

The Empire Strikes Back: Māori and the 2023 coalition government

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The ferocity of the attack on Māori by the coalition government has taken some by surprise. But really it shouldn't have. One of the hallmarks of the past 150 years is that, whenever Māori have made a great deal of progress, reactionaries have fought back to try and reverse those gains, to put us back in our place.

The Treaty Principles Bill is a case in point. The ACT party leadership believe that the scope of the Treaty of Waitangi principles have far exceeded what was intended (in other words what they are comfortable with). Their intentions, and those of the rest of the coalition government, is to rein in Māori and what have been seen as the excesses of the courts and Jacinda Ardern's Labour-led Government. This article will outline some of the context of Māori experience in New Zealand before examining the policies and rationale of the coalition government's attitude to Māori people who prefer to play by our own cultural rules.

The Coalition Government has used, as justification for its attack on the progress Māori have made in the last 20 years, a commitment that public services should be delivered based on need rather than race (Department of the Prime Minister and Cabinet, 2024). Equality is their call and has been used as their catch-cry to the New Zealand public. In response to those who oppose ACT Party's Principles of the Treaty of Waitangi Bill, the party leader stated that "the challenge for people who oppose the Bill is to explain why they are so opposed to the basic principle of equal rights" (Chapman, 2024, n.p.).

This is a classic case of semantic discord, where two differing groups hear the same

words, but have a different understanding or response to it.

What people of British settler origin hear are phrases like "equal rights" and "equality before the law", which are underpinned by a centuries-long struggle to insist that everyone is subject to the same laws as everyone else. The Magna Carta and English Civil War were essentially about kings not having the divine right to rule, were not above the law and were subject to the same laws, rules and rights as other rich men. I do find it ironic that the principle used to keep the monarchy under control is also used to keep Māori in our unequal place.

When many Māori hear a Pākehā politician talk about "equal rights for all" and "equality before the law" our usual response is "Yeah right, when has that ever happened?". We have never experienced it and so we dismiss the question as being a further example of the "the deceit of the Pākehā" (Eketone, 2017).

The experience of whānau, hapū and iwi is that New Zealand has a history of containing and constraining Māori, especially whenever we seem to be getting too successful. Before the 1860s, Waikato Māori were making large profits selling goods into the Auckland market and at the same time preventing the sale of those profitable lands to British settlers (Temm, 1990). Is it really a coincidence that the most fertile and profitable farmland in the country in Waikato, Taranaki, Bay of Plenty and Hawkes Bay was also where the government confiscated lands by provoking armed resistance? Māori are permitted to be

subsistence farmers, but not wealthier than their neighbours.

At the University of Otago, we celebrate Sir Peter Buck, Te Rangi Hiroa, as our first medical graduate in 1904. Few realise that this success was questioned in Parliament as to why Māori were attending university at all. When it was realised that it was Te Aute College who had prepared such scholars as lawyer Apirana Ngata and Dr Maui Pomare to enter university, a Royal Commission into the school was held¹. In his submission to the commission, the inspector general of schools, George Hogben, recommended that the school stop teaching academic subjects required for University Entrance such as Latin, algebra and geometry in favour of manual and agricultural classes. He believed Māori needed to realise “the dignity of manual labour”². Hogben’s colleague, William Watson Bird, spelled out the reasoning further—that Māori education was for living amongst Māori and not to compete with Europeans in trade and commerce. Te Aute, the premier Māori secondary school in the country, was threatened with loss of funding if they insisted on teaching academic subjects. They gave in and went back to teaching trades and farming.

While this example might be considered ancient history, 100 years later Te Wananga o Aotearoa was so successful in enrolling Māori in tertiary education that, according to the Ministry of Education, in 2002, 33% of all Māori women over the age of 15 were enrolled that year in tertiary education (Scott, 2003). The Labour government’s response was not to celebrate and encourage this success, but to severely cap courses that were particularly attractive to those who had been failed by the school system³.

