Title: Localising Neoliberalism: Indigenist Brokerage in the New Zealand University

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Abstract:

The examination of indigenist interests in the New Zealand university is framed by a theoretical understanding of indigeneity as a strategy in regulating social organisation and resource management in neoliberal global capitalism. Three stages of the brokerage of indigenist interests are identified. These are: the production and representation of indigenous knowledge; the use of Treaty of Waitangi partnership and principles to connect the tribe and the university; and the use of specific policies and practices to put the Treaty principles into operation. Studies of the penetration of Treaty compliance into everyday university operations, exemplified in the analysis of indigenous knowledge discourse and university policy documents, are used to demonstrate the brokerage of indigenist interests and the tensions that result from that brokerage.
1. Introduction

This paper explores the thesis that legal and administrative processes in the neoliberal era support the type of indigenous politics identified by Luisa Steur as ‘indigenism’; that is, ‘the cultural identity politics of indigenous people where class is the determining element in identity construction and political alliance building’ (Steur, 2005, 175). The example of indigenist politics is from New Zealand and focuses on the connection between the interests of the Maori corporate tribe and those of the university, an institution corporatised during the 1990s (Olssen, Codd and O’Neill, 2004; Olssen and Peters, 2005). I argue that the connection is framed by shared neoliberal interests. Firstly, both parties have interests in the production and reproduction of the indigenous knowledge commodity as a resource for the higher education global market. For indigenist interests, managing indigenous knowledge gives the tribe control of a resource in that market. More significantly however, is the control of the production of knowledge-based technologies involving primary economic resources owned, or claimed for ownership, by the tribe; resources such as land, water, minerals, and the foreshore and seabed. For the university, the inclusion of the production and reproduction of Maori indigenous knowledge increases its market share of stakeholders and consumers. In addition to common interests in the business of knowledge production and reproduction, the indigenist corporate tribe and the university operate in the same global marketplace. This means that both parties are subject to the same neoliberal regulatory regime.

The purpose of this article is to focus specifically on how the connection between the corporate tribe and the university occurs. In other words, how are indigenous interests institutionalised in university processes and what tensions arise as a consequence? Using policy documents as evidence of this institutionalisation I identify three stages of brokerage which develop and embed the necessary legal and administrative processes. The first stage involves the production
and representation of indigenous knowledge. The second stage is the role of the Treaty of Waitangi partnership and principles in connecting the tribe and the university; a connection justified by the 1989 Education Act requirement ‘that it is the duty of University Councils to acknowledge the principles of the Treaty of Waitangi’ (Section 181(b). The third brokerage stage is the use of specific policies and practices to put the Treaty ‘acknowledgement’ into operation. Two examples are used to illustrate the comprehensive nature of the policies. The first, an account of a Treaty audit at the University of Otago, shows how the university’s adherence to the legislation is monitored. The second, from the University of Auckland’s Strategic Plan, is an account of the detailed way in which the legislative adherence is put into operation including into requirements for ethics approval to undertake research.

2. Neoliberalism and Indigenism

The contemporary interpretation of the 1840 Treaty of Waitangi is that a ‘partnership’ exists between the revived tribes and the New Zealand government. Widespread acceptance of the idea of partnership was based on the bicultural ideals of social justice for Maori people. Treaty grievance settlements for historical injustices were intended to redistribute economic and social benefits, while the inclusion of the Treaty principles into state institutions, such as education, justice and health, would give effect to the partnership and bring Maori fully into New Zealand society. The understanding of these processes as progressive is supported by a broad liberal-culturalist approach (Steur, 2005). This includes: the ‘recognition of difference’ literature (for example, Kymlicka, 1995; Young, 2000), indigenous literature (for example, Smith, 1999; Battiste, 2000; Grande, 2004; Kovack, 2009; Kuokkanen, 2007), reconciliation literature (for example, Barkan, 2000; Jansen 2009); decolonisation and self-determination literature, for example: Durie, 2003; Mulholland 2006; O’Sullivan, 2007; Mulholland and Tawhai, 2010).
In contrast to liberal-culturalism, a political economy approach - the approach used in this discussion, theorises the shift to identity politics, including indigenism, within the fundamental changes that occurred to global capitalism in the final decades of the twentieth century. According to Turner (2003), capital’s new project, ‘neoliberalism, is founded upon the substitution of the market for the nation-state as the hegemonic ideological and political-economic framework for political society’ (p. 62). The new order is characterised by the de-hegemonisation of the West (Friedman, 2000) and its accompanying occidentalism (Buruma and Margalit, 2004), ideological shifts contributing to the weakening of the nation-state. This left some elements of the middle-class, the working class, and marginalised social groups with ‘no project other than individual commodity consumption as the instrument of production of personal social identity’ (Turner, 2003, 58). Others, however, turned to projects that drew on pre-democratic political units of religious, ethnic or historical forms of identity to secure social cohesion. The rise of indigenous identity and the politics of indigenism are part of this latter movement (Friedman, 2000).

