the trustees receive the authority and legal rights to decision making for the land on behalf of the owners.

Each Trust holds annual meetings with its landowners in which landowners may nominate other landowners for appointment into a responsible trustee position. The number of positions that become vacant each year is determined by the trust deed or constitution for each trust.

7.2 Considerations of Treaty Settlement and Maori Land Administration Structures

The establishment of MIO and PSGE structures as presented in figure 6 have further deflected away from traditional tikanga Maori structures by adding up to two extra layers of decision making to that of the traditional structure. The impact of this on the hapu³⁰ (original owners of the assets) is that they are now further away (or twice removed) from the ownership right and decision making for those returned assets. However these structures do not remove the hapu's ability to make decisions for the land that was not lost (i.e. they still own it) but they are further away from the right to manage it. In a nut shell, the top down approach is now heavier leaving the original owner as a mere beneficiary (passive involvement) and not the primary decision maker (active involvement).

³⁰ Note: hapu is representative of all the families who own the land (collectively)

In my considerations regarding the two different structures, there is clearly a shift in ownership and decision making power from the hapu to the new Iwi Authority body. This body could be interpreted as a 'corporate body'. The Iwi Authority will receive the apology on behalf of the hapu and any lost assets (that can be transferred back), cash and other management rights. While some Maori support this settlement process, many do not. Their concern is largely due to the fact that they will not regain their 'mana whenua' and the right to make decisions for those settlement assets. Instead, a newly appointed board of trustees, with the assumed skills to manage them, will receive the rights to decide and manage the returned assets even if they hold no rangatiratanga or turangawaewae (mana) nor whakapapa to those assets.

When considering the nature of the modern day land management structures available under the mechanisms of the Te Ture Whenua Maori Land Act 1993, clarity on the roles and responsibilities of trustees may have improved. However the structures continue promote the transfer of the authority to govern and decide from the land owner (collective) to a reduced selection of trustees (individual land owners).

It can be assumed that these structures do not help the land owners who strive to find ways to reinstate their traditional decision making authority (and benefit as an economic unit) and a high level of trust is required by land owners for those individuals appointed to trustee positions.

7.3 Te Ture Whenua Maori Land Act 1993 Review

The Minister for Maori Affairs, Te Ururoa Flavell, is progressing changes to the Te Ture Whenua Maori Land Act 1993 for the purpose of giving Maori land owners greater autonomy to make their own decisions and utilise their land as they choose³¹.

The Government recognises the challenges of attaining robust and achievable decision making capability for Maori land owners. A review of the Te Ture Whenua Maori Land Act 1993 is currently underway with the aim of having new legislation in place by 1 October 2018. The proposed changes include new legislative enablers to empower the owners. This new proposed change is to improve the existing legislative framework and procedures to improve what is currently a cumbersome framework and to offer Maori more autonomy regarding decision making processes without the need for continual court³² administration and intervention. This new proposed approach is based on three (3) strategic changes to enable land utilisation. They are;

- a) Engaged Owners

³¹ Te Puni Kokiri, *A Guide to Te Ture Whenua Maori Reforms, May 2016, page 3*

³² The Maori Land Court | Te Kooti Whenua – Ministry of Justice

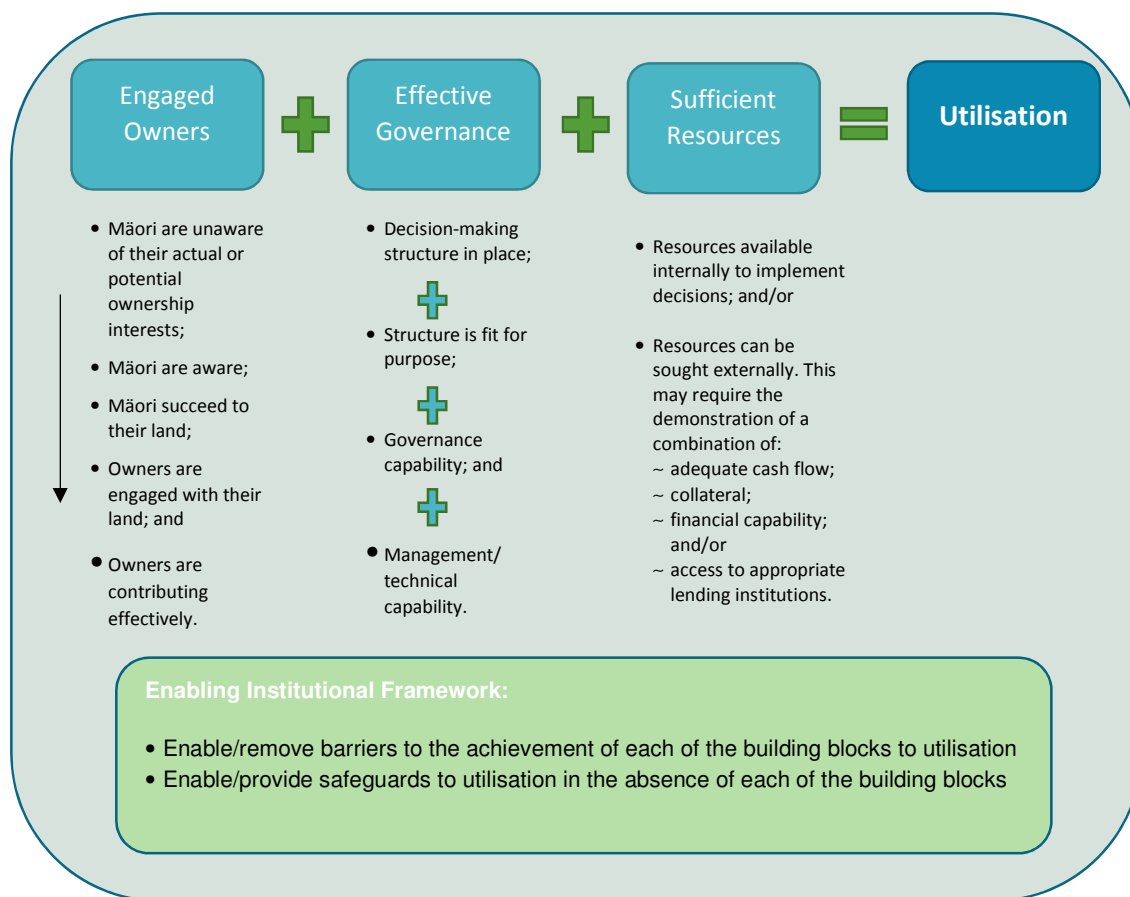
- b) Effective Governance
- c) Sufficient Resources

This approach is called the Utilisation Framework and it is envisaged that the framework will promote an owner-driven utilisation as the most sustainable and durable form of utilisation and therefore should be encouraged where possible with an enabling institutional framework. Where owner-driven utilisation is not possible, the institutional framework should still make provisions for utilisation to occur. Conceptually, this can be expressed in the model in Figure 8 below³³.

