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‘THE PAERANGI LECTURES’

MĀORI HORIZONS 2020 AND BEYOND.

PAE MATATŪ

Sustaining the Māori Estate

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The Paerangi Lectures

Pae Matatū: Sustaining the Māori Estate is the first of three *Paerangi Lectures* and is concerned with the assets that will become available to future generations of Māori. Like the other two lectures it is positioned in the future - 2020 and beyond - and considers the effects of demographic change, tribal development, national priorities, global transformations, and technological innovation on Māori. Because these lectures are occurring at a time of rapid change, both nationally and internationally, it is unlikely that the quality or the quantum of the Māori estate can be predicted with any certainty. The consequences of a global economic recession for example, have implications for all indigenous peoples. Meanwhile the outcome of ongoing debates about rights to the foreshore and seabed or the use of ancient Māori place names instead of colonial versions, also highlights the ways in which the Māori estate is shaped by forces beyond te ao Māori. Not only will the size of the estate be subject to political, economic, and technological determinants, but the make-up of the estate will also predictably change as well as the ways in which it is managed and transferred from one generation to another. *Sustaining the Māori Estate* raises questions about impact of economic fluctuations, access to customary resources, and the significance of new forms of heritage that have been fashioned by Māori in modern times. But from another perspective there will also be questions about entitlement and the responsibilities placed on those who inherit. Does inheritance create an obligation to add value to the estate before passing it on to others, or has the obligation been met simply by passing it on more or less intact?

In any event the Māori estate is not fixed or finite. It is bounded neither by time nor by quantum. Nor does it comprise elements that have been solely determined by pre-colonial concepts and conventions. Further, while the configuration of the estate is always in a state of fluctuation, identifying the rightful recipients of the estate cannot necessarily be guided by past practices and processes. Not all Māori will be equally entitled nor will the same principles of inheritance be applicable to all types of assets transferred from one generation to another. Principles underlying succession to land for example may not be appropriate for the transfer of fishing quota or the receipt of new and old cultural knowledge. Moreover, whether the Māori estate includes all Māori assets, no matter how derived, or whether it applies only to those assets where a sense of collective interest exists is contentious.

In effect the Māori estate can no longer be linked solely to so-called traditional times. Indigeneity is always evolving and the idea that it can be defined entirely by the past ignores the reality of modern times and the prospect of living in a future world. By 2020 the indigenous

estate will comprise both customary assets and assets that have been generated in the twentieth and early twenty-first centuries.

A Future Scenario Ahuwhenua Ltd.

Although predictions about the future lack scientific precision, a number of tools have been developed to at least sketch some possibilities. Scenario building for example creates a picture of the future based on a set of possible (if not probable) trends and events. *Ahuwhenua Limited* is a scenario about Māori land holdings land utilisation and the governance of land.

Ahuwhenua Ltd. began to take shape after deteriorating global food shortages were brought to public attention during the economic recession between 2008 and 2011. While the west was concerned about interest rates, the value of the dollar, and the plummeting real estate market, the plight of many African states and the scale of malnutrition and consequential disease could no longer be hidden from world view. Eventually, in 2015, the World Health Organisation made an impassioned plea for international action declaring that the Millennium I goals formulated in 2000 were no longer achievable. Those goals had included the eradication of extreme poverty and hunger, achieving universal primary education, promoting gender equality and empower women, reducing child mortality, improving maternal health, combating HIV/AIDS, malaria and other diseases, ensuring environmental sustainability, and establishing partnerships for development.

They had been undermined by inaction from the wealthy OECD countries. A lack of global solidarity at a time when it was most needed, coupled with serial droughts and unpredictable wind patterns had plunged one third of the world's population into abject poverty and starvation. In contrast to the Millennium I goals, which depended on goodwill and benevolent actions, the Millennium II goals matched charitable action with substantial rewards.

