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From the 1980s iwi (Maori tribes) across New Zealand began to receive negotiated settlements from the Crown for past breaches of the Treaty of Waitangi. These settlements provided iwi with assets (including land, property, fishing quota, and cash) as a means of supporting independent economic development. From a business perspective, this process has been an unquestionable success, with most tribes significantly growing their asset base over the past two decades. The success may in large-part be attributed to the corporate-beneficiary model, where tribal assets are consolidated and managed by Holdings Corporations on behalf of the tribal constituents—a model the Crown required as part of its settlement negotiations. However, this model conflicts with the traditional economic approach where tribal assets were owned and managed at wh! nau (extended family) and hap" (subtribe) scales and the economy was embedded within wider social, cultural, political and legal institutions. This conflict is played-out today in political tensions within iwi as many wh! nau and hap" seek to decentralise asset ownership and reclaim the relative economic independence they had before colonisation.

In this research report we provide an in-depth analysis of two iconic Maori economies found within the South Island iwi, Ng!

economy followed by the pounamu economy. With each case study we follow a similar format, exploring the cultural, political, legal and economic institutions of each economy and how they

rules governing M! or i economic activity also had their impact, revealed today in the contemporary corporate-beneficiary models that dominate post-settlement entities.

In this study we are concerned with two traditional Ng! i Tahu industries; the t#t# industry and the pounamu industry. We have structured our analysis concerning the 'rules of acting and doing' in

The M!ori economy was fully embedded in M!ori society, it emerged out of M!ori society, the sinews of exchange held wh!nau, hap" and iwi together. It was a 'moral economy', "a type of economy where the relations of production are based on kinship and in which the mechanisms of redistribution tend to play a levelling role amongst the members of a given community. The premise is that in times of hardship the basic items of consumption necessary for survival will be accessible to those in need" (McCormack 2008, 46). As Spiller et al. (2011, 225), quoting Henare, explain, before colonisation "M!ori had an existing economic framework with stable, well-established protocols for the conduct of trade to meet the needs of the individual and the collective. Their distribution systems were far reaching, and trading relationships were secured and strengthened through an 'economy of affection'". For M!ori, their economy was not just a pragmatic system of exchange but a means of connection, though the former was not totally eclipsed by the latter. Even use of the term 'economy' is problematic as in much of orthodox economic thinking, exchange is considered separate from the rest of the society, when for M!ori and other indigenous peoples the concept of economy is inseparable from society (Sahlins 1972). That is to say, that the traditional economy was entwined with every aspect of M!ori reality.

Likewise, the idea of 'work' as distinct from other activities was not really made in the traditional economy (Major 1964). Certainly, there were tasks that were largely work-

of the backbones of M!ori society. While usually translated as 'revenge' it is more properly

empowered by a moral force, which attributed mana to obligated 'benevolence,' but it also provided a sense of security in that a reservoir of surplus goods, labour, and skills, could be drawn upon as and when needed (Reid and Rout 2016b). It has been shown that the wealth held by chiefs through this system was not much in excess of that of other tribal members (Toft 1984, 39) The primary difference lay in the reservoir of goods, skills, and labour that was obligated to them and which could be called upon as and when necessary (Reid and Rout, 2016b). Consequently, the sign of status was linked to the amount of wealth that 'passed through their hands,' which could be directed (e.g. in the case of obligated labour) as needed into productive activities (Firth, 1972). In other words, ability to provide to others was one of the core sources of mana – a chief's power came not so much from their ability to accumulate but rather in their capacity to redistribute or disperse. As Petrie (2006) explains, "mana (power and authority) of the chief was much enhanced by an ability to husband and manage communally-owned resources for maximum benefit to the community, these benefits being realised by the distribution of wealth". Because "mana is bestowed by others, leaders who sought to maintain their standing needed to be very conscious of their people's needs, ensure their defence, and keep them well fed and generally happy" (Petrie 2006, 2). Manafunctioned not only as a currency of individual power, but also regulated individual wealth accumulation whilst providing a form of emergency security.

It needs to be emphasized that while the M! ori economy was dominated by 'gifting,' more pragmatic barter exchange also occurred. Petrie (2006, 22-23) explains that there is a "tendency for modern scholars to categorise all exchanges of goods as 'gift exchange' in the traditional M! ori economy and that this "ignores the element of negotiation in the more mundane exchanges of commodities". She goes on to further explain how Marsden had noted M! ori proficiency in all the subtleties of trade and appreciated that scarcity and utility lay behind the different scales of value and that in many early examples of trade with Europeans 'M! ori... were trading within the 'market'

With respect to Ngli Tahu, Anderson et al. (2015) explain that trade in the 17th Century was still ad hoc, but by the 18th Century it had become far more organised. Likewise, Petrie (2006, 17) explains that "the level of trade eventually established required a large body of porters who were constantly employed carrying heavy loads between South I sland pa... because they were usually given more than one load to carry, depots were established between which porters travelled back and forth, providing a system of through carriage". Generally, these utilitarian trades that did not have a strong social-bonding component were either for mundane commodities or services within a wh!nau or hap" or for long-distance trades of some important commodities that were geographically-specific. While it would be wrong to portray these exchanges as completely pragmatic and devoid of any politico-spiritual context, they were less infused with these meanings than the more ritualised gift exchange. The point being that traditional M!ori forms of exchange were not solely premised on political and spiritual considerations but were based on more mundane drivers. It was no accident that when Europeans arrived in New Zealand M!ori began trading. As Mitchell and Mitchell (2007, 242) write, M!ori had an "understanding of principlessnhuu t de (m)-9 (

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While every colonial project is unique, colonisation is generally divided up into two key forms: extractive and settler, the former focused on resources and the latter on land (Veracini 2010). Making this distinction is critical for understanding how colonisation impacted and impacts those affected, for whether a colony is extractive, or settler will have a significant influence on the indigenous experience. New Zealand was/is a settler colony, and the reasoning for that past/present duality will become clear soon. The primary objective of settler colonialism is the permanent settlement of an area by a group whose aim is dominating the area and its resources, creating an enduring regime of control despite any previous inhabitation (Belich 2009; Veracini, 2010). While extractive colonialism uses indigenous labour to extricate value, settler colonialism is focused on gaining permanent control of the territory by replacing the previous inhabitants. As Wolfe (1999, 2) incisively explains, "Settler colonies were (are) premised on the elimination of the native societies. The split tensing reflects a determinate feature of settler colonization. The colonisers come to stay – invasion is a structure not an event". Thus, while extractive colonies can endure, this is not their specific intent, they are premised on gaining as many resources as possible. Settler colonies, on the other hand, are first and foremost focused on ongoing domination. Morgenson (2011, 57) provides more detail, explaining that "settler colonialism establishes western law within a white supremacist political economy premised upon the perpetual elimination of Indigenous peoples". He (2011, 59) then goes on to explain that "colonialism's continuation despite its nominal demise... attends on [decolonization's] failure to be sufficiently extended to settler states and the institutions through which they project settler colonial power in the contemporary world". While the wave of decolonisation that swept the world after World War Two saw the extractive colonies gain independence, the settler states remain dominated by the settler. As Veracini (2010, 53) explains, these states have a "special type of sovereign entitlement that is claim by a specific class of settlers: those who have come to stay, those who will not return 'home'". Wolfe (2006, 402) notes that "settler colonialism is relatively impervious to regime change".

If holding onto the land is the key aim of settler colonialism, then the means by which this aim is achieved is the creation and maintenance of a cultural, political, legal and economic edifice that

ones" (Brett, 1998, 207). The creation of a settler state inevitably involves the near-total loss of indigenous political sovereignty, economic autonomy and societal control (Hogan, 2000; Wolfe, 2006). The European praxis of regime is such that it cannot broke a competing sovereign power

3. Individuals act independently based on full and relevant information.

Any theory of economics based upon or guided by these three assumptions can be considered a neoclassical economic theory. These assumptions are normative in that they describe and ideal situation rather than reality. The core insights upon which these schools are built have however, become dogma amongst the ruling elite (Backhouse 2004). There have been times when the orthodoxy of neoclassical economics has been challenged, one period being from the 1930s to the 1980s, where like much of the rest of the west's settler colonies' economies operated under Keynesian principles. Still, this is a useful characterisation to make as the classical and neoclassical schools have had the most influence and, particularly regarding the neoclassical, continue to have the most sway in western, including settler, economics and economies. In fact, we would argue that a large part of the reason that these schools have had such a long running and widespread influence is that they emerge out of the core principles of the western worldview – in particular, individualism, rationalism and progressivism (Berman 1983; Best and Kellner, 1997). Thus, even as Keynes' more collective theories towards progress held sway, the individualism, if it can be purged of its defects and its abuses, is the best sefequard of personal liberty".

Classical economics is usually traced back to Adam Smith and his influential book The Wealth of Nations which was published in 1776. The key assertion of classical economics is that markets function best with minimal government interference, that is that a free market is self-

only be applied to the study of modern capitalist economies, where price-

sanctioned channels' (Helmke and Levitsky 2004, 5). In short and simplified, informal institutions encompass the cultural traditions while formal institutions are state-enforced rules. An example of the former would be creating space to allow other drivers to merge in traffic while an example of the latter is that it is illegal to go through a red light. The first is not legislated by the government but rather is informed by cultural beliefs in 'politeness' and enforced by social opprobrium or possibly even just a frustrated hand gesture or toot of the horn. The red-light law is informed by the need for public safety and is enforced by the state legal institutions — including the police, courts and prisons. In 3386 628.716 628 -21 ] TJET 0 :c10 (s) oo30 47 (:c.7118.7(s) () -2 :c) -1 () (s) 0 (d) 2rd

time M! ori corporations, including tribally-owned ones, emerged as economic powerhouses—with some criticizing the development of what they see as a 'tribal elite' (Poata-Smith 2013; Rata 2011). That said, they were and are still operating in the settler economy, playing by the settler state's rules. As will be shown, this is not enough to ensure long-lasting and widespread economic, social and cultural development. For development to succeed for M! ori, and for other non-western cultures, both the strategies and outcomes need to be 'owned' by these peoples, they need to determine how they define 'developed' and how they will get themselves there and they need to match the cultural values of the people. The solution, then, requires the development of an actual 'M! ori economy', one that is designed by M! ori.