The Te Ture Maori Land Act 1993 – Review Panel (The Panel) considers that access to resources and utilisation are best addressed through propositions focused on the areas of ownership, governance, and the institutional framework governing Maori land. Utilisation is a product of the other components so that if these are provided for then utilisation will likely result. Research undertaken indicates that accessing resources to fund utilisation decisions does already occur and that the key driver to increasing access is to improve the value proposition of the decision and clearly demonstrate the ability to execute the proposition. This means ensuring that the business case is robust and that appropriate ownership and governance mechanisms and adequate management capability are in place. These issues are best addressed through non-legislative mechanisms.

³³ Te Ture Whenua Maori Act 1993, Panel Review Discussion Document, *March 2013, Page 7*

Figure 8: Utilisation Framework



Te Ture Whenua Maori Act 1993, Panel Review Discussion Document, March 2013,

The new Bill was introduced in April 2016, went through its first reading in May 2015 and at the time of writing this report is currently sitting with the Select Committee. While the process still has some way to go, the wheels are in motion to establish legislation that hopes to encourage change from the current environment.

7.4 Considerations for a New Legislative Approach

It is difficult to analyse whether the proposed changes to the Act will provide the ability for Maori land owners to make decisions for the development of their land. This is primarily due to the fact that the implementation of the new proposed legislation is yet to be tested.

However it is important to note that while the ‘judicial administration’ of Maori land trusts may improve, I note that there are no proposed changes being made to the actual land administration structures. They will continue to apply a individualism approach to decision making structures. This aspect therefore leads one to assume that the reviewed Act may not achieve its objective to enable better decision making which will see land remain unproductive.

7.5 Educational Barriers to Maori Decision Making

A 2010 Te Puni Kokiri report *Te Whakapiki i te Pānui me te Tatau mō ngā Kaimahi Maori - Improving Literacy and Numeracy for the Maori Workforce* reported on the basis of Ministry of Education 2006 data, that between 50 – 60% of New Zealand adults have the level 3 literacy and numeracy skills needed to participate in a knowledge-based economy. For the Maori adult population, however, it was only 25 – 40%.

Numeracy was also a particular area of concern, as Maori adults attain level 3 and above at approximately half the rate of non-Maori adults.

For Maori youth (16 – 24 years) the proportion with level 3 literacy skills declined between 1996 and 2006. A number of factors probably contribute to these results, including individuals' experiences in compulsory schooling and the home.

There is also some evidence of difficulties in designing and delivering literacy and numeracy programmes. Some providers experienced difficulty attracting potential learners with very low literacy levels. Some evaluations suggest there are providers who are unwilling to work with the most challenging learners.

A paper written by G. Raumati Hook, *A Future for Maori Education Part 1: the dissociation of culture and education*³⁴ expresses that there are problems in the current educational system for Maori because of four major deficiencies;

1. Maori education is oriented towards the mainstream culture both in terms of content and delivery
2. It fails to prevent drop out from secondary and tertiary education for Maori
3. It fails to provide Maori education to the highest levels of university achievement excepting through mainstream institutions, and
4. It fails to provide and sustain acculturation for Maori within a Maori framework

He goes on to express that Maori people exist in two worlds and are expected to perform credibly in both.

Mason Durie highlighted in his 2001 presentation to the Hui Taumata³⁵, that Although education has a number of other goals including enlightenment and learning for the sake of learning, three particular goals have been highlighted as relevant to Maori;

³⁴ MAI Review, 2006, 1, Article 2

³⁵ As quoted by the Ministry of Education (Maharey et al.), (2006) p23

1. Enabling Maori to live as Maori,
2. Facilitating participation as citizens of the world,
3. Contributing towards good health and a high standard of living”

When responding to the question “What do Maori Want?” Mason Durie expressed “*To live as Maori*”

7.6 Considerations of Educational Barriers

The restrictions to collective decision making are closely linked to land administration structures. Low literacy and numeracy may also be impacting Maori ability to make robust decisions and attain economic productivity of their lands but it must be noted that Maori did not require specific literacy and numeracy skills historically to achieve productive lands.

Rather than explore opportunities to fit Maori into educational programmes (i.e. educate or re-educate a generation, which may take years), this project will explore other attainable techniques to identify if they can assist decision making capability in a more simplistic and practical form.

8 CRITIQUE OF CRITICAL THINKING TECHNIQUES

Mainstream educational techniques are not benefiting all Maori. Noting that a good portion of Maori landowners are likely to be those who did not achieve to the highest levels of mainstream education, a non-mainstream curriculum³⁶ educational technique was explored for its usefulness to improve decision making capability for the productive use of land.

Dr. Edward de Bono is regarded by many as the leading international authority on creative thinking and direct teaching of thinking skills. His views on traditional thinking are “*that they are no longer adequate to deal with the rapidly changing world of today where new concepts and ideas are urgently needed*”.

De Bono’s research spans back 476 A.D to the fall of the Roman Empire. The Renaissance brought about the discovery of classic thinking methods of the ancient Greek philosophers. This type of thinking allowed logic and reason. To this day, Western culture depends on this type of thinking “*I am right, you are wrong*”. Each side strives to prove the other side wrong by

³⁶ The technique is not a mandatory curriculum technique although it is used by many primary, intermediate and secondary schools around New Zealand

using logic and reason. De Bono claims that although argument can be a useful thinking tool, it is inadequate as the predominant way of thinking.