There are large sectors of our society that are content to tolerate Māori if we are working class and stick to sport and entertainment. But something seems to stir in them when they see us entering the ranks of the middle class especially if our “Māoriness” is the

source of our success. This is when we start to hear statements from right wing politicians and commentators about the dangers of the nefarious faction of Māori society termed the *Māori elite*⁴. Ironically, who they are actually referring to is the Māori middle class. The genuine wealthy white elite and the pathways they lay down for their children are almost invisible and don’t get anything near the remonstrance as does the Māori middle class.

The right-wing claim that it is the Māori elite that have caused inequality in this country and this is why their priorities include “ending race based policies” (New Zealand National Party and New Zealand First, 2023). I won’t go into the statistics of Māori disadvantage except to say that, in the negative indices of this country, it is probably only skin cancer where Pākehā are at a disadvantage (and yet funding for melanoma isn’t referred to as race-based funding).

The Coalition Government has moved very quickly in advancing its agenda that some may have forgotten already what has changed. Among the first things they did was stop all work on “He Puapua,” a document that discussed how New Zealand could meet its obligations under the United Nations Declaration on the Rights of Indigenous People (Sowman-Lund, 2024). This document recognised significant rights related to decision making on matters that affect Māori, including education, well-being, welfare, health and, most threatening to a coloniser, the right to self-determination (United Nations, 2007).

The Government often advocates internationally for Indigenous people, such as when Winston Peters stated that New Zealand, as one of the “Pacific Island Forum countries, by virtue of our locations and histories, understand the large indigenous minority population’s desire for self-determination” (Young, 2024). I hope you enjoyed the ironic laugh as I did. Unfortunately those in power seem to have

a blind spot when dealing with Māori and so an impartial outsider in the United Nations was seen as a potential ally.

Part of the argument for why UNDRIP was not necessary in New Zealand was because we already had the Treaty of Waitangi which provided “unparalleled system of redress” (Horomia, 2007). However, even that is no longer the case with the coalition removing references to the Treaty of Waitangi in 28 pieces of legislation. Included are: Smokefree Environments and Regulated Products Act 1990, Kāinga Ora Homes and Communities Act 2019, Criminal Cases Review Commission Act 2019, Education and Training Act 2020, Mental Health and Wellbeing Commission Act 2020, and the Pae Ora (Healthy Futures) Act 2022 as well as the upcoming Corrections Amendment Bill (Walters, 2024).

Another of the first actions of the Coalition Government was to abolish Te Aka Whai Ora, The Māori Health Authority. The Authority was set up to ensure equitable access for Māori to health services and to oversee equitable health outcomes Health New Zealand, 2024). Te Aka Whai Ora was an opportunity for Māori, ourselves, to provide leadership and direction using innovative and evidence led initiatives based on research with Māori using Māori cultural values. However, the agency did not meet the ideological right’s political correctness test (yes the far right has its own political correctness ideology). The Government’s response is to go back to the health sectors previous philosophies that got us into poor health outcomes in the first place. The legislation to shut down the agency was passed within the first 100 days of government but was so rushed that, according to the Waitangi Tribunal, the Crown failed to follow its own guidelines (Natanahira, 2024).

While we are not allowed to see if the Māori Health Authority would work, one of the successes in the last few years has been the

aggressive attack on tobacco. In recent years Māori smoking rates have dropped from 38% in 2015 to 17% in 2022 (Nip et al., 2023). With the 2022 Smokefree legislation no one born after 2009 could buy tobacco products and this was expected to have an even greater impact on Māori health outcomes. However, this was repealed, with Minister of Finance Nicola Willis saying that the revenue from the tobacco tax would go to help pay for the Coalition’s tax cuts (Corlett, 2023). As Māori still make up a large percentage of active smokers this will hit Māori communities hardest.

The cancellation of government funding of cultural reports was passed through parliament under urgency in March 2024. These reports allowed for pertinent information about the backgrounds of those to be sentenced to come before the courts prior to their sentencing⁵. While these reports could be requested by anyone from any background, it was well known in the legal fraternity that a Māori person had their minimum non-parole period reduced by 12 months to 17 years (Penfold, 2024). This may have influenced those wanting to be tougher on crime to have these reports in their sights especially as Māori could be seen to be benefitting from them. Cultural reports can still be submitted to the court, but they will have to be paid for privately rather than by legal aid and so, because Māori have higher rates of imprisonment and come from poorer backgrounds, it will mean Māori have longer sentences than wealthier criminals (Gledhill, 2024).