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Stephen Cornell and Joseph P. Kalt, the founders of the Harvard Project on American Indian Economic Development, have worked extensively in the field of indigenous economic development for decades and their insights are extremely useful for analysing the historic and contemporary M! ori economy and for guiding M! ori economic and social development. The Harvard Project seeks to answer the question, "If natural, human, and financial resources aren't the key to economic development – if they cannot explain the development pattern in Indian Country – then what can?" (Cornell and Kalt, 1998, 5). In sum, over the course of almost three decades, the Project's key research findings are:

- "Sovereignty Matters. When Native nations make their own decisions about what
  development approaches to take, they consistently out-perform external decision
  makers on matters as diverse as governmental form, natural resource management,
  economic development, health care, and social service provision.
- Institutions Matter. For development to take hold, assertions of sovereignty must be backed by capable institutions of go

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Cornell and Kalt (1995) provide an analytical framework for assessing the cultural match between traditional institutions and contemporaneous externally-imposed forms. Specifically, they distinguish between four primary dimensions of authority: the structure of authority—the division of powers and responsibilities across the executive, legislative and judicial; the scope of authority—the range of powers and responsibilities wielded by the government; the location of authority—the level of social organization in which political power is vested; and,

Thus, while institutional economics provides the context critical for understanding colonisation, as it outlines the various levels that must be considered to get a comprehensive understanding of the impacts, its frame of reference needs to be shifted to encompass the indigenous perspective where all the levels of institution were changed in a relatively short span of time. There was no leisurely evolution at the cultural level, as M! ori culture, norms and values were attacked by the settler state, with assimilation policies designed to convert M! ori to the western view of the world. Not only must the timescales of institutional economics be adjusted when applied from an indigenous pe

- Thelegal institutions. This section will examine the nature of 'rights' before and after contact,
   with the aim of understanding how the changes have constrained the respective industries.
- The economic institutions. In this section the economic institutions of the traditional market will be assessed, before contrasting them with the contemporary situation, with a focus on means of 'exchange'.

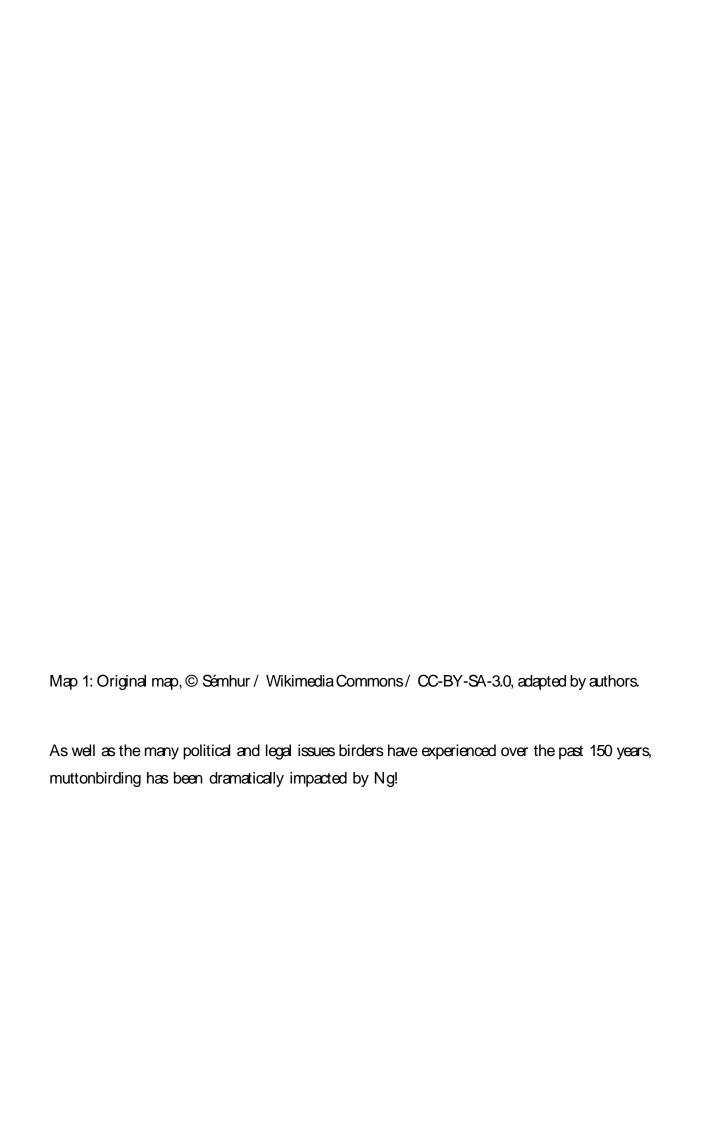
Each of these levels will be examined to assess how they have constrained the respective economies.

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The following analysis of the t## and pounamu economies draws upon data and information from two different sources. Firstly, historical literature pertaining to each institutional level of the pounamu and t##

but a major social, economic and cultural enterprise, one that was crucial to reinforcing kinship links, maintaining access rights to resources, and preserving cultural knowledge". Stevens (2013,

Williams 2004). This created numerous problems and in 1912 the islands not listed on the Deed (hereafter: The Crown I slands) were (legally) opened by the Crown to those who had the right to bird through whakapapa (genealogy) but had been left off the Deed (Kitson and Moller 2008). As part of the wider Treaty of Waitangi settlement that saw reparations paid for grievances during colonisation, these Crown I slands were returned to Ng! i Tahu, or more specifically the tribal governing council Te Runanga o Ng! i Tahu or the Ng! i Tahu tribal council, which is composed of 18 Papatipu Runanga (regional councils). The favourable finding from the Waitangi Tribunal helped Ng! i Tahu negotiators include it in their settlement, despite the opposition of some third-party interests such as conservationists, public access advocates and tramping groups. The Crown had initially attempted to return the islands with a marginal strip (or Queen's Chain as it has previously been known), effectively retaining some land for the Crown despite ostensibly marking its return. Determined opposition from Ng! i Tahu negotiators meant the islands were returned unencumbered by any marginal strips (Fisher 2015). The map below shows Rakiura and the location of the T#t



ground. Each chick is processed on the island, generally being plucked, salted, then placed into a bucket of between 10-20 birds, ready to be taken back to the mainland for distribution. While information is hard to acquire for the t## industry and varies vastly depending on season and birder, buckets sell for between roughly \$NZ200-500, our participants talked about individually getting 25-75 buckets as a good season and the overall t## industry averages between 60,000-120,000 buckets annually.

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The focus here is on 'knowledge', though with a broad ambit to explore not just 'information' but the way it is gained, ordered and passed on. It is an epistemological inquiry, though this also has knock-on ontological impacts as well. Sadler (2007, 34) provides a useful outline of M!ori knowledge, or m!tauranga M!ori:

"[The M!ori] knowledge tradition... had its genesis in ancient Polynesia. It was taken to Aotearoa by the ancestors of the present day M!ori where it was further developed by skill and rules for sustainability—rather, practice reinforces a whole suite of beliefs and values". These aspects all work in a dynamic flow.

Before contact, birding knowledge was gained and passed on largely through observation, practice-based experience and narrative; there was, obviously, no competing western epistemology or praxis (Moller et al. 2009a). Subsequent generations of birders learnt from their parents as they harvested,

Critically, it may be assumed that in the traditional and protohistorical eras birders gathered at Ruapuke Island before the season began which provided an opportunity share insights and knowledge. As Dacker (1994, 8) notes, "[e]xpeditions to the major resources such as the Titi Islands... often involved smaller hapu groups coalescing into a larger group or primary hapu, then breaking up into smaller groups working a particular resource area to which they had rights'. Thus, just as the gatherings at Ruapuke involved rights and exchange (to be discussed below), it is probable that they also served as a means of knowledge transmission, with the various wh! nau sharing practical techniques and insights as well as debate, discussion and oratory about connections to whenua and the t## itself. Even into the 1960s, due to shared transportation there was still a gathering of birders and the consequent flow of information. As Moller et al (2009a, 247) note:

"Story-telling continued as birders travelled to the islands. In the past, the only transport to the island was by communal boat. The 'Old' and 'New' Wairua was a government-owned boat that brought many of the birders to the South-West Island group. The journey could last from a few days to 2 weeks, depending on the weather conditions. During this time the birders would share stories and information".

In the contemporary erathere has been both continuity and change. While it varies across whanau,

One of the most important aspects of authority for this research is the loci of authority. There were three key groupings, wh! nau, hap" and iwi, with the hap" constituting the most powerful socio-economic grouping in traditional society (Ballara 1998). However, the "popular model of hap" is often found deficient when describing Southern Kai Tahu" both because individuals could "daim mana whenua (related to mana tupuna) through several hap"... [and because] hap" land cannot be mapped as discrete, contiguous blocks" (Williams 2004, 86). Bathgate (quoted in Waitangi Tribunal 1991, 184) believes that while "the Ngai Tahu tribe was an entity in itself, it was comprised of many hapu which were the major units of social organisation above the whanau or family at the local level". Anderson (1980, 3 - emphasis in original) however, writes that the "various hapu of the Ngai Tahu were in fact... a closely related and homogeneous people". Unlike the North Island, Ng! i Tahu "[h]ap" were resource based rather than regional, and the resources of various hap" might be intermingled over a wide area or indeed, in some cases, shared" (Williams 2004, viii). As Anderson (1998, 118) explains, "[m]obility, seasonal and non-seasonal, was common in Mori society but it was so much more frequent among Ngli Tahu that it is almost a defining characteristic of the southern people". This greater mobility and blending of hapu was driven by the need to secure enough resources, it was a survival mechanism (Stevens, 2006).