Maori have also been drawn into this classic thinking method and this is evidenced in the many Treaty claims lodged across the country. The Treaty claims showcase the typical *“I am right, you are wrong”* arguments over lost lands and rights.

It could also be assumed that this classical thinking style used by the Western world contributes to the fear factor Maori identified throughout the interviews *“A fear of being proven wrong or a fear of not being able to prove their point right”*.

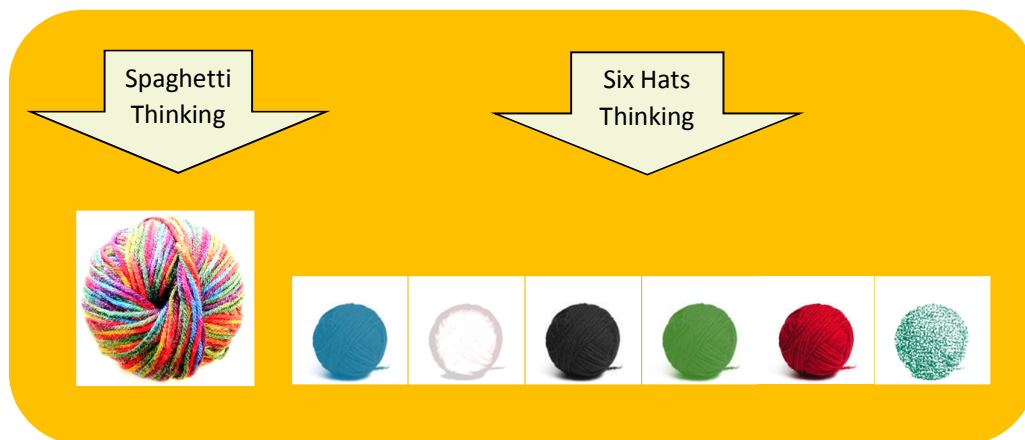
In any case, a critique of the Edward de Bono Six Thinking Hats frameworks and techniques was conducted as part of this research to identify if the thinking framework and techniques could benefit Maori decision making for the utilisation of their lands.

8.1 Six Thinking Hats

In order to fully appreciate the Six Thinking Hats framework and its techniques, I attended the full training workshop hosted in Auckland.







When we think ‘normally’ we try to do too much at once and often apply numerous lenses or focuses across a topic in order to make a decision. This style of thinking was referred to in the workshop as “Spaghetti” thinking. The concept of the six hats is to unravel this thinking to apply a focused lens using six (6) different modes.

Figure 9: Thinking Styles



The hats concept introduces six (6) hats, each being a different colour. Each of the six (6) hats, represents a different mode of thinking on a specific topic. When you move from one hat to another, you move from one mode of thinking to another mode of thinking.

Figure 10: Six Thinking Hat Modes

Six Thinking Hats®	
 <p>Blue Hat Managing the Thinking</p> <ul style="list-style-type: none"> • "Control" hat • Organizes the thinking • Sets the focus and agenda • Summarizes and concludes • Ensures that the rules are observed 	 <p>White Hat Information</p> <ul style="list-style-type: none"> • Information we know • Information we need • How are we going to get that information? • Determines accuracy and relevance • Looks at Other People's Views (O.P.V)
 <p>Red Hat Feelings, Intuition, Gut Instinct</p> <ul style="list-style-type: none"> • Permission to express feelings • No need to justify • Represents feelings right now • Keep it short • A key ingredient in decision making 	 <p>Yellow Hat Benefits and Feasibility</p> <ul style="list-style-type: none"> • The optimistic view • Reasons must be given • Needs more effort than the black hat • Finds the benefits and values • Considers both short- and long-term perspectives
 <p>Black Hat Risks, Difficulties and Problems</p> <ul style="list-style-type: none"> • The skeptical view • Reasons must be given • Points out thinking that does not fit the facts, experience, regulations, strategy, values • Points out potential problems 	 <p>Green Hat New Ideas, Possibilities</p> <ul style="list-style-type: none"> • Creative thinking • Seeks alternatives and possibilities • Removes faults • Doesn't have to be logical • Generates new concepts

The hats can be applied to any topic, problem, opportunity, improvement, idea and more.

8.2 Considerations of Six Thinking Hats to Improve Maori Decision Making

The hats encourage the control of focus on a topic and they are used in a sequence, often one after the other in order to explore the topic thoroughly. The systematic use of the hats is of particular value in the following circumstances:

1. When those taking part in the thinking have strongly held and different views
2. When there is a rambling discussion that is not getting anywhere
3. When a subject needs to be discussed thoroughly

In my personal experiences working with Maori across several industry sectors, these three (3) factors feature prominently. These can happen during Trustee meetings, meetings with land owners and at the hapu level.

There are guidelines for establishing sequences. A new sequence should be developed and designed specifically for the type of conversation to be had. The sequencing of hats can be used for specific outcomes for meetings, strategic planning, performance review, process

improvement, problem solving, idea generation and individual use. The technique may assist to improve decision making for idea's to develop land.

9 CRITIQUE OF A NEW MODEL FOR FACILITATED WORKSHOPS

A new process was designed for the purposes of this project to explore if facilitation techniques could be used to improve Maori decision making capability. The process was developed to directly address the issue of collectivised decision making to identify if it can improve decision outcomes.