New Zealand, conscious of its relative wealth and sensing an opportunity for altruism coupled with guaranteed markets abroad, was one of the first countries to respond. By 2017 the New Zealand Government had developed a programme of land consolidation that would earn the country the title of 'the food bowl of the world.' All lands suitable for food crops were identified and zoned 'arable'. In 2017 the Māori Land Court commissioned a study of Māori land utilisation with a view to determining the feasibility of widespread

cropping. The subsequent passage of the *Māori Land Aggregation Act 2020* required owners of suitable land to lease their properties to *Ahuwhenua Ltd*, a company established under the Act which quickly became the largest arable land-holding company in New Zealand. Māori land owners were shareholders in the company and those who were on the register received substantial dividends. But in return they had been required to forfeit using the land for their own purposes. That condition was unacceptable to many owners but the thousands living overseas were less perturbed and despite the three hikoi of protest, the majority had consented.

Notwithstanding the dissent, by 2030, *Ahuwhenua Ltd* was not only playing a significant role in addressing world food shortages it was well positioned to become the most successful food producer in New Zealand. Its Board of Directors comprised representatives from the eight Māori land court regions and in every year since 2025 the Board had won the prestigious UN Global Village award. Although by then it was not at all clear who the shareholders were, *Ahuwhenua Ltd* was enjoying its position as New Zealand's number one producer of organic food.

Trends and Forecasts

Ahuwhenua Ltd is not beyond the bounds of probability but the main point for introducing the scenario is not to argue for or against it but to demonstrate the range of factors that could influence the Māori estate. Māori will not be immune to global impacts: world food shortages, global forms of governance, and climate change. Nor will the estate be divorced from national policies or government legislation. But the *Ahuwhenua Ltd* scenario also suggests that the Māori estate could be a major economic force in New Zealand if a fair system of governance and management were instituted. Economies of scale could realise higher levels of return than is possible with many small largely independent operations.

Demographic change

Apart from scenario development, the characteristics of the Māori estate can also be gauged from the forward projection of patterns that are already observable. Two particular trends underpin the sustainability of the Māori estate. First, demographic changes point towards an expanding Māori population that will significantly increase the number of people who are potentially entitled to succeed. Second, current trends suggest that the Māori estate is not only expanding in size but is also becoming more diverse.

In contrast to scenario development which is accompanied by an element of doubt, Māori demographic trends carry a greater level of certainty based on patterns of population transitions over several census counts. Most obviously, the Māori population will continue to increase at a relatively fast rate for another four to five decades. The combination of a youthful population, increasing life expectancy, and birth rates that exceed the national average will lead to a greater proportion of New Zealand's total population having Māori descent. By 2051 for example, in contrast to accounting for some fifteen percent of the total New Zealand population in 2006, the Māori ethnic population will almost double in size to close to a million, or twenty-two percent of the total New Zealand population. Even more significant, by 2051 thirty-three percent of all children in the country will be Māori. By then Māori in the working age group, fifteen to sixty-four years, will have increased by eighty-five percent. Yet although the younger age groups will continue to grow, the population will also begin to age, the proportion of men and women over the age of sixty-five years increasing from three percent in 1996 to thirteen percent in 2051.

Demographic change will be accompanied by greater numbers of people able to claim rights to succession. Moreover, by 2020 much of the Māori population will have never lived in tribal territories nor will they have had any direct involvement with tribal affairs. They will be increasingly mobile, world-wide travelers, overseas residents, inhabitants of cities and metropolitan centres in New Zealand, and may be quite unfamiliar with tikānga Māori. Yet predictably they will value being Māori and will expect to be able to access the Māori estate, if not in its totality, then certainly in part.

The Tribal Asset Base

Along with an expanding population, the Māori asset base will also increase. Trends already show a more than 300 percent increase in the assets of some Iwi since concluding settlements. Both Tainui and Ngai Tahu have each grown settlements valued at 170 million dollars to almost half a billion dollars. As more settlements are concluded and investments mature, estates can be expected to grow in size for some decades. Land holdings, some held in trust by whānau and others represented by large scale incorporations, have been supplemented by additional lands negotiated as part of Treaty settlements. But the new land holdings are not necessarily large and the increase in assets has come from a mix of cash, real estate, and access to enterprises such as tourism.