There is an ongoing move to repeal Section 7AA of the Oranga Tamariki Act that seeks to give effect to the Treaty of Waitangi “by measuring and reducing disparities for Māori, creating partnerships with iwi and Māori organisations, delegating functions of the Act to Māori organisations, and ensuring cultural competency of staff” (Keddell, 2024, n.p.).

A large part of the justification to repeal Section 7AA came from a video the Minister

saw of the removal of four Māori children taken from “a forever home”. She claimed that Oranga Tamariki put race before the welfare of the children and had decided the foster parents were the wrong race and that this led to her decision about repealing 7aa (Chhour, 2024).

The facts were countered recently by the children’s uncle with the accusation that Oranga Tamariki social workers had made no attempt to find the children’s relatives even though he and his partner were already foster parents and were known to, and had been vetted by, Oranga Tamariki (Maniapoto, 2024). The Iwi leaders forum have argued strongly against removing Section 7AA because these children aren’t just numbers, they are the nieces, nephews and grandchildren of their relatives. Section 7aa gives them the opportunity to form partnerships with Oranga Tamariki in caring for these children and hold them accountable for the outcomes of the State’s intervention (Paewai, 2024). As a nation we have seen the report on abuse in care as well the horrific outcomes with the indigenous boarding schools in Canada and the “lost generation” of Aboriginal Australians. The involvement of iwi and hapū in the care of their children is vital if we are not to perpetuate the mistakes of the past.

Services to vulnerable communities

Recently we have had a series of announcements that there is to be a raft of cuts to agencies that supply services to vulnerable Māori families and communities.

The Public Service Association (PSA) has announced that 1,478 roles are to be cut from public health initiatives including smoking cessation and Māori public health advisors (Howell, 2024). Public health measures are the most effective way of promoting and protecting the health of Māori people. Spending money on treating people with disease and injuries does far less to improve

health than on the prevention of those injuries and diseases.

Oranga Tamariki have cut contracts to 190 services plus reducing contracts to another 142 more⁶. These are the groups that actually deliver services to vulnerable families such as counselling, support, therapy and advice. Oranga Tamariki are currently rolling out a new framework that will provide them with effective tools to make useful quality assessments of the needs and vulnerabilities of the families it works with (Stanley, 2024). However, Oranga Tamariki are not equipped or funded to provide all the services vulnerable families need. If these needs are met it will usually be by the type of community organisations that government are now cutting funding to. Some services are losing up to 40% of their professionally trained counsellors and social workers (Ingoe, 2024).

In October it was announced that four community groups providing mental health support are also having their contracts cut. In 2023 over 4000 counselling and support visits were made to inmates with mental health problem⁷. Once the Department of Corrections has re-evaluated what services it wants, it will invite new tenders for those services. As Māori make up a very high percentage of prison inmates, it is certain to have negative effects on their mental health. We witnessed some of the meltdowns people had in quarantine during Covid-19 who were staying in four-star hotels dealing with accommodating staff with no threats to their safety. Imagine how stressful a true lockdown in prison is.

The Government seems to think that procurement policies for services to vulnerable peoples in the community are identical to purchasing items such as office desks where you can just go for the best price amongst competing office companies.

Purchasing services from community organisations are not just buying KPIs they

are purchasing experience, networks and relationships. NGOs are more agile than the State and more able to meet emerging needs. They are also more vulnerable to staffing changes because they are paid considerably less than those in government agencies (Eketone, 2020). Organisations with insecure funding are in danger of losing experienced workers who normally enjoy greater freedom in NGOs, but in this economic climate it may be foolish to wait for the Government to make up its mind.

The heart-breaking thing is, not that these cuts to services are ideological, but to fund tax breaks for the wealthiest of landlords.