Figure 11: Existing Decision Making Framework and Process³⁷

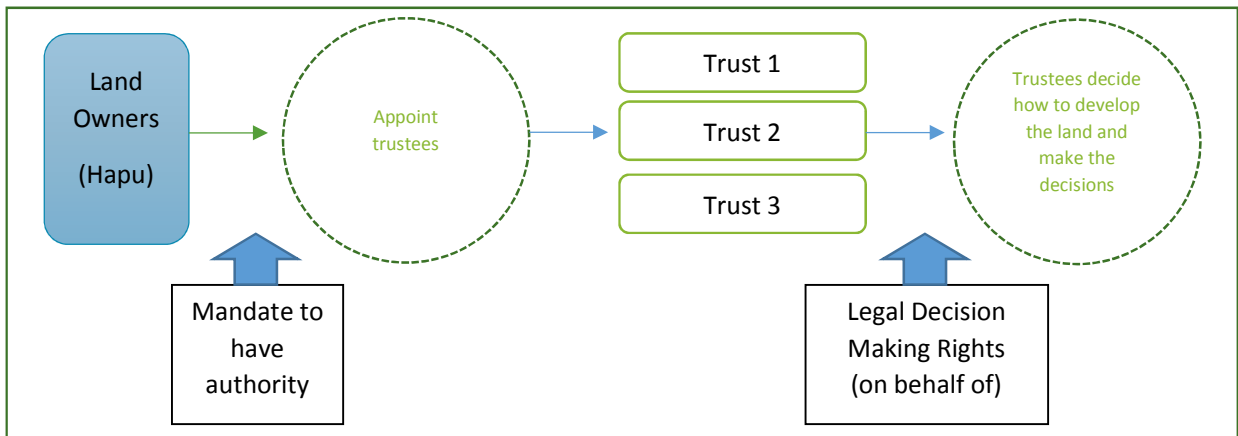
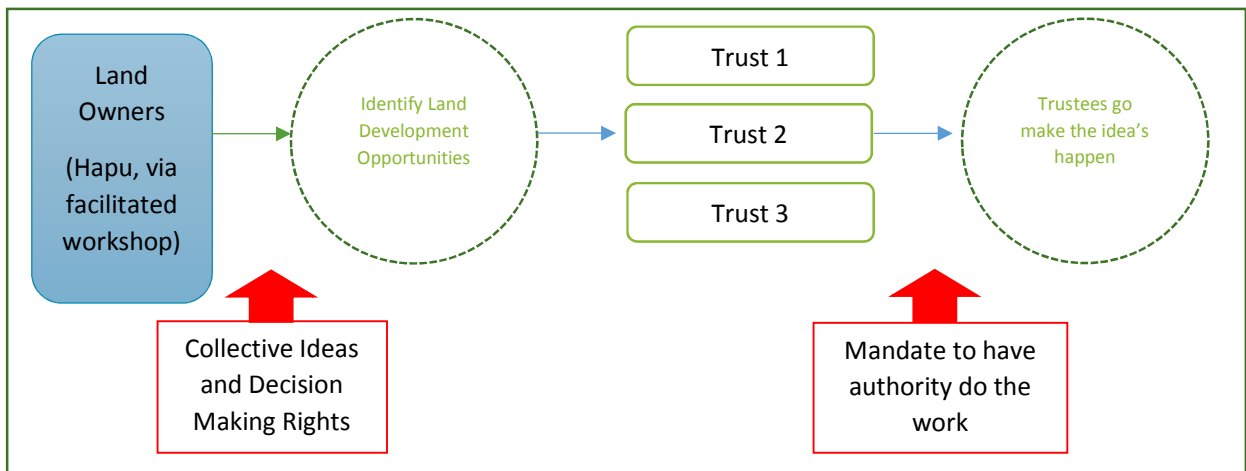


Figure12: New Decision Making Process Framework



³⁷ As per the Te Ture Whenua Maori Land Act 1993

The key differences between the two framework processes is the order and place in which Decision Making Rights sit and the Mandate to have Authority sit. It is in essence a change in design roles between the land owners and the trustees.

The purpose of the new process framework is to identify whether decision making can be improved if there was a process that enabled a role change.

10 FINDINGS AND DISCUSSION

The findings and discussion present the related themes gathered from interviewees and unstructured conversations. Two primary themes emerged. The first on the topic of being actively able to participate in decision making and the second on the topic of appointing the right people to the role of trustee.

10.1 The Desire to have Active Input and Participation

The first theme that emerged from almost every interviewee identified landowner concerns in regard to how trustee's represented the interests of the land owners and their lack of including land owners on how the land should be used.

- *“Once trustees are nominated, you never hear from them again. They go away and make decisions behind closed doors. We are locked out”*
- *“They (trustees) come up with ideas for the whenua and then ‘consult us’. That’s not our tikanga”*
- *“The only time we hear back from trustees is at the AGM (annual general meeting) and when it’s time to nominate new trustees. It makes me riri (angry) because they’ve already made decisions and we had no idea until the AGM”*
- *“The owners don’t get much say that’s why we jump up and down and end up in Court all the time. We don’t get a say what our money gets spent on”*
- *“They (trustees) don’t talk to us (the land owners) enough and we end up not trusting them. They should be doing what we want for the land not what they want. That’s how pakeha do business not tikanga (the Maori way)”*

A primary issue regarding the inability for land owners to actively participate suggests a perception that trustees act exclusively and not inclusively. The exclusion matter was expressed by the interviewee's with much emphasis and with prominent tones of anger and

frustration at times. For some, this aspect (exclusivity) was highly sensitive and causing emotional reaction.

10.2 The Need to Appoint the Right People to the Role of Trustee

The second theme to emerge from the interviews was the importance of selecting and appointing the right people to the role of trustee. The information captured was complex but once analysed could be grouped into four key attributes. Further analysis of supplementary questions identified that the attributes are inter connected.