In the past customary assets have comprised the bulk of the Māori estate and continue to be the most definable elements of the estate. Lands inherited from earlier generations for example constitute a customary asset core. Māori land is distinctive, not only because it is under the jurisdiction of the Māori Land Court and subject to the provisions of specific legislation, *Ture Whenua Māori 1993*, but more important because it has always been in Māori possession. Accounting for some four percent of New Zealand's total land mass, successive generations of Māori have succeeded to land interests through entitlements based on bloodline descent.

However, because of policies promoting the individualisation of interests, rather than collective ownership, multiple titles have resulted and larger land holdings have been subdivided to accommodate individual ambitions. Much of the Māori Land Court's work is about determining entitlement to succeed and the allocation of interests between family members. *Ture Whenua Māori* recognises the origins of Māori land and an objective of the Act is to ensure that the land remains in Māori ownership indefinitely. Under the Act it is difficult to alienate land and owners who wish to sell an interest must first offer it to other owners who have the same tribal affiliations.

Land, however, is only one customary asset. Assets such as waterways, fisheries and forests have assumed greater significance following several Waitangi Tribunal reports that have declared past alienations to be unjust. Probably the most significant addition to the customary asset base in recent times has been the allocation of nearly one-third of all fishing quota to Māori. After the Government had declared an ownership interest in fishing stock, and then on-leased quota to commercial fishermen, Māori rights to fisheries under the Treaty of Waitangi were revisited and a fair allocation was eventually negotiated. Unlike land interests, interests from fisheries have not been individualised and are held in trust by Iwi or by the Treaty of Waitangi Fisheries Commission. Additional customary holdings, including the foreshore and seabed have also been claimed by Māori. But when the foreshore claim was raised in the Māori Land Court 1997 and uncertainty arose around whether there had been a previous legal declaration of alienation, the Government passed a law enabling Crown assumption of ownership. Māori dissatisfaction was highly palpable and after the 2008 election of a National Government, a Taskforce was convened to review the situation, largely on the insistence of the Māori Party who were by then a coalition partner in the new Government. At meetings throughout the country there was an overwhelming call for the Act to be repealed so that Māori customary rights could be enforced rather than subsumed by the Crown.

Further customary interests have also been affirmed. Tribal rights to fishing reserves, river bed rights and waahi tapu (sacred sites) have been recognised in legislation mainly on the basis of customary usage but with some acknowledgement of developmental rights associated with the resource. Māori participation in aquaculture for example recognises a Māori interest in fish and other seafood and extends that right to entry into a relatively new venture with promising commercial possibilities. The Aquaculture Reform Act 2004 allocated twenty percent of marine farming space to Māori though required the Crown to be able to find willing sellers so that the resource could be reassigned to Māori. But elements of the plan were unworkable and in 2009 a new approach was agreed under which South Island and Hauraki Iwi would receive a 97 million dollar payment for aquaculture space in nearly all current aquaculture development areas including Marlborough Sounds, Tasman Bay, the Hauraki Gulf and the rest of the South Island. Alongside deep sea fishing, aquaculture is likely to become a significant industry based on a

customary right to certain seabed sites and the use of modern technologies that will add economic value to those sites.

However, although customary assets are increasing in size, as measured for example by land holdings, fishing quota, and contemporary forests, they may not be the most significant components of the Māori estate into the future. Unlike Māori land, which is an asset earmarked for future generations, new tradable assets constitute an increasingly large proportion of tribal estates. Cash investments in property, shares, and technology have the potential to return greater dividends than many customary lands and can be used more flexibly to meet new situations, gain entry into the digital world, and take advantage of market opportunities.

Participation in the knowledge economy for example was recognised by the allocation of radio frequencies to Māori. The Māori estate now includes access to the 2Ghz frequencies. While radio frequencies were not used by Māori in former times as they are now, they nonetheless existed. In that sense they were a resource waiting to be further developed and Māori interests ought not to have been discounted when ownership was assumed by the Crown. In addition third generation radio frequencies will be important vehicles for the transmission and development of Māori language. According to the Waitangi Tribunal the assumption by the Crown of an exclusive right to manage and on-lease the resource was inconsistent with the Treaty of Waitangi. The Tribunal's recommendations in the *Radio Spectrum Management and Development Final Report 1999* (Wai 776) were to lead to the establishment of the Māori Spectrum Charitable Trust He Huaraki Tikā and its commercial arm, Hautaki Ltd. to 'provide an investment stake in the telecommunications sector.' The assets of the Trust are an integral part of the Māori estate and are further evidence of the estate's diversity.