The global neoliberal political framework has profound effects on social organisation at the local level. Alsayyad and Castells (2002) refer to these changes as a ‘decoupling between the instrumentality of the state (i.e. citizenship) and the ethnic, cultural, and historical roots of identity’ (p. 3). By disrupting the ‘collective class project of the historic modern middle class’ (Turner, 2003, 58), one sited in the modern nation-state, the various processes associated with capital’s de-centralisation contribute to neoliberalism. ‘The development of new schemas of hegemony, unity, and opposition among polarized segments of the middle class and elements of the working class and marginal social groups’ (Turner, 2001, 58) are part of this process.

Indigeneity is one of the new schemas, yet it is one riven with contradictions. On the one hand,
the use of indigenous politics as a defence against dispossession aligns with progressive politics; the view of liberal-culturalists. 'In the preferred narrative of the indigenous peoples’ movement, indigenous people are the victims of capitalist processes intruding from the outside’ (Li, 2010, 397). But indigeneity also serves the capitalist market, and has done so throughout the capitalist era. In fact, indigeneity is a part of capitalism as Tania Li’s (2010) account of indigeneity as a legal and administrative process from early colonial times shows. Communal ideologies are used to fix people to land and to control access to, or exclusion from, the market. It is a process that occurs today, and in the New Zealand case I discuss, one that involves the inclusion of indigenous knowledge into the university by Maori tribal groups and from there, into the higher education market.

Indigeneity is one of the ideologies used to regulate both the integration of the workforce and the integration of resources into the global market. It continues the process of management strategies and systems that Li (2010) traced to the early colonial period. However, unlike the colonial period, when capitalism was regulated within the nation-state framework and indigeneity was weakly framed; that is, when assimilation into the nation-state was stronger and indigenous identity weaker, the neoliberal era is characterised by the strong framing of indigeneity. Bernstein's use of ‘classification’, ‘framing’ and ‘regulation’ (2000), are useful explanatory concepts in explaining indigeneity' new regulatory force, the result of its strong framing as a classification device in the post-1970s’ period. In this process, indigenous identification acts as a class device, as indigenism, by fixing social groups and their resources in various configurations within capitalism. Larson and Zalanga, (2003, 94-5) in their account of indigenism in Malaysia and Fiji, observe how indigenous rhetoric serves as a political strategy in this class division process. The ‘tension between class and ethnicity in relation to the emergence of indigenous capitalists (is) managed by downplaying the class-basis for political mobilization’ (2003, 94-5).
Within the classed indigenous group are those on the fringe of the capitalist economy; unemployed, expendable, and fixed in a localised ahistorical present; for whom ‘protection and incarceration are two sides of the same coin’ (Li, 2010, 399). This is the indigenous underclass of rural aboriginal Australia, described by Sutton (2009), and the Maori underclass in New Zealand, a group characterised by inter-generational unemployment, low literacy, and poor education. In his account of this group, Chapple (2000, 115) adds, ‘there are probably also sub-cultural associations with benefit dependence, sole parenthood, early natality, drug and alcohol abuse, physical violence, and illegal cash-cropping’. In contrast, the indigenous elite, those who control and manage the inclusion of resources into the global market, join the ‘globally oriented elites that constitute the hegemonic segment of the middle class (that has) no ideological need for identification with the state, much less the rest of the nation, for the legitimation of political and economic dominance’ (Turner, 2003, 56). Friedman (2003, 18) refers to the increasing class division ‘between central actors and the grassroots’, between ‘a travelling class of tribal representatives as opposed to those who stay at home’, as the ‘interaction of globalization and fragmentation drives a class wedge through the ethnic groups themselves’.