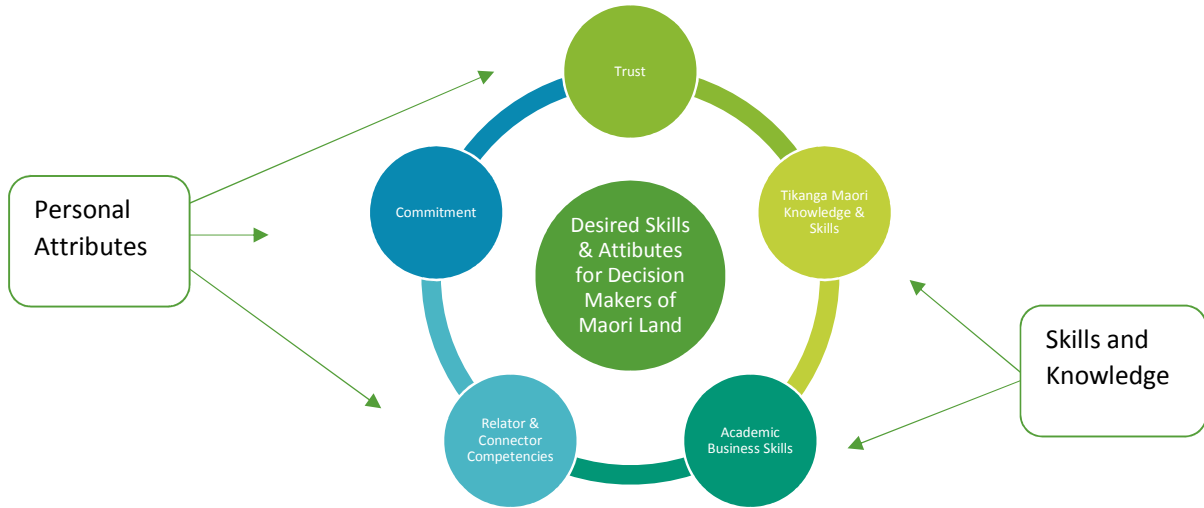
- i. **Trust** – land owners need to be able to trust the trustees in the context that they would fairly represent the interests of all the shareholders (and not just their own interests)
 - *“I have to have confidence in knowing they are doing right by the whanau (owners)”*
 - *“I need to know they will make the right decisions and be honest and reliable. They need to think of the people they serve and not themselves”*
 - *“Because that person must be able to successfully distribute what we have to the next generation....without favouring their own whanau”*
 - *“They (trustees) need to be there for everyone not just themselves”*
- ii. **Skills** – trustees need a mix of tikanga Maori and academic business skills
 - *“Part and parcel of having people skills, tikanga Maori skills, values and respect. Academic are important but are useless without the other skills*
 - *“They (trustees) have to have enough Maori skills to balance out with their academic skills”*
 - *“Academic skills are high on the scale but not the most important. Tikanga skills are equally important”*
 - *“Maori skills come before academic skills but we need both”*
 - *“They (trustees) may not understand how tikanga and Maori values work and their decisions might compromise these”*

- iii. **Relate** – trustees need to be able to connect and relate to their owners
- *“Nothing is happening with our land. The trustees need to talk with us to get something going”*
 - *“Trustees need more understanding and engagement with the shareholders (land owners)”*
 - *“Lack of communication is the biggest barrier”*
 - *“Trustees can be hostile towards us (land owners) because they constantly see us as a problem or barrier”*
- iv. **Commitment** – trustees need to be committed to their roles
- *“We have limited people to select from and limited people who are willing to commit to managing our whenua”*
 - *“We are quite thin on the ground – not enough people to select from. People are too busy and can't commit to the job”*
 - *“We need committed people to fulfil our capability needs”*

The attributes identified in this theme appear to be applied by land owners in reaction to their inability to have input and participation as presented in the first theme. Land owners apply criteria when nominating trustees to ensure they get the right people in roles of responsibilities (where possible) as a means to improve input and participation or as a means to improve accountability should they not be included.

When looking at the attributes as one group, they form a type of licence to operate or form the basis whereby trustee candidates must attain a social licence to qualify.

Figure 13: Core Attributes of a Social Licence

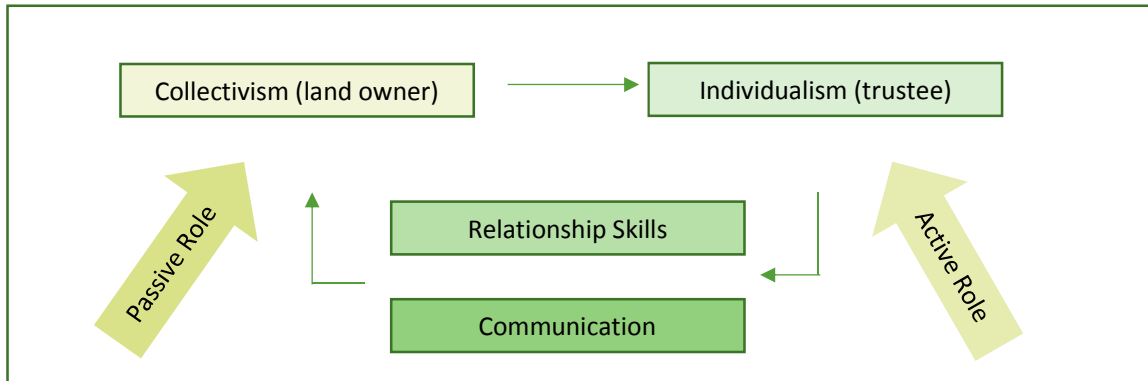


CRITERIA	INTERPRETATION
Trust	<i>Will fairly represent the interests of the shareholders and not just themselves</i>
Tikanga Maori Knowledge & Skills	<i>Knows the heart of Maori, understands Maori values, tikanga and matauranga</i>
Academic Business Skills	<i>Has the experience of modern business skills to advance the trust</i>
Relator & Connector Skills	<i>Has the ability to relate to the shareholders, connect with them and be able to communicate, receive and apply information effectively</i>
Commitment	<i>Will commit to the role of trustee and will work to achieve results for the trust</i>

The requirement for trustees to have a strong relationship and the ability to connect with land owners is a likely cause of decision making tension between land owners and trustees and possibly a key factor for the low productivity of land.

Land owners inability to have an active role in decision making creates tension and rebuttal that stymies trustee identified opportunities. Land owners appear to be looking for relationships with trustees that improve their ability to participate.

Figure 14: Status Quo Relationship Model



10.3 Facilitated Workshop Results

A workshop was hosted to test solutions to the input and participation issues to identify if a different process could be applied to enable collective decision making, as was practiced historically. The workshop was well attended (more than 30) and the land owner interests spanned 9 individual trusts. Both Land Owners and Trustees were present.