Thus, while hap" were likely still the most dominant social grouping for Ng! i Tahu, this must be moderated by the higher inter-hap" intermingling and the impacts resources played on authority. Te Waipounamu was colder and more rugged than Te ika a Maui (the North Island), making gathering and accumulating resources more difficult, so it is unsurprising that an abundant, localised and prized resource, such as t##, would impact authority. With respect to this, in an argument crucial to understanding the t## industry, Anderson (1980) believes that the birds were so valuable and localised that this resource enabled Ng! i Tahu to maintain a hierarchical tribal structure despite not practicing agriculture, as he notes, maintaining "a stratified tribal society founded upon a hunting-fishing-gathering economic base is quite exceptional". While Anderson (1980, 13) is careful not to overstate his case, he does offer a range of evidence that supports his theory. For example, Ruapuke Island, which serves as a gateway to the T## Islands and was "the

rights and exchange, there has been a critical discontinuity that holds important insights into the current state of the t#t# industry.

While the high chief held executive authority regarding birding rights and t## exchange, on the T## I slands themselves wh! nau elders had authority, playing "a strong role in the decision-making and harvest practices on their particular island or manu [birding territory]" (Moller et al. 2009a, 251). Expanding on this, Moller et al. (2009a, 251), explain that "[g]overnance was another major responsibility for family elders, as they had... a strong role in the decision-making and harvest practices on their particular island or manu. Elders could remove younger family members from the island or prevent them from taking part in the harvest if they caused damage or misbehaved on the island. They could also set rules that the family had to abide by, such as r! hui, a temporary ban on harvesting, or bans on certain harvesting or processing practices". Also, "[h]istorically, the kaumatua [elders] of the island determined birding territories" (Kitson and Moller 2008, 165). Elders, therefore, had relative freedom on their island or manu in the traditional and protohistoric period but o902 -112cm BT 50 (f) 23tspoht dlf -8 () () -10 (-7 (a) -8 () 9 (o902 0 (p)m BT 50 (f) 5 -7 (a-10 (u)) 5

The supervisor "was responsible for allotting manus (bird catching areas), supervising conduct on the area under their supervision and reporting any infringement of the regulations to the Commissioner" (New Zealand High Court, 2016a, 3). As Moller et al. (2009a, 251) explain, in "many cases those who are elected are respected elders or people who are recognised for their wisdom and fairness. The latter appear to have a similar role to that traditionally held by elders". They are responsible for the fair and equitable distribution of the privileges, opportunities and rights, and they are also able to allot manu, help people choose building sites and they are also responsible for ensuring that harvest practice is carried out correctly, including deciding when the different birding periods can start and end (Moller et al., 2009a). That said, elders still retain a high degree of operational authority though this has been somewhat 'diminished' (Moller et al., 2009a).

While there has been a relatively continuity at the operational level, there are new complex and confused power dynamics at the executive level, with a committee for each island group, Ng! i Tahu (in the form of the iwi governing council Te Runanga o Ng! i Tahu or TRONT) and the Crown all having differing powers. After numerous legislative changes that have seen authority shift several times, there are now two committees that 'administer' their respective island groups, which in practice means they have assumed the executive authority to adjudicate on rights, pass by-laws and enforce tikanga on the islands. The first of the two committees, the Rakiura T## Committee (RTC – sometimes the RTIC), was created by the 1978 T## Island Regulations to administer the Beneficial Islands (Gendall 2016). The RTC's major "role was to inquire into and make recommendations to the Commissioner on any matter relating to the land in question that he may refer to it, and upon such other matters as it thought fit" (Gendall 2016, 4). The RTC is elected during the annual meetings of Beneficial Rakiura M! ori and their spouses. Those present at the meeting elect the 10 incoming members of the RTC, which must include a majority of Rakiura M! ori plus one nominated by TRONT. A chairman is also elected by thos 11.3386 6628.7112 -3 (d ) 30 (l

member nominated by Ng! i Tahu; however, while the RTIAB members are selected by their peers,

— as reinforced by continuing ahik! — must be understood as the key institution, as whakapapa is the central determinant of M! ori relationships with whenua. Williams (2010, 163), discussing the terms used by Ng! i Tahu to delineate mahinga kai sites, explains that in "each case, the term refers to a discrete area that had been set aside for a particular group of people (kaitiaki), and in all cases rights had been gained through whakapapa".

As a prized resource, t#t#

period in 1823, when the "Ruapuke people [were] at loggerheads with those from Kaikoura and

then, there continued to be challenges to the list of those who had a right, with many legal actions being launched right up to the present day.

While there remain some challenges, the rights issues have been largely overcome and the core whakapapa-based nature of rights remains for both groups. For the Beneficial group, the right belongs to the wh! nau elder and is passed on upon death, while the right to bird on the Crown Islands requires proof, they are Rakiura M! ori. The flexibility of how they gain these rights has changed, however. For the Beneficial group succession has become more fixed in nature. Where once there was mobility through changes in mana and ahik! the rights are now determined solely by whakapapa. Conversely, for the Crown group rights have become more fluid, in that now those Rakiura M! ori without a beneficial right must apply for a permit every year (Kitson 2006). This has resulted in a loss of ahik! and consequently the wh! naungatanga [community], tikanga and m! tauranga that have guided the exercise of these rights have declined. As a result of the loss of a dear executive authority and the ongoing issues regarding who has rights, the geophysical configuration of the rights has become less clear on many islands "that hitherto had distinct manu, no longer do so" and, consequently, have "witnessed a shift from pockets of self-interested kaitiakitakato a tragedy of the commons type race to the bottom" (Stevens 2011, 28).

Regarding the geophysical configurations, there has been an increased flux in the boundaries of manu. Now, as Clucas et al. (2012, 156) explains a "birded colony may be worked as an entire area by all those on the island ('open manu 'system) or divided into specific areas designated to a particular family ('closed manu' system)". Furthermore, "[o]n some islands the type of territory system in place varies according to the development stage of the T## chicks. During nanao (extracting chicks from burrows), some islands work in 'strips', where all the birders work side-by-side, harvesting from one boundary to another on a pre-determined width of manu... territory systems are dynamic and systems on islands have changed over time. Some islands that had closed systems now have open ones, while Big I sland has changed from a closed to open, and then back to aclosed system over a lifetime" (Kitson and Moller 2008, 165). In the intervening decades some of the islands have lost their defined manu altogether while others have seen the manu system change depending on the phase of harvest. While there will be many factors involved in this development, it seems likely that the loss of ahik! has played a role in this degradation. With all the disruption experienced both on and off the island, it is unsurprisi

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The key quality of economic institutions is 'exchange', specifically the mechanism through which goods and services are transferred. The pre- and post-contact institutions that shape and constrain exchange have changed dramatically, where the traditional economy was largely based on reciprocity, the post-contact system is dominated by market exchange, with the t#t# industry increasingly enmeshed in the wider settler capitalist economy.

It would appear that in the traditional and protohistoric eras, the rangatira used redistribution within Ng! i Tahu and a mixture of barter and gifting regulatory exchange with other iwi (Anderson 1980; Stevens 2006; Williams 2004). Certainly, the high chief did not control the total supply of this precious resource – not only would wh!

fulfilled the deeper function of mutual obligation, they were also used as a means of sealing social alliances (Williams 2004). T#t#, along with other foodstuffs, were exchanged for both utilitarian and socially-obligating purposes amongst different Ng! i Tahu groups.

Still, Anderson's (1980) convincingly argued position suggests that the high chief's executive authority enabled him to control much of the exchange in a way that was not just beneficial to

(1979, 77) discusses how in the early colonial pe	riod, muttonbirders did not pay cash for any of

Likewise, while he did note that at one point the government had tried to exert some authority on the islands, another birder told us that:

[It is] only islands that are left in M! or i hands that the government hasn't got too much say on [#15 – Crown]

A third when asked if the Crown had any interaction or influence with them, told us:

A sfar astheidandswegototheykeeptheir own distancefromus [#2 – Beneficial]

Certainly, the Crown has not been completely silent, but compared to the influence and power the rangatira exerted the Crown has only focused on a limited sphere of influence. Most of the interaction between birders and the Crown has been through the Department of Conservation, which restricts the focus of institutional interaction to one of conservation. It is not only the Crown that has not exerted executive authority since the high chief. As one birder told us:

I don't really know that I have had very much involvement with TeR"nanga or Papatipu R"nanga around our sæson... Yeah, wh! nau and extended wh! nau that you meet along the way really. So there's nothing comprehensive happening ()] TJE (s) -8/TT17 1 6 6 (a)5 (/TT7 (6-137 (o)) - 7 (o)14 (t)

... I price my birds according to what it's cost meto actually harvest them. Some people sell their birds very dreeply and then I lose a whole bunch of sales to dreeper birders who [undercut me]... I've seen a lot of it, more and more astime goes on. It used to be a thing that you might undercut someboody's market and people had freezing works that they might sell out of and someboody might go through on pay day with dreep birds and sell a bunch which used to be the way things were done [#11 – Beneficial]

At times prices of t## can stay the same for quite a number of years which is governed a lot by the costs involved. I believe... they're under-priced, they should actually be increasing the costs every year to cover themselves... I think there is may be some people get pressured on money and adjust their prices... you do hear of people say well so and so has sold some birds for whatever and you'll pick up that its quite below of what others are getting. But some people too are didated by the market in regards to who they use, are forced to come down. [#12 – Crown]

Some saw that the younger generations were more competitive, noting that:

... I do feel modernisation is going away from the traditional ways of looking after it. Whether it's because younger people today are more competitive and they're more driven; I just think it's a shame when you see people having those self-gain ideas. They're not being fair to all. [#7 – Beneficial]

Certainly, generational change may have driven this but other factors need to be considered including the raising costs of birding that, as will be discussed below, have made it increasingly difficult to break even let alone make a profit from. The need for profit has degraded tikanga.