Moreover, unlike land, where succession is defined by a legal process administered by the Māori Land Court, and ultimately made known by the names appearing on a title, the entitlements of future generations to dividends from various tradable assets is unclear. Three questions are of particular importance. First, which assets, if any, are better retained by a collective Māori body (such as an Iwi or Hapū); second which assets are better assigned to individuals; and third which assets belong to all Māori? A second set of questions is concerned with the manner in which succession occurs. The long-lasting impact of individualisation through the Māori Land Court and its predecessor the Native land Court has been the alienation of large tracts of Māori land. There is some fear that other assets could be similarly eroded if the same mechanisms for succession were pursued. Individual ownership may threaten sustainability. On the other hand, if Māori individuals do not experience any personal gain from an estate that rightfully belongs to them, will they ever be able to value it as part of a rich heritage?

To some extent the question has already been addressed by tribal authorities who have had to decide how best to apply benefits from Treaty of Waitangi settlements. Although the individuals entitled to a share in settlement proceeds have been identifiable, individual monetary payments

or assignment of a portion of an actual resource, have not been the preferred method of distribution. More often group benefits derived from interest on investments have been provided, such as health insurance policies for older members, subsidies to marae, contributions to programmes for cultural advancement, and educational grants for young people. But the capital has been retained by the tribe as a whole rather than being distributed to family members. At a national level the same debate occurred in respect of the distribution of fishing quota. While the terms of the Treaty of Waitangi Fisheries Settlement had expected distribution to Iwi, the problems associated with deciding on a formula for distribution, together with the advantages of scale, led to a strong move to maintain the quota as an aggregated resource. Only after ten years did most Iwi receive quota for tribal use and management. Though indirect benefits to individuals followed, no Iwi embarked on a process of transferring the resource (quota) directly to individual tribal members.

A Futures Scenario: the Asia Pacific Cultural Agreement

In contrast to the earlier scenario, *Ahuwhenua Ltd.*, a second scenario introduces the possibility that the Māori estate might be undermined by international agreements relating both to cultural properties and carbon credits.

In the *Asia Pacific Cultural Agreement* scenario, by 2015 New Zealand had entered into two agreements with Australia, Korea, Japan, China and Singapore. The *Cultural Agreement* encouraged cultural exchanges between the countries while the *Carbon Trading Agreement* provided for buying and selling goods and services in exchange for carbon credits. The *Asia Pacific Carbon Trading Agreement* recognised that New Zealand had more carbon credits than other neighbouring nations and could use them to purchase education and access to commercial ventures. However, in 2017 the Mahutonga Festival, a national celebration of Kāpa Hakā held annually on February 6 at Waitangi, was abruptly cancelled when it was revealed that items from three groups had been pirated using sophisticated secret audio-visual recording technology. The original sounds and faces were disguised by automated voice-overs and substituted profiles, but the compositions were nonetheless recognisable. The pirated versions were on sale in Sydney and Tokyo a week before the Mahutonga Festival was to take place. Outraged by the piracy, Festival leaders lobbied the Government to pass sweeping intellectual property laws that would protect Māori cultural performances and be recognised by other nations who were also signatories to the *Asia-Pacific Cultural Agreement*. Although a Treaty settlement between

the Ngati Toa tribe and the Crown, signed in 2009, had recognised tribal rights to a popular *hakā*, and the Waitangi Tribunal Report on Indigenous Flora, Fauna and Intellectual Property also released in 2009, had similarly acknowledged Māori cultural heritage as a property right, the Government's argument in 2017 had backed away from indigenous rights to culture. Instead the Crown argued that 'any cultural item performed or about to be performed in a public place could not be claimed as private property even if it had historic significance.' According to the Crown there was no way of preventing widespread distribution. Probably, however, the real reason for the decision was linked to sensitive parallel Government negotiations around the implementation of the 'Students for Carbon Credits Trading Scheme.' Under the Scheme New Zealand students could have access to top Asian universities in exchange for surplus New Zealand carbon credits.

