

## NEW ZEALAND

### Maori

Activity: 1945-2020

#### General notes

- The name of the group is also written as Māori in the literature. We use Maori in this document.

#### Movement start and end dates

- In 1840, the Treaty of Waitangi was signed by the British Crown and several hundred Maori chiefs. The exact contents of the Treaty are disputed because of differences between the English and the Maori version of the text, with the English version suggesting that sovereignty over New Zealand is ceded to Britain while the Maori version merely grants governance rights to Britain. Over the next decades, the Maori lost control of much of the land they had owned. There were several Maori protest movements aiming to undo the land theft by Britain and European settlers in the 19<sup>th</sup> century, including violent uprisings in 1845-47 and 1860-72 (Minahan 2002: 1176f; Walker 1984). After the land wars there were intermittent Maori attempts to reopen discussions on the Treaty of Waitangi and land rights, including in 1884 when the Maori king led a deputation to London and in 1894 when an organization called Te Kotahitanga introduced a Maori Rights Bill into the New Zealand Parliament that sought Maori control over land (MRGI). Further attempts followed throughout the 20<sup>th</sup> century (MRGI). For example, the religious Ratana movement, formed in 1918, demanded the ratification of the Treaty of Waitangi and therefore the protection of land rights (New Zealand History).
- In 1962, the Maori Council was established by the New Zealand government as an advisory body for the representation and consultation with the Maori people. The Maori Council repeatedly raised land rights issues over its 50-year history among other issues (New Zealand History; Walker 1984: 275).
- Hill (2016) suggests that modern Maori activism began in the late 1960s. In 1968, the Maori Organisation on Human Rights (MOOHR) was formed, which published a newsletter that helped raise awareness about the Treaty of Waitangi (New Zealand History). In 1970 Nga Tamatoa was formed, a group making claims for Maori language and land rights. In 1975 there was a large-scale protest, the Maori Land March (Walker: 276ff; Minahan 2002: 1178). The 1980s saw increased calls for Maori sovereignty (MRGI). The Maori continued to claim land rights and increased autonomy in subsequent years (Hill 2016). Prina (2020: 428) suggests that Maori aspirations for autonomy tend to focus on managing their own affairs such as social service provision.
- Overall, the first evidence for organized claims for land rights we found is in 1845. The evidence we have collected is not fully clear whether the 10-year inactivity rule is always met; however, land rights activism was of a more or less continuous throughout the latter half of the 19<sup>th</sup> century, the 20<sup>th</sup> century, and the 21<sup>st</sup> century. 1845 is accordingly coded as the start date. The movement is coded as ongoing. [start date: 1845; end date: ongoing]

#### Dominant claim

- Maori claims are focused on land rights and regional autonomy (Hill 2016; MAR; Minahan 2002; MRGI; Osipov 2022). [1945-2020: autonomy claim]

## **Independence claims**

- On October 1835, various Northland chiefs primarily from the Ngapuhi (Maori) tribe signed the Declaratoin of the Independence of New Zealand, proclaiming a United Tribes of New Zealand. This was reversed in 1840.
- In more recent years, there were ambiguous claims for “sovereignty”. According to MRGI, the 1980s saw a “growing demand for Maori sovereignty [...emphasizing] the necessity for the acknowledgement that New Zealand is Maori land, and that confiscated land be returned to Maori”. MRGI furthermore suggests that a small group of Maori militants “continued to press for a version of sovereignty” after 1995. Similarly, there are reports of attempts to establish the illegality of New Zealand governments’ “authority to govern” with legal debates over whether Ngapuhi ceded their sovereignty in 1840 (Warne 2014). The exact meaning of sovereignty in this context is not clear; while it could refer to outright independence, the most likely goal is a form of territorial power-sharing and maximal territorial self-determination (Adams 2021; Warne 2014). [no independence claims]

## **Irredentist claims**

NA

## **Claimed territory**

- It is not entirely clear which specific territories the Maori movement has claimed. According to MRGI, most Maori land claims revolve around “three-quarters of South Island and large tracts of North Island”. More specific statements are difficult to find. We flag this territorial claim as ambiguous and code it based on a historical map of land confiscations by Keenan (2017).

## **Sovereignty declarations**

NA

## **Separatist armed conflict**

- We found no reports of separatist violence, hence a NVIOLSD classification. [NVIOLSD]

## **Historical context**

- Polynesian migration to New Zealand began ca. 800 years ago. Europeans started to arrive in the late 18<sup>th</sup> century and were initially welcomed by the Maori. Britain assumed official control of New Zealand in 1840 under the terms of the Treaty of Waitangi, signed by Maori representatives and Queen Victoria. The exact terms of the Waitangi Treaty are disputed. The first clashes with Europeans over land encroachments and dispossessions, called the First Maori War, occurred shortly thereafter (Hill 2016; Minahan 2002: 1176f; MRGI).
- Several Maori tribes elected a new king in 1857 and formed a Maori state. Clashes over land with Europeans occurred in the 1860s, mainly on the North Island. In 1872, the last Maori warrior bands were defeated and large tracts of Maori land were confiscated. In 1881, European colonization was also opened to the “King Country” in the west-central part of the North Island. The New Zealand government subsequently initiated cultural assimilation policies (Minahan 2002: 1177f). Within 60 years of British annexation, most tribal land had been lost to the colonizers (Hill 2016).