The promotion of indigeneity as a non-Western movement, despite it being a constituent in the management of capitalism, leads to multi-faceted contradictions that affect the way the movement is understood. In Steur’s view (2005, 175) ‘liberal-culturalist intellectuals know that indigenist politics is inherently problematic, but keep critical theorisation to a minimum to avoid exposing the movement to the (always external) enemy’. This problematic is demonstrated in the New Zealand case. On the one hand, the recognition of Maori as indigenous people with rights that are recognised in the post-1970s’ Treaty of Waitangi historical settlements supports the liberal-culturalist understanding of indigeneity as a progressive force. However, as I discuss in the next section, the distribution of the settlements lends support to the
explanation of indigeneity as a strategy to regulate social organisation and resource management in a neoliberal environment. It acts to include an elite class faction in a strengthened indigenous identity, one that provides access to Treaty settlements and to the indigenous knowledge resource.

3. The Indigenous Voice

In New Zealand the tribe, rather than non-tribal Maori, is recognised as the recipient of Treaty historical grievance settlements. This has direct consequences for settlement distribution because to be eligible for those settlements, one must belong to a tribe, an affiliation which requires proof of genetic ancestry. Tribal affiliation also affects who is considered indigenous and who is not. As Li observes, ‘in many contexts, the only properly indigenous person is a person embedded in a group and a place’ (2010, 395). Descent from a Maori ancestor, however distant, establishes continuity between the present and the past. A number of Maori leaders have stressed genealogical kinship as the primary criteria for a Maori identity. For example, Apirana Mahuika, regards ‘Whakapapa (genealogy) as the heart and core of all Maori institutions, from Creation to what is iwi (tribe). Whakapapa (genealogy) is the determinant of all mana rights to land, to marae (meeting place), to membership of a whanau (extended family), hapu (sub-tribe) and, collectively the iwi (tribe). Whakapapa (genealogy) determines kinship roles and responsibilities to other kin, as well as one’s place and status within society’ (Mahuika cited in Sharp 2002, 20).

Not surprisingly, the recognition of the tribe as the Treaty recipient has seen an increase in tribal affiliation. In the 2006 census, of those who identified as Maori, ‘17% reported no tribal affiliation’ (Gill, Pride, Gilbert and Norman 2010, 19), down from the 25-30% who claimed no
tribal affiliation in the 2001 census (Statistics New Zealand, 2002). Significantly, given the redistributive goals of the Treaty settlements, it is a group that includes ‘some of those most disadvantaged in society’ (Gill, et. al., 2010, 19). Further compounding the re-distribution goals is that Treaty settlements ‘risk being captured by the considerable number of Maori who already have jobs, skills, high incomes and good prospects’ (Chapple, 2000, 115). The issue of tribal responsibility for the development of social justice programmes for disadvantaged tribal Maori remains unresolved. Gill et. al. (2010, 19), in their reference to the evolving sophistication of tribal organisations, observe that ‘Treaty settlements mean iwi can increasingly focus their attention on wealth generation and distribution’ yet note that ‘priorities differ among iwi, on social development’. It is difficult to know ‘where is the line between the responsibilities of the state and those of iwi?’

The recognition of the tribe as the Treaty settlement recipient led to its increasing role as the representative of Maori society, that is, as the indigenous voice linking genealogy to territory. In terms of the inclusion of the Treaty into the university, the subject to which I now turn, ‘the duty of University Councils’ to ‘acknowledge the principles of the Treaty of Waitangi’ (1989 Education Act, Section 181[b]) established the legal process that has seen the subsequent brokerage of tribal interests through an indigenous ideology. I identify the first brokerage stage as the production and representation of the indigenous ‘voice’, one created in relation to its separation from ‘Western knowledge’. The second stage established the nature of the relationship as that of a Treaty partnership between the representatives of indigenous and coloniser knowledges. The third stage occurred as the various strategies, policies and practices of partnership were developed. Examples to illustrate each stage are taken from my ongoing research project investigating processes of ethnicisation in New Zealand universities. The material for the study was obtained using several methodologies: discourse and document analysis of material from published or publicly available official resources, case studies using
material from those sources, and material drawn from already published literature. Some of the research has been published in Openshaw and Rata (2007; 2008), while the unpublished research, from which the brokerage examples are taken, is in Rata (2009).