Nonetheless for whatever reason any exclusive claims to cultural compositions had been dismissed in 2017. By 2020, Australian, Japanese and Korean versions of *Kā Mate*, *Uiui Noa* and *Taku Rakāu* were available in audio, video, and dramatised form. By 2023 they had been registered as authentic cultural compositions in those countries and under the *Asia-Pacific Cultural Agreement* Māori performers were required to purchase back rights to use them. By 2025 the Mahutonga Festival had been permanently discontinued.

The Cultural Estate

The *Cultural Agreement* scenario is possible though not highly probable. It does, however, highlight two concerns about the Māori estate. In addition to physical resources and tradable assets, cultural resources constitute an important part of the expanding asset base. But existing attitudes to cultural value will predictably change. In 2009 Ngati Toa were at pains to emphasise that their claim to the *hakā Kā Mate* was not driven by any desire for financial gain, but by pride in the exploits of an ancestor whose efforts played a major role in defining tribal history. However, that rationale is not likely to be maintained for ever. The progressive commodification of intellectual and cultural creations will require further consideration of intellectual resources as assets that have both cultural and commercial significance.

The value-adding function of culture has already become evident in the tourism industry, the marketing and branding of products such as *Tohu* wines, the design of clothing as demonstrated

by the *Kia Kāha* line, in the broadcasting sector and in the curriculum vitae of Māori job seekers. On the other hand while commercial gain is likely to be an increasingly significant aspect of cultural heritage, it is not the sole or the main reason for valuing culture as part of the Māori estate. The claim of Ngati Toa that hakā has a tribal significance independent of financial gain, remains a widely held view. Similarly, efforts to revitalise te reo Māori have not been based on economic considerations but on a conviction that future generations should not be alienated from their culture. At the same time, it is clear that fluency in te reo Māori does bring career opportunities (in broadcasting, teaching, health and social services) that will translate into financial gain. In effect physical, intellectual, and cultural resources will be cherished because they have, or will have, intangible value as well as tangible economic value.

Probably the most enduring material cultural asset has been the marae. Despite an extensive urbanisation process that occurred in the latter half of the twentieth century and the prospect that marae would become deserted memorials to a former era, the reverse has occurred. Marae flourish in traditional tribal areas but have also been developed in urban and metropolitan centres associated with schools, universities, hospitals, defence bases, and Māori urban communities. Marae have been constructed in overseas countries where significant Māori communities now reside and as global travel increases, it is likely that overseas marae will be part of a world-wide network of marae, some based around hapū, others around communities of interest, and others still around global travellers who seek to retain a cultural anchor in an otherwise assimilating environment.

A Framework for Sustaining the Māori Estate

So far this paper has canvassed the Māori estate from four perspectives: the nature of the estate, the factors that will determine the sustainability of the estate, the principles governing entitlement, and the characteristics of those who will inherit the estate. In brief, by 2020 the Māori estate will be made up of customary resources such as land, forests, fisheries and waterways; tradable assets such as real estate, carbon credits, investments in commercial enterprises and communication technology; and cultural heritage including language, knowledge, visual and performing arts, and marae.

Growing the estate will be a function of many variables acting singly and together. Some variables will be outside direct Māori influence. Global warming, global over-population, and global catastrophes for example will impact on the Māori estate in ways that are largely beyond local control. The effects of climate change on oceans, coastlines and land production will have inevitable implications for the Māori estate. Further, the recent USA economic downturn, coupled with export subsidies and trade protectionism by super powers, has shown how a crisis in one part of the world can have serious ripple effects in other hemispheres. At the same time

new global markets will greatly increase options for investment and trading while the global indigenous network will provide Māori with many more alternatives for international business. Technological advances will predictably outstrip the advances already seen in the past decade rendering current technologies obsolete and benefitting those who can access the latest versions quickly. New technologies will open fresh avenues for Māori, and increase the opportunities for adding value to customary resources and cultural heritage.