Table 1: Workshop attendance

Type of Trust	No. Present
Ahu Whenua	3
Hapu Owned Limited Liability Company	1
Marae Reserve	2
Urupa Reserve	2

All 3 Ahu Whenua Trusts have undeveloped land although 2 of those trusts are developed with some Papakainga (housing). It was affirmed that efforts had been made to develop the land by current and previous trustees but gaining agreement from land owners had not been successful.

In addition, the Hapu owned Limited Liability Company can have a supplementary role to play to support the development of the land, but as the primary decision making does not sit with the company, its results will not be included in the analysis.

A new process that enabled the collective input and participation of land owners was applied.

Figure 15: Existing Process

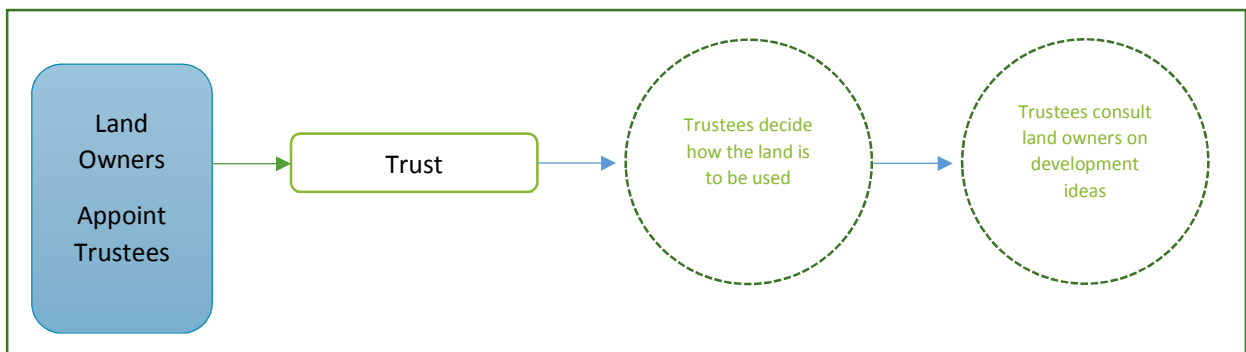
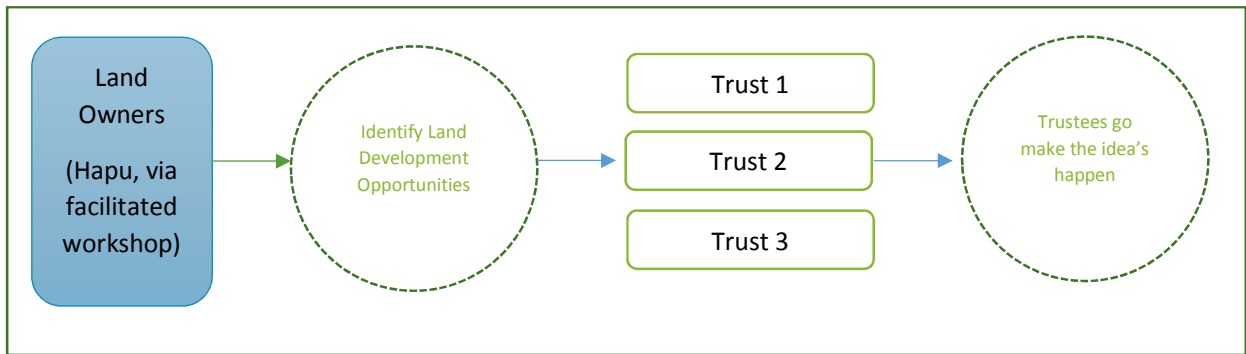
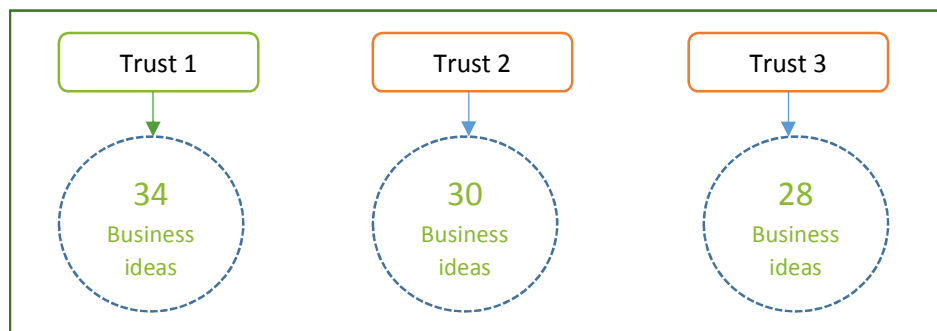


Figure 16: New Process Tested at the Facilitated Workshop



The outcomes of the new process applied to the workshop identified multiple economic development opportunities for each trust. Ideas were presented by the land owners and discussed with the trustees of each block.

Figure 17: Economic Development Idea's for each Trust



One key theme that that came out of the ideas was how some of the common idea's fitted across all the blocks. For example, one tourism opportunity identified and demonstrated how each block could play a role in one venture. The uniqueness of this approach is that the owners felt it was important that the blocks (individual trusts) worked in collaboration with each other and not in competition with each other. Individual tourism ideas could be activated on each block but linked to create one tourism activity.

More importantly, the collective participation created a real excitement among the owners. Feedback from Trustee's suggest that the outcome of the workshop empowered and mandated them to go do the work.