Brokerage is a useful concept to describe how the indigenism-university relationship is linked and mediated so that new power relations develop between the parties. Significantly the brokerage process itself transforms power. According to Burt (1992, cited in McAdam, Tarrow and Tilly, 2001, 142), ‘brokerage produces new advantages for the parties, especially for the brokers’. While the brokerage stages are overlapping, they are also cumulative. Each stage contributes to and re-shapes the next stage, and at the same time, transforms the brokers and the power relationship between the parties. The outcome was to bring tribal Maori directly into the higher education market as the indigenous voice, one connected to the global indigenous movement that has developed since the 1980s. This is acknowledged by the Pro Vice-Chancellor (Maori) at Massey University, who noted that;

in exercising their indigeneity, Maori might wish to establish closer relationships with many other groups, apart from the Crown, including other indigenous peoples, even to sign treaties with them. The Treaty of Waitangi gives expression to one relationship – with the Crown – but it would be short sighted not to explore other relationships and to see how other groups living in modern states are able to reconcile conflicting principles of citizenship and indigeneity (Durie, 2001, 8).

This idea of a direct indigenous-global interaction may be contrasted with the pre-1970s’ era where access to the world occurred first through assimilation into the nation. A person entered the international arena with a national identity as a New Zealander.
4. Producing and Representing Indigeneity

The first stage of the neotribal elite’s brokerage was the production and representation of the coloniser-indigene difference. ‘Maori worldviews, like those of many indigenous people, are based on values and experiences that have evolved over centuries. They form the basis for a knowledge system that is distinctly different from other systems such as science and the Judaeo-Christian philosophies’ (Durie 2003, 13). The attraction of such a ‘beguiling binary’ ‘built around the notions of collective categories eternally in conflict’ (Cannadine, 2008, 34) is demonstrated by ‘working the colonizer-indigene hyphen’ so that the binary remains permanent (Jones and Jenkins 2008, 473). This is an argument for the maintenance of a permanent tension in an ahistorical present between two groups regarded as separate on the basis of different ethnic heritages and, ironically, of different historical colonial experiences. According to Jones, ‘in indigene-coloniser research and teaching work, the hyphen is to be protected and asserted and is a positive site of productive methodological work’ (Jones and Jenkins 2008, 475).

However, not all academics agree. Historian Kerry Howe, refers to the bifurcation into ‘western/indigenous’ as a

dark ages for serious scholarship in Pacific and more especially in Maori history with serious consequences for Maori historical scholarship. With regard to Maori history there is little study of the Maori population before contact, nor its subsequent demographic fate. No one has yet studied its medical history in detail. There is little study of Maori economic history (2009, 22).
What took the place of that serious scholarship according to this view, was the revisionist history used to support Treaty claims and to ‘fit into the modern retribalising mindset’ (Butterworth 2006, 191). Butterworth’s (2006) ‘exploration of the historical evidence’ (p. 187) regarding views about health provision to Maori and the ‘putative link between land selling and land loss’ (p. 190) is a clear rejoinder to ‘New Zealand’s new historiography by which historical material is used to serve that nation’s culturalist ideology’ (p. 186). He refers to the consequences of the new historiography, saying that ‘in the historical and Maori minds, population decline and land loss have been inextricably linked, an interpretation taught as fact in the nation's schools and universities’ (p. 188). It contributes to the belief that the

historical experience has led to significant socio-economic disparities between Maori and non-Maori today (and) it validates and animates the “grievance mentality” of that powerful faction of Maoridom which benefits most from the historical reparations of recent decades that have seen sizeable amounts of land and money awarded to revived tribes (2006, 186).

The commitment by universities to ‘indigenous knowledge’ (in 2010 the University of Auckland appointed the discipline's first professor), has also been strongly criticised. (See, for example Peter Munz’s [1994, 1999, 2000] critique of the writings of Anne Salmond, Mason Durie and Linda Smith.) Munz calls Mason Durie ‘mistaken’ in believing that Maori knowledge and scholarship are equally valid systems of knowledge, and that Maori research should be by Maori for Maori (1999, 5). According to Dannette Marie and Brian Haig

a significant feature of the politicisation of science in New Zealand involves the requirement that research scientists uncritically accept the tenets of relativism that the
ideology of biculturalism harbours and the Maori renaissance project actively promotes. These tenets of relativism can be observed in the notion that the epistemic worth of ‘Maori knowledge’ can only be comprehended and evaluated from within the Maori cultural framework (or world-view) (2009, 117).