Closer to home, and also apparent in the debate about the Auckland Super City, the Māori estate will continue to be subject to political ideologies, narrow interpretations of the Treaty of Waitangi and indigenous rights, and shallow understandings that equate simple majoritarianism with 'a fair and just society'. As customary resources increase in value, so pressure to have them removed from the Māori estate will mount. Yet the past two decades has not only shown how Māori negotiators can act to counter assimilatory drives but also how agreements between Māori and the Crown can be reached in good faith and with mutual benefits. Much will depend on Māori leadership and the ways in which the Māori estate will be governed and managed. Short term gains will need to be balanced against long term benefits. Opportunities that hold the prospect of lucrative returns will need to be tempered by the reasonable entitlement of future generations for an estate that is growing rather than diminishing in size. No matter how attractive the proposition, investments that use customary land as security run the risk of alienating future generations from an already depleted land resource.

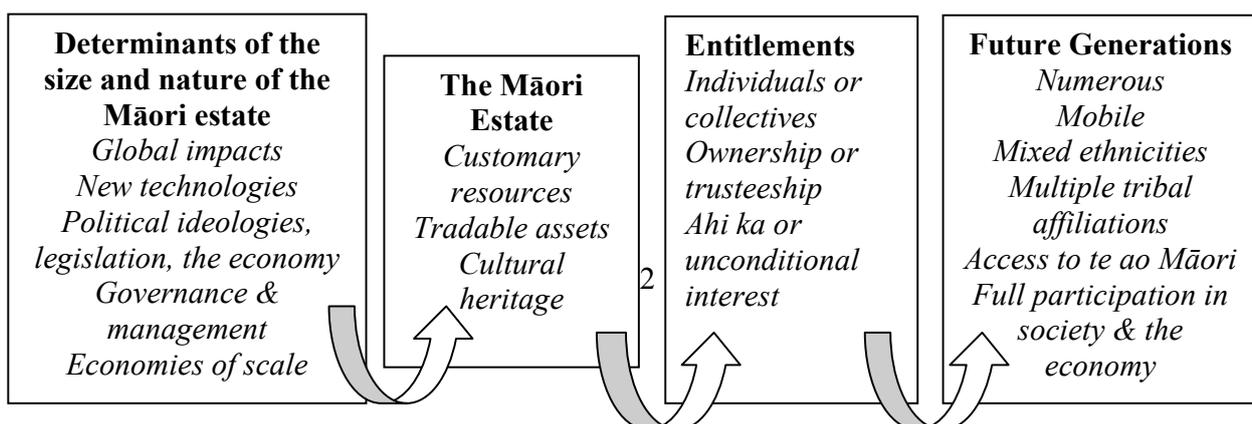
Two other determinants of sustainability warrant reiteration: economies of scale and collective succession. Since 1984 there has been a resurgence of both tribal governance and Māori community ownership of services and programmes. Competition for limited Government resources, coupled with an ethic of winners and losers has led to a large number of relatively independent entities each with a separate infrastructure, a shortage of skilled advisors, and a determination to maintain a state of illusory autonomy. Some have performed well and are in strong economic positions that will advantage future generations. Others struggle in a climate where internal competition dominates. None have yet realised full potential. The saving grace of the *Ahuwhenua Ltd.* scenario was not the number of Māori entities involved in arable farming but the aggregated resource which enabled Māori to provide a more comprehensive business than any other farming cluster. Economies of scale will be increasingly important to Māori as New Zealand expands its global ties especially with Asia. Aggregating a resource does not necessarily mean abandoning title to it or forfeiting returns but it could mean increased security for the resource, shared technologies, greater dividends, and a leadership role in New Zealand's export business.

Decisions around entitlement to the Māori estate vary according to the type of resource but some common dilemmas underpin the options. An important question is whether entitlements should favour individuals or Māori collectives such as whānau or hapū. Because entitlements have generally been more readily alienated when awarded to individuals, group retention holds

promise as a more sustainable option. A related entitlement decision hinges on whether the entitlement constitutes ownership or trusteeship. The *Ture Whenua Māori Act* places constraints on individuals who wish to alienate their land interests, even though those individuals are the legal owners. Under the Act other members of the whānau or hapū have first right of refusal if an owner wishes to sell. The longer term aim is that future generations should succeed and in that respect today's owners are acting more as trustees.