The loss of executive authority has reduced birders' opportunity to increase profit as they undercut each other rather than control supply collectively. Furthermore, often those profiting are non-birders who are able to seize the opportunity because they have the financial capital to amass enough product to control supply. We were told by birders about non-birder middlemen profiting:

There is big buyers out therethat will buy them and then take the up north and that. Like they rebuying 100 buckets.. [#8 – Beneficial]

[One buyer] must get at least 30,000 or 40,000 and they regone as soon as they hit the wharf in Bluff... he sends most of the birds that he buys to Audkland. So, there's big demand for them up there [#4 – Beneficial]

I try not to deal with middle men because they tend to buy cheap and then go and sell expensive... I quite often think if we can get that mark-up ourselves in those unprofitable years it would be a lot easier to get through. [#11 – Beneficial]

Furthermore, as can be seen in that last statement, while there is demand for the birds, many birders struggle with the variability across seasons, as they explain:

The markets aren't that easy. I mean it depends on the seeson. [#8 - Beneficial]

...you can make some money but then again it will all come down to how good your muttonbird seeson was [#16 – Beneficial]

I know a lot of people would not like to see it regulated in any way. But I reckon that there's room for everybody and those people who want to continue to operate that way if that's what works for them then that's fine. But I think there's probably a sector of the mutton birding community down there who would like to produce quality birds and sell them for top dollar, rather than have somebody descroping that top dollar for inferior quality birds. So I think there's room for people to band together. But that's up to a few individuals to lead the way as far as that goes. I'm not going to get out there and tell everyone that's what they should be doing because I don't think everyone is capable of doing it for a start. It certainly would be one way of putting back in to the community a little bit... If there was may be twenty birders on board with a quality scheme that they're assured a certain quality and return then we could market those birds and a percentage of that money could go back either for restoration or other thin

I've seen some muttanbirds... only fit for pate... the quality is not there the focus is not an the quality it's on how many we can get. It doesn't apply to everybody but there are certain ones down there they have to rebook at what their product and what they're doing and why they are therefor and it's not kill everything in sight and shove them in a tin and sell them [#16 – Beneficial]

I think economicskills all of people from going to theis and because it is quite expensive to go there [#8 – Beneficial]

... it's costing so much to go down there now... so many different factors now that didn't apply in the dd days so that has added a lot of pressure on the way people do things now. [#16 – Beneficial]

... the expense factor is quite phenomenal as the year go by inflation it just keeps raising the bar and the price of mutton birds don't really, sometimes really don't go hand in hand with it. Our costs over the years we have just sometime just made it, we have covered our costs [#17 – Beneficial]

Acting as individual operators, each wh! nau group on its own lacks economies of scale to purchase

...it's always upon Ng/i Tahu to remember you don't own it, thewh! nau own it, thewh! nau lead and guide even though you're facilitating and they have all the legal minds, but they have to be at our disposal of the wh! nau rather than then pushing or not understanding where the authority lies. The authority lies with the one who had distheright. [#3 – Beneficial]

... it really needs to be grassroots, it has to start right at the very base of things because people won't accept a top down approach on this... there can't be a top down approach here. People are too protective of it. [#5 – Benefici it.

Smilarly, another birder talked about issues with the committees being biased and self-interested:

... I do believe that at times, sometimes our committees have been very biased, they haven't been fair. Whether that's for their own self-greed, for their own self-interest, I don't think they're withholding their part of being on that committee to respect our elders... I think people can have self-interest and I don't think at times people are fair. [#7-Beneficial]

The inflexibility of the contemporary rights system means that the rights holder has an inordinate power over the rest of the whanau. For example, one birder told us:

My father... If hewanted to, if things weren't gaing right at home, we had a row with them, he could say, "Well, you're not gaing to the island this year"... and we couldn't go because the way it's set up is that if you've got the right then all your drildren are subordinate to you as far as the Muttonbird Island is concerned. And in a lot of cases there were cases where fathers or mothers stopped their drildren from gaing So, that's the way it works, the succession. [#2 Beneficial]

Certainly, the elders held significant influence in the traditional era but the ability to prevent someone from being able to go birding has been increased because of the contemporary rights system that gives them total power. Traditional institutional forms had more flexibility and it is likely that for those who had disagreements with their own whanau were able to bird on other islands, at the behest of the high chief, so long as their transgressions were not too severe. The consequences of this rigidification have manifested in the operations of the committees, which, as some birders considered, were no longer guided by mana:

... I do believe that at times, sometimes our committees have been very biased, they haven't been fair. Whether that's for their own self-greed, for their own self-interest, I don't think they're uphdding their part of being on that committee to respect our elders...[the commissioner] was in a Crown role to be there to sort disputes on the T## Islands whether it be Crown or Beneficial. No offence for being a P!keh! but for him having no rights there he had no gain one way or the other when it came to disputes. He was unbiased, he was fair and making sure that things were administered right... Now I think people can have self-interest and I don't think at times people are fair [#7 Beneficial]

... in the dd days... there was a group of elders who represented some of the... families who were deeply entrenched in birding. Some of those people had more mana than the others. Back in the day their word was respected as being the law. So once they made a decision it was pretty much achered to by every body... the modern committeesystem it can get a bit lop-sided when you've got too many family members from one

what you do impacts you directly and you're responsible for whatever happens on the manu. [#10 - Beneficial]

I would like to see that everyone on the island has to... make a tally of what everyone's caught, every year... tally it up and somebody so they know and then you can see over the years how it is dedining.. Then you compare those trends with what's going on with EIN ino and all the rest of it and may be that correlates [#20-

## C&(#, 3(!\*#' (8\$%4!

Pounamu (greenstone) encompasses several types of hard, durable and highly valued nephrite jade, bowenite, or serpentinite stone that is found in Te Wai Pounamu (the South Island of New Zealand) "from Nelson in the north, down the west coast to Wakatipu and Milford Sound" (Waitangi Tribunal 1991, 188). Virtually indistinguishable from ordinary rock in its raw state, worked pounamu reveals a beguiling beauty, running the spectrum from milky opalescent white to adark lustrous green verging on black. After exposure to extreme heat deep in the Earth's crust,

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As Gibbs (2001, 266) pithily puts it, "Pounamu is not easy to find", both because it rarely stands out from normal stone and because it is usually in difficult to access locations. In fact, pounamu was so difficult to find that there are reports of carvers working on substandard stone for months and even years in the pre-colonial era because this was the only pounamu, they had access to at the time (Chapman 1891). Gibbs (2001, 179) explains how "Ngai Tahu navigated the land by 'memory maps'... [which enabled them to] accurately recall the detailed sequence of places, including place names, resting places, and general countryside, along complex river systems and coastal tracks. Places were named after eponymous Ngli Tahu, Ngati Mamoe, and Waitaha ancestors, and associated accounts told of 'heroic deeds, of epic journeys of exploration of ancestors, and the myth memory of how the land was formed'. Thus, each walking of the greenstone trails confirmed Ngli Tahu's relationship with the natural world and its ancestors, reinforcing tribal identity". An example of how the memory mechanism works is the name 'Hokitika', which means 'return

it "is difficult... to fix on a particular unit of Ng!i Tahu society as the unit that traditionally had mana over pounamu". Put simply, pounamu's high value meant that it was the source of conflict as authority over this right was extremely lucrative. Certainly, t## was also prized and no doubt fought over but pounamu was the single most important commodity/ taonga in traditional M!ori

definitely by the protohistoric period executive authority was at the hap" and iwi level. Operational authority would have sat at the wh! nau and hap" level though the groupings would have changed as the rights were won and lost.

The archaeological and historical records suggest that overarching control of the stone, or at least the locus of executive authority, was centred at several kainga in the late traditional period. As Anderson et al. (2015, 78) explain, by the eighteenth century "the pounamu industry seems to have been integral to systematic trade across Raukawamoana (Cook Strait). It was closely controlled from settlements on the east coast of the South I sland, such as at Whareakeake (Murdering Beach) in Otago and Kaiapoi P

It does also appear to have a degree of geopolitical determinism, as these two kainga were on the coast that was more suited to trade routes on both land and sea. Trading from the West Coast

in the traditional economy; however, as will become clear in the analysis later this devolvement is not always understood or acknowledged by all in the pounamu industry. Barr and Reid (2014, 223) explain that this "left the ownership of pounamu with TRONT but gave the Kaitiaki R"nanga

Consequently, between the return of pounamu to TRONT in 1997 and the completion of the first Papatipu Runanga plans a period of 13 years had elapsed.