While the cuts to services are causing ongoing distress, it is the Principles of the Treaty of Waitangi Bill that has caused the most outcry. The Bill pretends to be democratic by creating a referendum to vote on what they want the Treaty of Waitangi to mean. Not what it says or what it means, but by what they *want* it to mean, written in a language they have little understanding of. I have written previously that it “makes as much sense as me voting on the meaning of the French national anthem” (Eketone, 2024, n.p.). As long as we democratically vote on it we could make it mean anything we want it to mean.

David Seymour has stated repeatedly that the Bill is based on the premise of Universal Human Rights (Seymour, 2024) which is one of the United Nations Declarations. When it was pointed out by officials that the Treaty Principles Bill may result in “actions or outcomes that are seen to be discriminatory or inconsistent” with the International Convention on the Elimination of All Forms of Racial Discrimination and the UN Declaration on the Rights of Indigenous Peoples (UNDRIP), it was stated by David Seymour that UNDRIP has “no binding legal effect on New Zealand” (Moir, 2024, n.p.). So *he* obviously thinks he gets to decide which United Nations conventions New Zealand adheres to.

Where to from here?

If we just looked at the last year, it could be very depressing. One of the things I noticed in the 3 years before election of the Coalition Government was that there was a lot happening. In fact, my days were taken up with dozens of projects and associated meetings, mostly related to improvements in Māori education outcomes. However, one of the things I started to notice was that there were an increasing number of things that I was expected to do that weren't actually of benefit to me, or to other Māori. They were for the benefit of others, tick-boxes to make them or their institution look good. The analogy I have used is that it was like I was on a boat with the wind behind me going wherever the wind took me, and I was being taken along for the ride. Now I am having to paddle into strong headwinds, and so I head for the destination I choose and focus my attention on that and there is greater purpose in that.

The good news is that whatever the government tries to do to limit Māori progress, in many ways the horse has bolted. Our expectations have risen, our skills have been developed, and our belief and confidence in ourselves has grown. We have become more educated, skilled, knowledgeable and articulate.

The use of Te Reo is growing, Māori cultural practices are becoming the norm. The old guard of urban Māori like me are being replaced with amazing graduates from Kura Kaupapa who have genuine equality in their sights as promised in Article 3 of the Treaty. And they aspire to the genuine self-determination of the Treaty's Article 2, ably described by Sir Mason Durie as “the advancement of Māori people, as Māori, and the protection of the environment for future generations” (Durie, 1998, p. 4).

There are many of us employed in government and local government agencies, education, social services and health and we

have thousands of Tāngata Tiriti allies who are committed to the same future we aspire to. I know the government are desperately trying to hold us back with their legislation and policy, but it is too late.

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Notes

¹ Report and evidence of the Royal Commission of the Te Aute and Wanganui School Trusts (1906). AJHR 1906 Session 2 G05. <https://gg.govt.nz/sites/default/files/2021-03/RC%2059%20Te%20Aute%20and%20Wanganui%20School%20Trusts.pdf>

² Report and evidence of the Royal Commission of the Te Aute and Wanganui School Trusts (1906). AJHR 1906 Session 2 G05. <https://gg.govt.nz/sites/default/files/2021-03/RC%2059%20Te%20Aute%20and%20Wanganui%20School%20Trusts.pdf>

³ Wananga under heavy fire. (2005, February 24). *New Zealand Herald*. <https://www.nzherald.co.nz/kahu/wananga-under-heavy-fire/3KH4DOU3OZPI2UGTAKT5BZVTWQ/>

⁴ Peters rules out demands of Māori “elite” (2023, September 01). *waateanews.com*. <https://waateanews.com/2023/09/01/peters-rules-out-demands-from-Māori-elite/>

⁵ Legislation scrapping funding for Section 27 cultural sentencing reports passes under urgency. (2024, March 6). RNZ. <https://www.rnz.co.nz/news/political/510971/legislation-scrapping-funding-for-section-27-cultural-sentencing-reports-passes-under-urgency>

⁶ <https://www.rnz.co.nz/news/political/525470/families-devastated-as-oranga-tamariki-cuts-off-funding-to-190-social-service-providers>

⁷ Corrections axes mental health contracts for jails. (2024, November 6). RNZ. <https://www.rnz.co.nz/news/national/532993/corrections-axes-mental-health-contracts-for-jails>

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