Yet another entitlement dilemma concerns 'absenteeism'. If a prospective successor has maintained an ongoing presence, either personally or through family members, ahi kā is said to exist and the case to succeed is stronger. In practice, however, the ahi kā principle is difficult to apply, especially in the face of legal entitlement; the law outweighs ahi kā. But, as more and more Māori take up residence overseas and the links through ahi kā are attenuated, absentee claims to ownership could threaten sustainability because of a likelihood of diminished attachment. Will entitlement in the future require some evidence of ahi kā, not necessarily based on place of residence but by attendance, on-line if necessary, at meetings and decision-making arenas? Or perhaps by the payment of an archival fee?

In addition to changing the configuration of the Māori estate the profiles of future generations, the successors to the estate, will also change. First as already noted the trends are for a steady increase in the Māori population for some decades to come. Second, although they will be largely youthful, many older people will be around to moderate young energies. Third the population will be more mobile; many will spend lengthy periods of time abroad and many more will be aligned to other cultures and ethnicities. They will still be Māori but influenced as much by those other cultures that will be part of their heritage. Fourth, relatively few will have lived within the territories of their ancestors and although a sense of tribal affiliation may exist, it will be no guarantee of a commitment to tribal priorities or to tribal estates. In any case most will have multiple tribal affiliations and choosing one over the other will be problematic. Fifth, by 2020 more Māori individuals will be well educated, employed in meaningful occupations, healthy and in strong positions to support themselves and their families. Few will be dependent on the Māori estate for day to day wellbeing. At the same time, any benefits coming to them from the estate will add value to their lives as Māori and enable them to be part of a vibrant Māori society with secure access to te ao Māori, ready opportunities to engage in Māori enterprise and at the same time an ability to participate fully in wider society.



Drawing on perspectives about the nature of the estate, factors that will determine the sustainability of the estate, the principles governing entitlement, and the characteristics of those who will inherit the estate, a sustainability framework can be constructed. It is shown diagrammatically as an interaction between the Māori estate, the determinants that shape the estate, the rationale for deciding entitlements, and the successors to the estate.

Future Proofing the Māori Estate

Table 1 A Future Proofing Matrix

	The Māori Estate		
	<i>Customary resources</i>	<i>Tradable assets</i>	<i>Cultural heritage</i>
<p>Kaitiakitanga Wise Governance & Management</p> <ul style="list-style-type: none"> • Scanning the future • Securing the estate • Developing the estate • Maintaining faith with current generations • Co-operating for economies of scale • Clarifying entitlements • Managing inter-generational transmission 			
<p>Rangatiratanga A Māori Leaders Futures Forum</p> <ul style="list-style-type: none"> • Future focussed • Engagement with the private sector • Political influence • Facilitation of economies of scale • Champions for future generations 			

Marae trustees, trustees for Māori land incorporations, directors of companies concerned with Māori resources such as fishing quota and 2GHz frequencies, and board members who have

responsibilities for educational and other resources belonging to Māori are in positions to build the estate and guide its passage to future generations. They will exercise kaitiakitanga – trusteeship – on behalf of present and future generations. Importantly those charged with the governance and management of the Māori estate must ensure that the estate is future proofed for successive generations. There is no template that can guarantee future proofing nor is it a task that can be undertaken with the certain knowledge that the future will unfold in a predetermined way. But it is possible to identify key considerations that might guide the process of future proofing (Table 1).

First scanning the future will be increasingly important. Technological change, demographic trends, potential trade opportunities in New Zealand and abroad, Māori aspirations for the future will all be important aspects of forward thinking governance. Second, securing the estate is a necessary precondition. Security means making certain that the entity under which the estate is to be managed will be the most appropriate for the situation and will place the resource out of risk of alienation or diminishment. An estate that is well secured has a better chance of reaching future generations in a healthy state. A third consideration is about developing the estate. An increase in the size of the Māori population and the number of people who might benefit, means that the estate must expand in parallel to the expanding beneficiary roll, otherwise it will have lost per capita value. It is no longer sufficient to simply pass on the estate in the same condition as it was when inherited regardless of whether it is a marae, a land block, or a fishing company. Wise governance will lead to a resource that expands in size and value so that it becomes more relevant to the next generation.