There were many criticisms directed at TRONT regarding the delay between the return of the pounamu resource through settlement, and the development of plans for management, protection, and commercial supply. Gibbs claims that there was "an effective vacuum in management policy" (Gibbs 2000, 257) and Plater (2007) decried the fact that a decade after investment not a single piece of stone had been supplied to the market. However, this criticism seems unduly harsh. The process in developing the iwi pounamu plan was demanding and complex, in terms of getting agreement across several Papatipu R"nanga, and associated communities, regarding how the resource was to be managed in perpetuity. Each kaitiaki r"nanga manage pounamu in different localities, with diverse geographies and local government regulations. Furthermore, the following institutional structures and processes needed to be developed from scratch including the hiring, contracting, and development of expertise; assessment of sustainable levels of resource extraction; optimal models for commercialisation, conservation and protection; agreements with government agencies including the department of conservation, border security, and regional governments. This complexity explains the delays in getting plans for the sustainable management of pounamu and the development of commercial operations.

This complexity was acknowledged early in the process by Edward Ellison (quoted in King 2002), then deputy chairman of TRONT, who explained that "It's been a huge task. When the pounamu was vested with us I don't think we realised the enormity of it". However, others with less sympathy with the time taken to develop pounamu plans, such as Davidson, placed the blamed (the 'slowness') upon the high turnover of executives within Te R"nanga o Ngai Tahu: "Here we are seven or eight years on and there's been a continual turnover of executives at NgI i Tahu during that period. There's basically nobody there who knows the history of it, or if somebody has told them the history, they're not conducting themselves as they should" (Jamieson 2005b). However, Tahu Potiki, TRONT CEO, reiterated Edward Ellison's point, outlining that the issue was primarily the complexity of the task at hand the skills available to complete the task: "I think it justifies our caution. This is an enormous task that requires tenacity and skill and it's something we have to grow over time" (Jamieson 2005b).

Despite reasonable arguments for the delay in getting plans in place for the commercial

"Ngai Tahu's reputation for business acumen and tribal unity is threatened by the delay in developing its monopoly control of pounamu into a commercial enterprise.... The frustration shown by the kaitiaki -- these members of the tribe who have a traditional interest in the resource and rights to its management and extraction -- needs to be defused speedily. If it is not, what is now a simmering row risks blowing out into something worse. Already the police investigation into the theft of greenstone has entangled tribe members, and others are bitter. Their lack of money has prevented legal action so far, but, as others

agenda". In other words, just as exercising the right has proved problematic for Ng!i Tahu

may have had different rights structures, and these may have changed over time (Gibbs 2001). As Gibbs (2001, 221) explains, "submissions to the Maori Affairs Committee on the Ngai Tahu (Pounamu Vesting) Bill differed on this point, with conflicting arguments that (West Coast) pounamu was not a tribal (iwi) resource, and that it 'was a collectively owned iwi/ hapu asset to which all had access". That said, it seems that most rights to pounamu in the late traditional period were at the hapu level before contact, though as has been repeatedly acknowledged Ng! i Tahu often lived in multi-hap" kainga.

Following on from the critique of an iwi-centric view of M! ori property rights, is an equally pertinent criticism of a focus on hap". As Gibbs (2001, 236) notes "whilst the iwi or hapu owned land and resources, day-to-day use and manag

During the negotiations for land sales in the mid-19th century Poutini specifically demanded that the right to pounamu was not included in the transfer (Ward 2015). The very value of pounamu "is reflected in the difficulties encountered by the Crown's agents in making land purchases on Te Tai o Poutini" (Wheen 2009, 552). In the Arahura Deed that conveyed the land sale, it was "specifically stipulated that a very large reserve should be made at the River Arahura or Brunner, and that the reserves should be taken in a strip up each side of the river with a view of giving them a right to its bed, from which is obtained the highly prized greenstone" (Mitchell and Mitchell 2007, 338). Despite the specific stipulation "Ng! i Tahu access to and control of pounamu was eroded following the land purchases. The Crown acquired ownership of the relevant land and thereby assumed ownership of pounamu" (Wheen 2009, 552). The Waitangi Tribunal found that the "specific undertakings to protect Ngai Tahu's rights to the pounamu... of the West Coast had not been kept" (Ward 2015, 58). The Crown essentially assumed the right to pounamu after the 1860 Arahura Deed.

In the contemporary era there have been several changes to rights. The vesting act saw the right to pounamu enshrined in settler law and held by Ng! i Tahu as an iwi. The vesting, as Stevens (2012, 127) has noted, had a "property-rights focus". While the right to raw pounamu was returned to Ng!

in a spirit of mutual co-operation and trust, to find the balance between Ngai Tahu's desire to extract pounamu, and its protection, while also conserving New Zealand's unique ecosystems and landscapes".

In other words, the return of the right to poun amu is far from absolute, yet as a legal term 'vesting' "means that a person has an absolute right to some present or future interest in something of value". Rather than being an absolute right it is one that

judge "has basically come out and said there's no such thing as customary rights. We own the rights — we were born with the rights" (Van Beynen 2007). In support of O'Regan, the judge in the trial said this individual "was wrong to say [he] found no customary rights to pounamu existed. Essentially, he ruled such rights had been established, but they were collective rights belonging to the relevant hapu or tribe as custom determined. Individuals did have rights to the pounamu, but only as part of their hapu or tribe that had traditionally gathered the resource" (Van Beynen 2007).

Supporting the contention of continuing customary rights was the argument used by the defence, that "pounamu had never been acquired by the Crown and so could not be vested in TRONT" (Court of Appeal 2009, 4). Some Ngai Tahu, including the above individual, were "calling for Ngai Tahu to hand over the ownership rights to the people they were destined for in the first place -- the kaitiaki", something that Sr Douglas Graham supported, explaining that "[i]t was intended to

$$6 - 0 \stackrel{\text{return it (pouns-10-8 (h) - () (54-1817 m/TT1 1 T1)[ (t) -8 (h) -10 28.62-1028 (11. (6.62 (92-10.8 11. (p) 2 (92-10$$

and control over the pounamu... customary rights, even if they had survived the Deed, were extinguished by legislation".

Consequently, the ruling established that existing ahik! rights were effectively extinguished and that it was up to TRONT, and its constituent Papatipu R"nanga to decide how customary rights might be established or allocated in future. From the position of Tipene O'Regan this was appropriate given that the traditional role of the representatives of the collective was to adjudicate and decide on the allocation of rights. However, for those who considered that they had maintained their customary rights between 1861 and 1997, many of the representatives making decisions were not members of the ahik! collective, and therefore not in a legitimate position to allocate rights. In short, Ng! i Tahu outsiders were considered to have taken control of the resource away from ahik!.

Nonetheless, it also needs to be noted that due to colonisation processes many Ng! i Tahu were not able to maintain their customary rights to pounamu. For one the Crown had assumed ownership of the mineral, which could only be harvested or mined by permit. Consequently, many Ng! i Tahu lost their ahik! status through no fault of their own. The TRONT Pounamu Management Plan 2004 and the subsequent Makaawhio (2010) and Ngati Waewae (2011) kaitiaki r"nanga pounamu management plans established the rights of tribal members to commercially harvest pounamu in particular areas – albeit harvesting was limited to pounamu 'that could be carried' and did not permit mechanical extraction. In essence customary rights became allocated on whakapapa alone and did not include the ahik! status of an individual. Arguably this may be considered appropriate given that many Ng!

Hokitika in the north, and Te Runanga o Makaawhio on Makaawhio River, near Bruce Bay, in the south" (Ross 2000a). This however was solved in 2000 when Te R"nanga o Makaawhio "secured authority" after being at 'loggerheads' for several years (Ross 2000). Makaawhio still have "shared authority with Kati Waewae for land north of the [Poerua River] as far as the Hokitika River", meaning that the rights delineation is still somewhat ambiguous (Ross 2000). The "fight over regional ascendancy has also been a fight over resources and the potential they might offer the local runanga. Makaawhio is understood to have plans to develop tourism opportunities in South Westland, and commercial opportunities for pounamu (greenstone)" (Ross 2000).

## $C&(\#, 3(!1)\&\#\&3^*)!^*\#8^*\$(\$^*\&\#8!)$

This section will examine supply and demand of pounamu. One aspect is certain, demand outpaced supply significantly, it was arguably the most prized commodity across M! oridom. Demand was so high for pounamu that, as mentioned (Anderson et al. 2015) it drove waves of expansion and invasion. Firth (1972, 400) refers to it as the "most striking object of inter-tribal exchange" that while sourced from one small district in the West Coast was held by people across both islands. Similarly, Cumberland (1949, 413) states that the "importance of the pounamu trade from the Poutini Coast is reflected in the number of its transalpine routeways, unequalled by the present-day exploitation of coal on that coast; the M!

and weapons had been rare. Parties in search of the stone had been faced either by a canoe voyage along a stretch of rugged and storm-beaten coast, or by a long and difficult journey on foot around the coast from Arapaca to the Arahura. The boldest might well be daunted by either course. But now a pass had been discovered across the mountain barrier, and the way was easy. At once, we are told, awar-party gathered, crossed the pass, fought with Ngati-Wairangi, and came home laden with the stone". The driving force of this increased trade was the East Coast kainga, who used this avenue to dominate the Western peoples. As Cumberland (1949, 410) notes "Pounamu came [to Kaiapoi] by way of certain passes in the Southern Alps in exchange for textiles, mats, and scents, and from Kaiapohia the greenstone was redistributed both north and south. By virtue of its exchange function Kaiapohia was a center of overland routes". TRONT outlines on their website how the "traditional travel route of N\$ti Raureka (Browning Pa

pounamu ornaments being sold to tourists, much of the carving being done by P! keh! working in factories and with no knowledge at all of the spiritual values which our people enshrine in their carving. Our people are not entirely blamefree in this, some of them are also involved in that trade, but that is almost an inevitable result of the debasement of our heritage. They see P! keh! making money out of this business and almost inevitably some will try to do the same".