→ *We were able to get direction from the owners and from trustees at the same time. We have clear direction as to where to take the trust and our mandate to do this is clear*

→ *The framework has helped us to set strategic actions to get the work done*

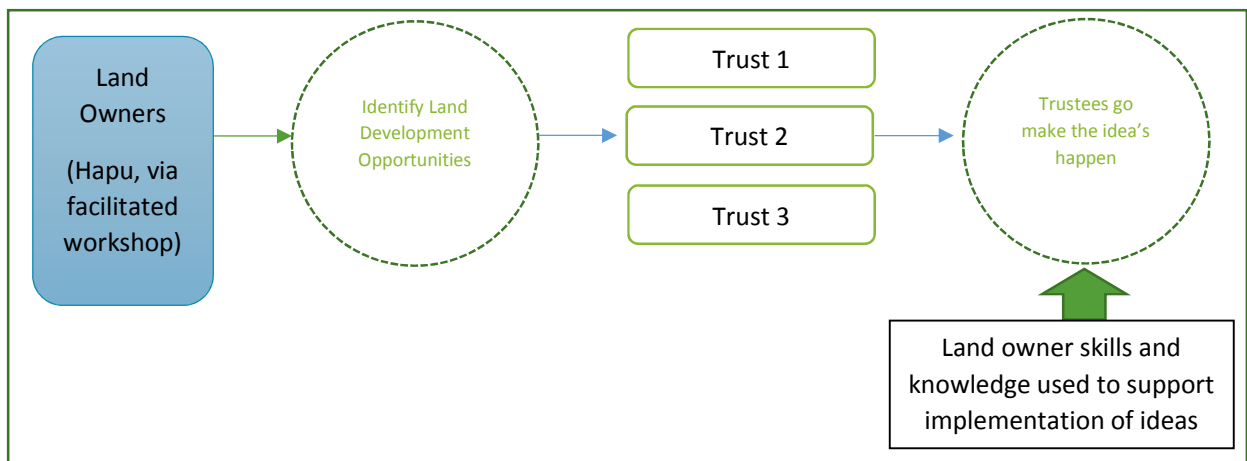
- *The framework has given approval of our existing strategic plan but provided an extra bit in regard to the 'how to' detail*
- *The trustee's relationship with the owners has improved. There is less suspicion from them and they are part of what we do now*
- *The workshop has helped us to prioritise development options. We can now focus on having the right conversations*
- *I absolutely believe the land will get developed now and there will be less road blocks and more buy in from the owners*

10.4 Capacity and Capability Improvements

Open discussion followed the scoping of land development ideas. Land owners expressed that some of them held knowledge and skills to support the trustees to investigate and implement the ideas. This presented an opportunity to collate a list of people who could support the trustees and discuss how they could engage.

The outcome identified additional capacity for the trustees to call on and an additional opportunity for land owners to participate. Some of the skills identified were specialist skills that land owners and trustees generally had no idea individuals held.

Figure 18: Capacity and Capability Framework



The role of the trustee is clear. They are responsible for making decisions that advance the interests and benefits of their owners, this includes economic development. The feedback

received on 'commitment' by land owner interviews suggested that the non-development of land may be in relation to trustees were not being commitment.

At the heart of this however is how much capacity trustees have to really initiate economic development of their lands outside of their day jobs.

A new approach to investigate how capacity and capability could be improved was also explored in the workshop. The purpose of identifying skills already existing across the 3 land blocks is to provide opportunities to the trustees to identify how they can tap into existing knowledge and skills among their owners and activate that collective capability.

10.5 Critical Thinking Technique – Six Thinking Hats

Feedback from participants on the Six Thinking Hats technique identified it likely is a good technique for Maori to improve their critical thinking capability for decision making.

- *This was a very good process it allowed us to share openly but also in a focused manner. It felt like we actually made progress and didn't get stuck on the same issue over and over. It also allows everyone to contribute comfortably. Was well run and would suggest that we undertook similar approach to additional issues as they arise*
- *I think this is a great technique process to assist all types of groups in finding ways to participate and move forward with opportunities and projects*
- *Each hat helped to organise one's thinking so that you could focus on that particular subject and think more clearly. The technique used captured all the elements required that needed to be discussed so that a positive and beneficial outcome could be achieved. I would recommend this workshop to all our Maori organisations*
- *The technique enables everyone to focus on the same thing at the same time. It gives good structure for moving through decision making in a safe, constructive manner. I like that the technique gives everyone an opportunity to contribute in a concise way. The technique also enabled focus and pace, without giving people the chance to double back, or dominate the conversation*
- *I think this is a great technique process to assist all types of groups in finding ways to participate and move forward with opportunities and projects*
- *It certainly provided participants with long lost confidence to give an honest appraisal of the process*

→ *I found the technique great to focus my thinking and feedback. I valued the environment this technique created which enabled me to put forward my thoughts and ideas without others trying to provide a solution. This way I felt my thoughts and ideas were heard and acknowledged. As an initial brainstorm session, this is important. I appreciated that everyone in group was comfortable to talk freely without the group getting stuck on one particular thought or idea. I believe this technique will benefit Māori to improve decision making capability. This technique will provide structure to brainstorming sessions and help to focus discussions. It is important that those involved in the decision making process are comfortable with the process and see value in attending and contributing. This technique provides an environment where thoughts and ideas are acknowledged. I believe Māori will respond well to this because they will be able to move on to the next idea rather than dwelling on an idea if it's not acknowledged. When people feel heard I believe they are more likely to work collaboratively and make decisions quicker.*

11. CONCLUSIONS

The results from the test of a new process, facilitation and critical thinking techniques can enable Maori to improve decision making capability.

11.1 Re-establishing Collective Decision Making Capability

The information gathered from interviews and unstructured discussions regarding traditional decision making frameworks when compared to modern day legislative decision making frameworks, shows that decision making frameworks have shifted from collectivised decision making (traditional framework) to individualised decision making (modern framework). The primary cause identified from the literature review is the introduction of a legal framework (legislation) which began post signing of the Treaty of Waitangi at the establishment of the British colony in New Zealand. While legislative frameworks have evolved over time, they are much alike in the sense that they steer away from collective decision making to individual decision making.

The tested processes and techniques at the workshop introduce the collective decision making frameworks that Maori practiced historically. The processes and techniques are a simple solution that do not require any major changes to the legal treaty settlement and land trust frameworks already in place. However it will require the land owners, trustees and any organisation working with them to factor in opportunities to apply the new process.

An observation of the process outcomes was the renewed unity between the land owners and trustees. Interestingly, the social license requirements seemed no longer important however my opinion is that as this requirement or behavior has been in place for many generations, it may take some time for land owners to shift away from it entirely.