- In 1877, a judge declared the Treaty of Waitangi “worthless” because it had been signed “between a civilized nation and a group of savages”. In the early 20<sup>th</sup> century, the Privy Council overturned many of the declarations from 1877 (New Zealand History).
- A 1926 royal commission into the land confiscations of the 1860s found that some confiscations had been excessive and recommended compensation; however, no land was returned (New Zealand History)
- We found no concessions or restrictions in the ten years before the movement start date.

## **Concessions and restrictions**

- The 1953 Maori Affairs Act “forced unproductive Māori land into use. Anyone who could show the Maori Land Court that a piece of good land was not being used could apply to have it vested in trustees” (New Zealand History). The act facilitated further land grabs. [1953: autonomy restriction]
- In 1962, the Maori Council was established by the New Zealand government as an advisory body for the representation and consultation with the Maori people. The Maori Council repeatedly raised land rights issues over its 50-year history among other issues (New Zealand History; Walker 1984: 275). We do not code a concession due to the advisory nature of the Council.
- In 1967 the Maori Affairs Act was amended. The amendment “introduced compulsory conversion of Māori freehold land with four or fewer owners into general land. It increased the powers of the Maori Trustee to compulsorily acquire and sell so-called uneconomic interests in Māori land. Māori worried that the law would result in further alienation of what land remained. A member of the Maori Council called this the ‘last land-grab’. There were strong protests, including street demonstrations” (New Zealand History). [1967: autonomy restriction]
- In 1975 the Waitangi Tribunal was established “as an ongoing commission of inquiry to hear Māori grievances against the Crown concerning breaches of the Treaty. The legislation limited the scope of inquiry to grievances occurring after 1975, and it empowered the Tribunal to make findings of fact and recommendations only, not binding determinations” (New Zealand History; also cf. MRGI). We code a concession in 1975 because the Tribunal increased land rights protection, but note that this is ambiguous due to the advisory nature of the Tribunal. (That said, MRGI notes that while the Tribunal’s findings are not legally binding, its recommendations “are generally respected by society.”) [1975: autonomy concession]
- In 1985 the Tribunal’s jurisdiction was extended to investigate land claims back to 1840 (MRGI; New Zealand History). [1985: autonomy concession]
- In 1986 the State-Owned Enterprises Act incorporated a reference to the Treaty of Waitangi. More than 40 statutes have since referred to the Treaty. As a result, courts could determine whether the principles established by the treaty including land rights protection are being appropriately applied. The 1987 Landmark court case, which established that the Crown must pay heed to previous Maori ownership when disposing of surplus Crown assets including land, is an early example of such a court case (New Zealand History). [1986: autonomy concession]
- Maori gained recognition as one of New Zealand’s official languages in 1987 through the Maori Language Act. Maori speakers gained the right to use their language in legal settings such as courts. [1987: cultural rights concession]
- In 2003 the Court of Appeal ruled that Māori could seek customary title to areas of the New Zealand foreshore and seabed, overturning assumptions that such land automatically belonged to the Crown (MRGI). [2003: autonomy concession]
- In 2004, the Foreshore and Seabed Act was passed, which curtailed Maori rights over foreshores and seabed by vesting their ownership in the Crown (New Zealand History). [2004: autonomy restriction]
- In 2011, the 2004 Foreshore and Seabed Act was repealed and replaced with the Marine and Coastal Area (Takutai Moana) Act 2011. This restored the right of the Maori to gain legal recognition of their customary rights in the marine and coastal area through the courts or through negotiation with the government (Sharpe 2020; Leonard 2021). In 2020 the Waitangi Tribunal found that the Act failed to provide adequate information about the Crown engagement pathway for applicants, and that it breached the Treaty of Waitangi by not funding all reasonable costs

incurred by an applicant (Hurihanganui 2020). Still, the Maoris' land rights increased, so we code a concession. [2011: autonomy concession]

### **Regional autonomy**

- While there have been some concessions regarding land rights, the Maori cannot be said to have meaningful regional autonomy (cf. Hill 2016; EPR). [no regional autonomy]

### **De facto independence**

NA

### **Major territorial changes**

NA

### **EPR2SDM**

<i>Movement</i>	Maori
<i>Scenario</i>	No match/1:1
<i>EPR group(s)</i>	Maori
<i>Gwgroupid(s)</i>	92001000

### **Power access**

- EPR coding notes suggest that the Maori had no representation in the executive until 1972, but have had more or less continuous representation in the national executive ever since then. Following EPR, we code the Maoris as powerless until and including 1972 and as junior partner from 1973 onward. [1945-1972; powerless; 1973-2020: junior partner]

### **Group size**

- EPR suggests a relative group size of 13.85% (until 1995) and 14.6% (after 1996) while MAR suggests 15%. MRGI suggests 14.9%. Minahan (2002) suggests there were 468,000 Maoris in 2002, or approx. 12% of New Zealand's population of 4 million in 2002. We rely on EPR. [1945-1995: 0.1385; 1996-2020: 0.146]

### **Regional concentration**

- EPR suggests that the Maoris are dispersed across the country while MAR suggests the Maori are primarily urban or a minority in a region. Minahan (2002: 1174) suggests that 90% of the Maori population live on the North Island, but that they do not make up a majority there. MRGI suggests that until WWII, most Maori still lived in rural areas, mainly in the North Island. After the war, Maoris increasingly migrated to cities in search of employment, and by the 1990s more than 80% of the Maori lived in urban areas. [not regionally concentrated]

## Kin

- Neither EPR, MAR, nor Minahan (2002) suggest transborder ethnic kin. [no kin]

## Sources

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