The return of pounamu to Ng! i Tahu caused panic about supply amongst the pounamu industry and "[h]undreds of tonnes of pounamu have been stockpiled at the jade factories or secretly buried around the West Coast, much of it extracted in a race to beat the 1997 law change" (Madgwick 2000). As mentioned, it also saw a large increase in price and a resultant growth in the black market. As Stevens (2012, 127) writes, "[i]n 2000, when the last mining licence expired, the price of raw pounamu began to dimb, fuelling a black-market trable trone". Gibbs 2001, 272) elieves the oncerns regarding supply were well founded as "Ngai Tahu is in a onopolistic situation with complete control over supply of the stone t

When Ng! i Tahu did begin to supply stone to the market "the market for legitimate pounamu was 'tight'" with one P! keh! carver saying that "[i]t's getting so scarce now I've had a bunch of young Maori guys, young carvers, who can't get stone. (Ngai Tahu) need to start (NZPA 2010). The lack of legitimate stone encouraged jade from other countries to be imported. This was an issue noted by Barr and Reid (2014, 223) "the importation of jade from overseas – primarily from Canada, Siberia and China—in raw form and as finished items… has pushed down the value of raw pounamu and has also forced New Zealand carvers to compete against jade-producing countries in Asia with low labour costs. These products are typically misrepresented as genuine New Zealand pounamu". Likewise, a Ng! i Tahu Pounamu (NTP) Pounamu maif (e) -3 10(t) r 0.24 for the importation of page to start the machine pounamu of the value of raw pounamu". Likewise, a Ng! i Tahu Pounamu (NTP) Pounamu maif (e) -3 10(t) r 0.24 for the machine pounamu of the value of raw pounamu".

around cheap imitations could hurt the whole industry, with a University of Otago study showing tourists were reluctant to buy pounamu if they could not determine its quality or provenance".

This dilution of pounamu's integrity through the black market and importation of foreign jade led to one of Ng!i Tahu's main initiatives around pounamu, their authentication scheme (Barr and Reid 2014). As Barr and Reid (2014, 224-5) explain:

"This new traceability system allows a premium to be captured for Ng!i Tahu Pounamu. This premium flows right through the value chain with an average price increase of 30-50 per cent for both the raw pounamu extracted by Kaitiaki R"nanga and for the finished carved pieces sold to consumers compared to similar imported jade products. Licensed

The figure outlines that the ownership of pounamu is vested within Te R"

The overall model provides a means for carvers who want to source the stone through legitimate means to then sell it through a variety of channels. For those who working within the system it provides a means of sourcing pounamu and selling carvings. However, there are a number of challenges presented by the NTP model that can be traced back to long-term grievances concerning the vesting of pounamu within TRONT, and limitations to TRONT's executive authority. These issues are explored in the section below.

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There are economic implications for the development and operation of the pounamu industry that stem from the vesting of pounamu rights within TRONT; and Crown policy and regulatory constraints to TRONT exercising its rights. Twenty years after settlement the vesting of pounamu ownership with TRONT is still questioned by many traditional Ng! i Tahu carvers, harvesters, and leaders within the pounamu industry. This disaffected cohort of Ng! i Tahu (discussed previously), which in interviews referred to themselves as manawhenua, or ahik!, express a sense of alienation

This perception of ahik! being alienated from aboriginal and customary rights is again reflected in the following statement:

... we have these pre-existing A boriginal authority and rights and stuff and power... when the Europeans arrived and the establishment of the institutions of law and authority that came with that post-Treaty, it set up its own sphere of authority under odonial institutions, and for want of better word well call it British law. The two are quite different. There's areas where they can obviously mix and co-exist and exist if you like, where they meet. However, Ngli Tahu in its long grievance in the 1990s settled with the Crown and

really legal entities that have been set up to sit within another legal entity. They're only being set up because these are the authorities that the Crown recognises. So, my kaitiakitanga isn't as a r"naka member, my kaitiakitanga comes from being mana when ua. It comes from whakapapa. [#8 – Kaitiaki]

In terms of an alternative structure for operating the following member of the disaffected group suggests a shift toward institutions and legislative frameworks based upon M! ori lore whilst recommending that care needs to be taken to adapt and adjust these structures for a contemporary setting.

I'm not saying that we should go back to being people in grass skirts, you know, singing songs and doing whatever; I'm not implying that at all. I'm just saying that I'm failing sometimes to see where tradition and tikanga meet legislation, where lone, L-O-R-E and L-A-W meet. And often, there's more L-A-W than there is L-O-R-E. And I'd like to seemore L-O-R-E, you know? [#8 – Kaitiaki]

Although the pounamu property right was vested in TRONT, current and previous employees of TRONT noted that this right was, and is, constrained by Crown regulations regarding conservation estate access. This is outlined in the following statement:

In addition, it was noted that TRONT was also dependent on police for the enforcement of their

property rights. The need to work with DOC to access pounamu, and the lack of policing to

enforce TRONT's property right, is outlined in the following statement:

... because that required working with the Department of Conservation and other agencies to work out

access, control and ownership of the resource. And so, to me, Ng/i Tahu were handed a mess by the

Crown, 'cause none of these things had been determined beforehand. The Crown licensing had occurred,

but it was never policed properly or anything like that. So, they handed Nigli Tahu this basket of mess

that needed to be fixed and then Nigli Tahu took ten years to work through all of those complexities to

come up with planning [#9 - TRONT]

In addition to lack of policing, it is also noted that TRONT had difficulty combatting

counterfeiting, with foreign jade being sold as pounamu - driving down the price of authentic

stone. As we were told by the pounamu manager:

... there was external market forces that were driving down the price of pounamu; mainly cheep imported

carvings from China and from British Columbia. So, there was cheep jade coming in and being imported

to New Zealand, but also being carved abroad and being brought in as fake M!ori pieces and work of

arts. It was an industry in a race to the bottom. There was a few people doing high valued carvings, but

generally I would say it was an industry and a race to the bottom [#9 - TRONT]

Another carver told us that up:

... in Rotorua l'vessen a

... were buying [jade] in randomly, they couldn't guarantee that it was pounamu. And there was no expertise to be able to check that it wasn't Canadian jade or Siberian. [#2 - Carver]

Another enforcement issue concerned operator's illegally shipping genuine pounamu over to China where lower labour costs ensured the production of product that could out-compete New Zealand carved stone:

A lot of people who will take pour amu they will have convers to a certain point, they will ship it off to China to get it finished and polished and sold in New Zeeland as authentic pour amu. That was my other issue with Nigli Tahu, because they were supporting certain convers that were obing that, whether or not they knew, I would always say under my breath, you need to check what is happening with this stone. You are supporting Chinese product. [#5 – Carver]

A further enforcement issue concerns kaitiaki r"nanga tribal boundaries or takiw!. Traditionally tribal boundaries were somewhat fluid based upon rights to whakapapa and ahik! rights to particular resources. However, European property titles brought fixed boundaries leading to disputes concerning access to pounamu between kaitikai r"nanga. This is outlined in the following statement:

Thelocal Ng/

Another problem within enforcement concerns containing the black market. As a former NTP manager explained:

'In terms of that ability to combat the black market and enforce the authentic and legitimate ownership of

This statement is nevertheless contrasted with that of a former manager of pounamu:

We developed the authentication scheme to combat the black market — just like what has been done successfully in many other industries such as blood diamonds. It allowed us to begin to release stone back onto the market knowing that it was being traced and certified. However, we did not pursue authentication scheme alone, but also sought to obvetail this with enforcement with the police. The measures were extremely effective. I believe much of the stolen stone was taken off the shelves, and the most telling thing was that nearly all of the major pounamu retail stores were seeking to become authenticated. They know that with a good authentication schemestiden, or imported jade, would lose its value. [#9 — TRONT manager].

However, the very process of creating a system for combatting counterfeiting by licensing production and tracing pounamu production through the supply chain aggravated the disaffected cohort. This group resented having an external authority 'validate' their Ng! i Tahu authenticity, and questioned TRONT's right to license Ng! i Tahu who had always gathered and carved stone.

resource. As one told us, when asked what he would have done if his permit to harvest had been denied:

'I would have done it anyway! I would have just done it anyway. I respect. It was just the respect. This is the kaupapa or the tikanga, this was the tikanga that's been laid down...' [#3 - Carver]

This perspective is reiterated again by another research participant who states that not only does he not recognize the authority of the r"nanga, but also does not recognize the authority of the DOC in regards to pounamu enforcement:

Even though the place is administered by DoC they've never told menot to go there. The only people that have actually told menot to go there are ther "nanga. And of course, I ignore that... if I was to go up the river and come back with 12 tonnes of the stuff I'd fully expect to be told off, because that's just greedy. But, even if I did get told off, if I was to do that and I get told off, what can they do? They can't do nothing You know they might be no me from going up the river, but no one's get the mana to be no me going up the river; not even DoC... The ahik! is the important one That's why I ignore when ther "nanges say that I'm not allowed to go up the river. A rethey ahik!? I've never seen them up that river, so I'll ignore it. [#10 — Carver]

Other members of the disaffected cohort frequently mentioned the inability of papatipu r"nanga to enforce their pounamu management plans — with a tendency to focus on controlling what Ng! i Tahu gatherers and carvers do rather than the general public. Furthermore, it is frequently mentioned how shared enforcement between r"nanga and DOC creates problems. This is outlined in the following statement:

The restrictions ther "nanga are imposing their own r"nanga members reporting quant##estaken out, or whatever. It's fine to measure the resource and what's being used, but it's only for r"nanga members, everyone elset jus-36(t).8 (l).8 (l).

through Ng/i Tahu or thelocal r"

people to go up the rivers. I can see when Ng/i Tahu took over those rights they were therefor the people [#6 - Carver]