11.2 Improving Capability

The capability investigation carried out by the land owners in the workshop was another interesting outcome. Noting that some individuals held specialist skills that the trusts would certainly benefit from as they investigate and implement development ideas, the capability and capacity of the trustees increased significantly. Taking into account the way Maori worked collectively historically, factoring in the utilisation of existing skills has potential. While some trusts may already factor this in and apply it, this was a first for those that participated in the workshop. Therefore there is potential to promote this opportunity to other trusts who don't apply it.

The Six Thinking Hat's technique can add value when focused attention is required on a specific matter. In this regard, the technique may prove very valuable to trustees who have to implement land owner ideas. As idea's are investigated the Six Thinking Hats can be applied to help trustees define what could be implemented and how.

However, testing the technique with trustees on the ideas presented by the land owners was not tested. Feedback from the Government Department participants indicates that it will be a useful technique to land owners. Therefore the true potential for its use in this context requires further investigation.

11.3 A New Approach

Below is a diagram that show's how the process and techniques work together. It can be considered a new model or process to improve decision making capability.

For example, Government agencies looking to encourage projects that investigate the development of land may need to engage with an open mind and having no set agenda nor set thought on what the land 'should be used for'. Instead, they should be prepared to provide funding support to broach multiple opportunities that are identified by the owners. The risk for funders is that land development workshops may not directly deliver land development options that fit their preference or their funding remit. A new opportunity arises for Government Departments (and possibly industry), to rethink their funding criteria to incorporate some flexibility and identify ways to link their work programmes and connect with Maori as a collective. Further research to explore how this could occur should be encouraged.

11.5 Looking Forward

According to the last census in 2013, one in seven people, or 15% of New Zealand's population identified as Maori. This means that 15 percent of New Zealand's population could influence how the Maori primary sector contribute to the New Zealand economy.

Maori collectively own 1.5 million hectares, or approximately 5% of New Zealand's land which is a significant asset base. Of this asset base, Northland has approximately 149,318 hectares of Maori land. For the Northland region, this asset base equates to 8.6% of the total hectares across Northland.

It is estimated that 20% of Maori land, a total of 300,000 hectares is currently productive. Another 40% or 600,000 hectares is underutilised and the remaining 40% or 600,000 hectares is currently unproductive³⁸. Therefore the challenge and the opportunity to develop Maori land to grow New Zealand's economy is huge.

To develop this land however, robust decision making capability is the catalyst to lead out this development. More importantly though, attaining robust decision making capability is for many Maori land owners, a great challenge.

The research identifies that Maori want to be able live as Maori as they co-exist in the Western way of life, its systems and frameworks. It confirms that with innovative thinking and further exploration that there are simple processes and techniques that can be applied to enable Maori to achieve their collective decision making ability while operating within individualistic frameworks. Although, it must be acknowledged that the tests trialled in this study only scratch the surface and will require further testing with other groups.

³⁸ Te Puni Kōkiri Te Ōhanga Māori *The Māori Economy 2013*

In this regard, I would warn that not all innovations will work for all Maori as each tribe is different. Therefore understanding the people and including them in the design of their own processes to progress their development is strongly recommended.

It will take time and practice to break habits and attitudes and hurts experienced over time from legislative framework suppression (the individualism top down approach) but as collectivism is practiced over time, I envisage Maori can recover, readjust and thrive once again collectively.

I now have a greater awareness of at least one constraint affecting Maori decision making capability and I will now apply the learnings as a means of refining the techniques in hope of enabling Maori to achieve their land development aspirations.

12. RECOMMENDATIONS

My recommendations resulting from this study are that;

- 1) Further testing and refinement of the process and use of the Six Thinking Hats be conducted with Maori land owners to determine the full effect of the process
 - ~ This could be a very useful technique for trustees particularly either in the development of their initiatives or to help both trustees and land owners to overcome issues to move forward.
- 2) That the process framework be tested on wider Maori sample groups and for differing situations – opportunities to enable Maori across all sectors, social, cultural, environmental and economic
 - ~ For example health and education sectors
- 3) The Six Thinking Hat's technique be promoted for use to improve critical thinking with Maori – an opportunity for kaitiaki, whanau, hapu, trustees and directors
 - ~ The technique is already being applied in primary, intermediate and secondary schools so it may prove valuable to kohanga reo and kura kaupapa
- 4) Government Agencies, NGO's including industry, should make time to consider the findings of this report and apply some thinking as to how they can engage Maori in ways that promote their collectiveness. This will not be an easy task but success factors and sustainable long term opportunities may be better achieved should they do so
 - ~ For example, industry groups could combine their interests and engage Maori collectively as opposed to isolated approaches to Maori

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14 APPENDIX ONE – Interview Questions

No.	Question	Supplementary Question
1	On a scale of 1 to 10, (1 being the lowest and 10 the highest), how important is trustee decision making to you?	What types of decisions do you expect trustees to make?
2	When nominating a trustee, is the threat of losing your land because of their decision making a concern?	Is that something you consider when nominating someone to be a trustee?
3	On a scale of 1 to 10 (1 being the lowest and 10 the highest) how would you rate the decision making capability of your trust?	
4	On a scale of 1 to 10, (1 being the lowest and 10 the highest), how important is developing your land economically?	What types of development options are most important to you?
5	What is your preferred land use development option?	Why?
6	Have you ever nominated a person for a trustee position?	
7	When appointing a trustee for your land, is being able to “trust” them a major factor?	Why is this important to you? What other factors are important to you?
8	When nominating a person for a trustee position, which of the following criteria is essential to satisfy your requirements for a trustee?	
	a) A representative for your whanau	Why is this important to you?
	b) A representative with tikanga Maori skills	Why is this important to you?
	c) A representative with academic business skills	Why is this important to you?
	d) Other Skills	Why is this important to you?
9	On a scale of 1 to 10 (1 being the lowest and 10 the highest) how important are tikanga Maori skills to you?	Are tikanga Maori skills your most important criteria? Would you nominate someone that wasn't a hau kainga?
10	Would you ever nominate someone purely on their academic business skills capability?	Why?
11	Do you think the shareholders of your trust have the right mix of skills to trustee?	What skills are missing?