Maintaining faith with current beneficiaries is a fourth consideration. They are the current successors to the estate; their efforts, aspirations, and plans are immediate and cannot be ignored. But balancing long term development against the wishes of current beneficiaries will always be challenging since it may require postponing instant gains in favour of benefits for future generations. In this respect the Māori estate differs significantly from conventional shareholding companies where investors might expect the best possible dividends in the shortest period of time. A conundrum for trustees is how to exercise their roles as trustees for future generations as well as trustees for current owners.

A fifth consideration for governors and managers is about aggregating resources. Economies of scale will assume increasing importance; sustainability is reduced when estates are too small to guarantee survival. While one generation may be prepared to make sacrifices and subsidise a collective venture, their successors, possibly living in Australia, are unlikely to feel a similar level of commitment. On the other hand, larger estates, even if they are made up of several distinct entities, are more likely to survive and to bring both economic and cultural benefits.

Sixth, identifying those entitled to succeed will be an important function. Decisions need to be made about the rationale for entitlement and how communication will be maintained with

beneficiaries so that they can have an active role in decision-making. A related seventh task will be ensuring that transmission of the estate between generations can be sufficiently explicit to avoid confusion and to provide the best possible option for sustainability. The relative advantages of collective inheritance or individual rights to succession will need to be weighed against transaction costs, utility of the resource, as well as endurance.

Wise governance and management hold the key to sustainability. But the wider environments within which decisions about the Māori estate are made, require another level of leadership – Rangatiratanga - that can actively contemplate the future and the likely impacts on the total Māori estate. There are already examples that offer some guidance for a futures forum. The Federation of Māori Authorities for example provides a collective voice for a large number of Māori trusts and incorporations; the Hui Taumata group is a collective voice for Māori economic development; and the Pukawa Hui have potential as an iwi collective that might focus on resources such as water that will be compromised in the future. In any event collective Māori leadership for estate sustainability is imperative. Energies spent on dealing with past grievances and responding to current crises have left relatively little time for ensuring that the Māori estate can survive and prosper for generations to come. There is a strong case for a Māori leadership network that has the capacity to support the guardians of Māori estates with a measure of certainty as they plan for the next twenty or thirty years. Establishing a high level ‘futures leadership forum’ must be a priority. The utility of the forum will rest on its deliberate focus on the future, an ability to engage with the private sector as well as with government, a constant monitoring of the legislative and regulatory environments, a readiness to mediate joint ventures that will bring economies of scale, and most important a commitment to being champions for future generations.

Pae Matatū Sustaining the Māori Estate has provided an opportunity to examine some of the parameters that will impact on Māori futures. Predictably the Māori estate will grow. It will expand in volume and diversity enabling Māori to remain grounded in Aotearoa but with new freedoms to explore other domains. The Māori estate will be a composite of lands, waterways, fisheries, forests, marae, whakāiro, waiata and hākā; and it will grow to include greater shares in third and fourth generation radio frequency networks, a range of commercial enterprises, and access to technologies that will add value to customary resources and cultural heritage.

Over time the concept of indigeneity will also change. Indigeneity will be about embracing the lives that indigenous peoples live in modern times; it will rest on a reconfigured collective indigenous estate; and it will celebrate the ways in which indigenous peoples build on past experiences in order to face the future. In that respect the Māori estate in 2020 will not confine Māori ambitions to a bygone era. The nineteenth and twentieth century emphasis on territory and property will be both enriched and balanced if wise governance can add value to customary resources, attract additional assets to unlock global opportunities, and keep alive those cultural ideals that have enduring worth for future generations.

By 2035 a new generation of Māori parents will be confronted with a competitive economy, uncertain national and international political goals, a planet still reeling under the impact of a global population explosion, a changed landscape at home, many more Māori, and technologies that can unleash untold potential while also threatening immeasurable harm. Their children and grandchildren will live in different worlds. Survival as Māori will depend not only on their own initiatives and the efforts of their parents, but on the arrangements made twenty-five or more years previously when an earlier generation took steps to secure their entitlements to the expanding Māori estate.