"... there's the Pounamu V esting A of to begin with; and then there is our own Ngli Tahu Pounamu Resource Management Plan. The copy that I have is a very, very did copy and I understand that this one is under review at the moment, and it has been under 'review' for a god knows how many years. I think almost from the moment this particular plan that's sitting here was put out, it became "under review"... we've done this again, and again, and again, and again, and again... without it sort of moving forward. We seem to just be rehashing and reclaing it all of the time... here we are in 2017, so we're what 15 years down the track from that. And I think both of those hui were very, very successful. But we're 15 years down the track and we're still daing development, aren't we, for these initiatives. We're still developing strategies, we're still.... I think we just keep rehashing things all the time, rather than doing... we've done this again, and again... without it sort of moving forward. We seem to just be rehashing and reclaing it all of the time? [#8 – Kaitiaki]

The perceived lack of concern for Ng!i Tahu carvers and gatherers led to the impression that TRONT was focused on commercial returns at the expense of its own people and culture. For example, one carver told us:

"I think that Ng/i Tahu hastothink less corporate Thereneeds to be the balance between account ability,

If we get back to the Ng/i Tahu scheme where they were trying to make material available for the commercial industry. It just get too stranged. The rules and regulations are too difficult and jack convers are poor people by the best of times. I thought it might work to a point where it made the resource more manageable for smaller convers. Where they could purchase more books of stone and you know, manage to conve without outlaying large sums of money that they can't afford, so I thought it might work. It don't take long for convers to realise they were over paying for material. At the back end of it were we are selling the material, the dients only have limited budgets. When the resource or the naw material is costing you way too much additional is the time on paperwork and the cooling costs it pushes the costs too much. [#5 — Carver]

I've sæn some of the stane that come back that Ng'i Tahu had here, and they were trying to sell this stane. Now, I know I'm pretty good on stane I know what stane's worth, what's inside them and stuff like that. Well they had a stane there that was selling for 50 to 60 dollars a pound... Now, no way you wouldn't sell that for 20 dollars a pound, you know?... One was a cousin of mine and I said, "You're pricing that stuff too dear; it's not worth that." Even made up into a pendant it's not worth that, you'd lose money on it. So, people are not gonna buy the stone I said, "You put it at the right price people will come and buy a piece. The carvers will come and use it; but if you don't, they won't use it". [#6 – Carver]

As already noted, licensed carvers in the NTP scheme need to pay levies for the cost of

It wasn't sold to measthis is done and dusted, this is how it rolls. It's a working model so I have tried to have flexibility. [#15 - Carver]

Another issue a carver raised about the scheme was that it creates a binary of 'authentic' and 'unauthentic' but is only focused on the stone rather than the carver. As he explained:

... we know that the authentication system is about the stone, but the market doesn't. And, our dolown relations, who aren't awared it too – the intricate point of difference – they will associate the carver as not being authentic [#17 – Carver]

This insight is important given that the scheme can end-up portraying anyone not working in the

to do this is to act collectively to protect this tacnga. However, when I was in TRONT it was really difficult to get the carvers involved – they were distrustful.' [#9 – TRONT manager]

A more recent TRONT manager outlined the challenges in maintaining quality control among Ng! i Tahu carvers, and the need to send material back:

'There can be really difficult situations where there are quality, tracing or illegal on-selling of stone, issues that need addressing with carvers. I have to deal with some quite upsetting behaviours' [#14 – TRONT manager]

Once again, these statements from staff within TRONT managers directly oppose the statements made by the disaffected group. This sentiment was echoed by another carver:

Te R"nanga o Ngli Tahu is a competitor of wh!nau M!ori; it competes against, it uses resources that were originally from grievances held by wh!nau M!ori and it uses resources to establish itself in prominence without wh!nau M!ori; and it uses it resources to compete commercially and also exclude wh!nau M!ori from markets and from opportunity, and, it will do that in partnership with the Crown. So, these are the new grievances being established. [#17 – Carver]

And then when she was asked how she would feel if improvements were made:

It would sort of feet likewere on the same team, not fighting for our own voice, we are the same I don't get it? We're all sort of playing on different teams when we're the same [#4 - Carver]

Overall, it is clear that there is significant mistrust of the TRONT 'establishment' and its motives, with it being viewed as a competitor. This is in direct contrast to those from TRONT who see

The competition is leading carvers to focus on the commercial interests rather than kaitiakitanga responsibilities and it is causing negativity within the wider pounamu industry. The growing competition was something that TRONT is aware of, as the former NTP manager told us:

My werning around it though, is that if there's no coordination arross wh! nau and arross rinanga and that sort of thing around the harvesting then you don't have a structured way of maximising a benefit from it. If you don't have some sort of overarching authority, like whatever existed historically, i.e. chiefs or so on, to provide some sort of regulatory structure in the way the economy operates, then you're not gring to maximise the value of it. There needs to be some sort of coordination, otherwise the value will be a race to the bottom. In terms of the value of pour amu everyone will trace underneath each other. There's broader higher-level coordination... I think it's [the scheme] fallen into competition rather than synergy. Certainly I think it started off as being synergistic, i.e. you provide stone to wh! nau, you provide a protecting framework for them to incubate their businesses, you provide a source of marketing and tracing and an online system for marketing and sales and distributing. The whole structure was designed to support wh! nau scale incubation in business development, and then they pay back into the system in a synergistic way. But, I think what happened is, I don't think that support at the wh! nau scale continued, and I think it built the inclustry at the rinanga scale losing sight of the reciprocity and the synergies it was supposed to form from my end at the wh! nau scale [#9 – TRONT menage]

This statement suggests that Ng! i Tahu Pounamu might consider re-focussing its efforts onto the wh! nau scale and the Ng! i Tahu individual carver

delayed repayment of much traditional exchange, this programme would tie the carvers to TRONT in a network of social obligations, or at least help overcome the distrust. One area in which this aligns well with traditional institutions is that it reasserts the importance of who carved a piece, connecting the mana of the carver with the mana of the piece. By doing this TRONT would also grow its own mana, increasing legitimacy.

Another recommendation is that TRONT could set up an exchange network that sits outside the mainstream industry and economy, one that enables carvers to exchange raw and worked stone with other whanui for other goods such as t##. As the pounamu manager told us, one of the reasons many kaitiaki carvers did not enter the authentication scheme was that:

"... there was issues with them not wanting to lose their autonomy and the greyness of the current market; "cause once you start using the authentication scheme you start getting money trails and you start having to use bank accounts all the money gets counted. It comes in and out of your bank account to their bank account and all that sort of thing Tax systems start to come in. The whole complexity starts to grow and rather than being an informal economy, it starts to become a formal economy. I think that's why quite a few distrusted; they didn't want to become involved in it from that end." [#9 – TRONT manager]

While we are n

Buy Pounamu off us, I think we should have the first right to be able to sell, not the gold miners. I can see how buying off the gold miners can help alleviate the black-market trade; because the gold miners now can receive something and they aren't going to sell it to an outside entity, which is good too, but I think that we should be allowed to buy too. I think there could be more discussion around how it could work for all

the authentication scheme collapses the numerous differences across 'Ng! i Tahu' into a singular 'brand'. As he explained:

The problem with getting caught up in authentication too much, is authority over who's is the story line. And, in the modern context that becomes a huge battle because there are individuals who hold political

under TRONT's overarching scheme. In turn this would mean that TRONT could focus on turning genuine pounamu into a premium-only product, thus building mana and increasing profits

might be commercial returns. They have to look at things like a pounamu school... I'm talking about taking your own hand picking them just like TePuia and then just having the right person to drive them through. But if they get the balance right, they get the wh! nauenvironment right within a commercial context. Then they will create a product that people will want to come and see It would become a product in its own right, for us here I have thought about combining other art forms but a lot of that is about location how do we get across the line to create enough incorrest reams for everyone to be supported, because the more people you need the more cashflowyour gonna have, it's all about survival and finding the right balance but if you can get your product to a point where it is not just a retail space or a studio that commissions and sells retail, it's get to correto a point where it becomes a visitor product where people are happy to come and with M! or its around kail and education, learning sharing the culture and whatever, whatever you get to do.

[#5 – Carver]

As well as providing training and exchange, TRONT and NTP need to work on communicating with the carvers and kaitiaki, ensuring they understand the way the authentication scheme works, TRONT/NTP's role, as well as facilitating dialogue amongst the various carvers. There is a need for transparency as there are a number of problematic misconceptions. This has been an issue from the outset. As one carver in the scheme told us:

... my first impressions of when the scheme came along and it was explained to me by a few people.. I mean, I was just confused, I'll be honest, this was all stuff I was trying to process at the time, and I still was learning all the outside stuff which surrounds it; so, yeah, it initially seemed to be quite exclusive, I suppose. That was my expression of it, and I just thought, 'dxay, I'll enjoy this year carving and then I might carvewood or something. [#16 – Carver]

The lack of communication and sense of exclusion does not appear to have been ameliorated, with the same carver telling us, when asked if belonging to the scheme had been beneficial overall, that: exclusivity, or just unwillingness to listen... [the major problem with the scheme is] it's lack of communication; I'll ask questions and things, and they just won't get answered [#16-Carver]

Likewise, another carver in the scheme told us:

I haven't really met them [NTP and other carvers] much... So, if there was something that can improve a bit more once a year or whatever just everyone gets together; thew the fat; just try and help each other out... Just get together; help develop the system moving forward. I think everyone's got something whether you're of the tribe or not... it would be great to sort of teeup the relational side and communication and

requires papatipu r"nanga to take the lead. It also seems that they need to focus on legitimacy and enforcement of property rights as this is an important means to gain trust needed to expand the industry.

The need for better communication with

While this might sound like the benefit being encouraged is increasing papatipu r"nanga returns, which participating in the scheme does do, there is something more important at the heart of this. Ultimately, the NTP scheme is a vehicle for channel the financial returns into increasing the trust, connections, and environmental outcomes of the tribe. As this carver went on to explain:

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Before providing final thoughts and a synthesis of the two case studies, each needs to be summarised, with a focus on the core issue rather than all the problems outlined in each case study.

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The key finding in the t## industry is that while traditionally the high chief had an 'executive authority' that enabled him to adjudicate on rights and regulate exchange, executive authority is now split between the Crown, TRONT and the two committees, as illustrated in the diagram below:

to command premiums prices for top quality birds online as the necessary trust is hard to build and communicate. This is illustrated in the following diagram:
While the loss of exchange regulation is seen as the single most significant issue t

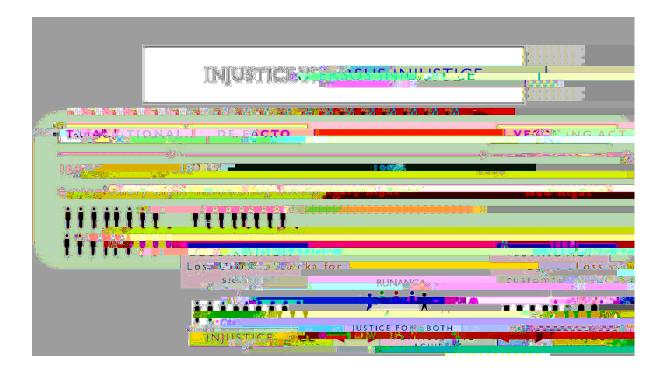
A fourth issue raised by birders was that both rights and committee positions are solely
determined by whakapapa and mana no longer plays a significant role. This means that
often individuals without the enough skill and knowledge to bird or lead are in roles for
which they are not suited.

While the return of a 'high chief' executive authority is not plausible there are alternative solutions. Several birders noted that some form of supplier cooperative would help regulate exchange by taking control of the supply side, reducing the length of supply chain, setting sustainable prices and managing sales and marketing. A cooperative could also provide a locus of quality control() 10 (a)r -10 () 10

itself, has helped reinforce operational authority. There are issues with operational authority, particularly the loss of mana as a regulator but this is a product of the right being embedded in settler law and wider forces of colonisation. However, in some respects this has helped maintain the stability of operational authority as well, with no question of who holds the right and how they gain it. The only area where the structure and exercise of operational authority is somewhat

has caused a loss of trust and legitimacy for some in the sector. For others, the vesting of the right in TRONT and the devolvement to kaitiaki r"nanga is seen as a restoration of mana, though the erosion of trust is apparent across the sector. The problems relating to enforcement manifested in both a black market of pounamu and an influx of foreign jade that many sector stakeholders took issue with.

Several carvers and kaitiaki believe the returned right is embedded in settler law and held by entities that are manifestations of settler law. Associated with this, several carvers and kaitiaki question



Another issue a number of sector stakeholders considered that the sector favoured commerce over culture, with perceptions that relatively low-quality carvings were being produced to feed the market. Former TRONT employees had a different perspective, considered that the NTP scheme was set up as a way of protecting pounamu, of encouraging commerce, culture and kaitiaki synergistically.

Because of issues with trust and legitimacy, as well as perceptions by some disaffected carvers that the scheme was expensive and unequitable, several carvers have chosen to operate outside the authentication scheme. A number referred to it as a 'tax'. Other participants however, considered the scheme was a means to increase the profit margins of carvers. Ultimately, however, many carvers view TRONT and the kaitiaki r"nanga as competition even though the scheme was set up with the purpose of giving competitive advantage to Ng! i Tahu carvers. The label 'authentic' was also seen as troubling by disaffected carvers and kaitiaki as it inferred the stone they harvested was not authentic while the stone harvested as a by-product of mining was authentic. However, the scheme was set up with the specific intention of protecting the authenticity of pounamu because of the black market and the foreign jade.

It is also believed that another reason many carvers work outside the scheme is that because there was nearly a century and a half without a strong and clear executive authority presiding over the

pounamu right a robust individualism has emerged in the sector. This analysis shows that while cultural match is important, it is not the only consideration and that the injustices and divisions of colonisation mean that trust must be rebuilt.

- Another means of whakawh! naungatanga and increasing mana suggested by carvers would be the creation of a traditional exchange network that enabled carvers to trade with one another and with other sectors of the Ng! i Tahu economy.
- Carvers also suggested that the authentication scheme needs to be adapted to fit current

While carvers also must compete in the free market, they do have a slightly clearer means by which they can exert some authority, or influence at least, over the market. Choosing to operate within the scheme provides them with a means of verifying the authenticity of the stone and, therefore, charge a premium.

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Critically, it seems that while there are several various issues with both industries which run the gamut from cultural to political to legal to economic, it seems that most of the more vexing problems emerge from the political sphere, which is to be expected as it is the institutional level that has control over the others. Crucially, it is also the sphere that has the most leeway in the settler state as both the legal and economic are relatively determined, while M! ori organisations are still able to structure and exercise authority with adegree of freedom. For this reason, the focus here will be on political authority, though there is the expectation that solutions to issues of authority will have cascading benefits for other institutional spheres. As outlined above, the creation of an executive authority for the would have cascading impacts on: cultural aspects, regarding organising forums for knowledge sharing and coordinating information gathering, legal aspects, such as

Authority	Industry	Political	Legal	Economic
Executive	T#t#	Challenging	Challenging	Challenging
	Pounamu	Coherent	Coherent	Coherent
Operational	T#t#	Coherent	Coherent	Challenging
	Pounamu	Challenging	Challenging	Coherent

While there are several generalisations made here and there is a wide degree of variation within and across the industries mapping the challenging or coherent structure and exercise of executive and operational authority across both industries and the political, legal and economic institutional spheres is useful. Though 'authority' is political it refers to the capacity to influence the legal and economic spheres as well so if there is issues with authority at a certain level it is likely to spill down the institutional framework, though this is not a hard and fast rule as these institutional spheres are not hermetic – for example in these cases the political, legal and economic spheres are all nested within settler state institutions.

The t## industry has a greater coherence at the operational level and authority is more challenging at the executive level, while the pounamu industry is the opposite, with greater coherence at the executive and more challenging authority at the operational level. This variance helps to explain the difference solutions offered for each industry. The t## industry needs the relative coherent operational authorities to band together to provide coherence at the executive level, particularly with regard economic challenges. Conversely, the pounamu industry requires the relatively coherent executive authority to try to bring the same coherence to the operational level through efforts to build wh! naungatanga and mana. Thus, the types of solutions to several different hap" and iwi development will depend on which level there is the most coherence and which level has the most challenges.

Executive challenges will require the development of an appropriate form of governance that is able to

Traditionally, M! ori governance was structured around a rangatira with both hereditary and personal mana who ruled a hap"; however, the structure of executive authority was relatively fluid and flexible – particularly around the constitution of groups and the rigidity of hierarchy. This means that there are a number of different options, from the union of different hap" into an iwi when there was a threat to the division of a single hap" into two to take advantage of different opportunities when resources were scarce, from the top-down, more hierarchical 'war-footing' structure for dire situations that require quick and decisive leadership and decision making through to the flatter, collective-

eventuated. Rather, M! ori organisations are caught between the continued regulation of their governance structures and the privatisation of key rights, such as fishing, that underpin their mana and economics. One structural issue that needs particular attention is the status of hap" as they have been largely subsumed by iwi. The "result of these new structures is political tension and instability between the iwi centers and their hap" periphery, as hap" seek to regain their customary political autonomy and the decentralization of assets to support economic activity at local scales" (Reid and Rout 2016b, 96). In their discussion Overall, Tapsell and Woods (2010), in reference to the traditional rangatira-potiki dynamic (examined in full below), discuss a governance structure that has a cultural match but also fits into the current context. Referring to an extant organisation, they (Overall, Tapsell and Woods 2010, 157) note its "dual governing bodies fulfils separate but complementary roles... Nga Ture fulfils the more traditional fiscal and legal advisory

situation is dire or requires innovative strategies, the transactional approach fits better with the operational challenges outlined in the pounamu industry, probably because it is not a crisis. The main suggestion here was for efforts directed at building trust, which can also be understood as the need to balance profit with the value of collective belonging through increase legitimacy of leadership, with an emphasis on communication.

Based on the traditional institutions of leadership, Mead (2006) has outlined pumanawa (talents) for contemporary leadership: 1. Manage, mediate and settle disputes

a direct relationship to traditional M! ori forms of leadership there are several similarities with many. For example, the peace time leadership style would have had elements of both democratic and laissez-faire while in more threatened times leadership would be more autocratic. This fluidity means it was situational, that the style changed to suit the context. M! ori leadership was always charismatic, with personal mana very much a product of an individual's charisma as well as their actions. Likewise, it was always bureaucratic in that it was defined and informed by tikanga at all times.

several interconnected threats to the continued operation in the settler economy: gradual 'leakage' of this capital back into the wider settler economy; and the potentially self-aggrandising nature of corporate-beneficiary model.

This report has examined how these threats can be avoided or at least ameliorated by proposing alternative models for hap" and iwi economic development. Generally, the path to successful development is considered to require both a cultural match with traditional M! ori institutions and contextual calibration to ensure they function well in the contemporary climate. While this report examined arrange of problems across the cultural, political, legal and economic institutional spheres it homed in on problems at the political level because they are being the most important to address, because they influence the other spheres, and the most addressable.

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