5. Partnership

Treaty partnership is the second stage of brokerage politics. It defines how the indigenous voice is to be represented and received, and interprets the Education Act's ‘acknowledgement’ as the acknowledgement of partnership. Throughout the 1990s, there was a rapid increase in the number of positions for Maori representatives in university structures to represent the Treaty partner. These ranged from positions on course development committees, to ethics and funding committees, to the senior management position of pro vice-chancellor (Maori). Yet, as with the idea of indigenous knowledge, that of a Treaty partnership also has its critics, not least because the concept of a Treaty partnership was developed as recently as the mid-1980s. The principle of partnership was first identified explicitly in the Waitangi Tribunal’s Manukau Report (1985) (TPK 2001, 80). Its inclusion in a 1987 Court of Appeal decision which likened the relationship between the tribes and the government to a partnership (TPK 2001, 78) gave the concept widespread legitimacy, even though the Court had stated that the Treaty established a relationship ‘akin to a partnership’ (TPK 2001, 78), not that it was a partnership. However, from that Court of Appeal statement, ‘partnership’ discourse moved quickly into general use. In the university, it became generally accepted that the requirement to ‘acknowledge the principles of the Treaty’ was to acknowledge an implicit partnership.

However, the acceptance of adherence to the Treaty was not universal. Studies I undertook with
Roger Openshaw (Openshaw and Rata, 2007; 2008), document cases of concern about, even resistance to, ‘Treatyism’, and to culturalism more generally in the university. A more recent example of that disquiet appeared in the pages of the University of Auckland’s alumni magazine, 

Ingenio (2009). In the magazine’s Opinion piece responding to previous commentary (Rata, 2007) and correspondence, Emeritus Professor Jock Brookfield (2009), former Dean of the Faculty of Law at the University of Auckland and a Treaty scholar, discussed the way in which ‘acknowledging the Treaty’ has been interpreted by the stronger ‘adhering to’. He asked: ‘Is a university required under the Act to “adhere” to the “principles” of the Treaty, with whatever implications that may have?’ He expresses concern that ‘it has “taken on a political position” that might in some situations impede the free exercise of the critic and conscience role’. ‘Fortunately a university is not so bound. The Statutory requirement (s181) is not that it “adheres to” the Treaty principles, but that it “acknowledges” them. This admittedly vague requirement has the merit that it leaves a university free to maintain (as it should) Western ideals that some too easily dismiss as perogatively monocultural and in need of radical, even revolutionary reform.’

6. The partnership in operation

The third stage that I identify in the brokerage of indigenism into New Zealand’s public institutions is the stage of operationalising the partnership, one that suggests that ‘adhering to’ the principles of the Treaty is more the case in practice than that of a weaker ‘acknowledgement. It builds on the production and representation stage and the Treaty partnership stage by developing specific mechanisms and processes for the institutionalisation of indigenous politics. In the following section, I discuss two examples of these mechanisms; the first example, from the University of Otago, concerns a Treaty audit (a ‘stocktake’) and shows
how Treaty ‘acknowledgement’ required by the 1989 legislation is developed at the strategic level. The second example, from the University of Auckland, is used to show the workings of Treaty ‘acknowledgement’ at the operational level. The examples show how specific forms of new public management, for example, performance indicators tied to strategic goals, compliance procedures, audits, stakeholder interests and monitoring, contribute to the efficacy of brokerage politics.

‘In June 2005, the University of Otago commissioned a stocktake report to establish the University's current position with regard to its Treaty of Waitangi obligations, aspirations and responsiveness' focussing on ‘key initiatives and programmes developed and implemented over the past five years’ (Kapa, 2005, 1). The audit evaluated the university’s ‘ongoing commitment to its Treaty partner – Ngai Tahu and other iwi (tribes) with whom the University may enter into a formal partnership’ (Kapa 2005, 1). The stocktake found that participants 'had a sound awareness of the Treaty principles and the University initiatives' which ‘included particular agreements, policies, positions, committees/ groups, organisations, services, scholarships, events, professional development opportunities and funding’ (Kapa 2005, 2). It showed that ‘much activity has been taking place across different parts of the University, both at a strategic level and an operational level’. However the report, with reference to ‘the fulfillment of responsibilities arising from a 1998 Treaty of Waitangi Audit’, notes that ‘while progress has occurred, it has not occurred with a consistent and agreed framework of forward-looking, high level strategic planning’ (Kapa 2005, 3).

The report makes very detailed recommendations, for example: ‘Inclusion of Treaty obligations in Charter and Profile’; MoU (Memorandum of Understanding) with Ngai Tahu, Ngati Porou and Ngati Whatua (names of tribes-author’s note); Maori Research Consultation Policy; Treaty of Waitangi Committee; Professional development for staff on the Treaty of Waitangi' (Kapa 2005,
The ‘local Treaty partner’ is to be involved ‘in the University’s strategy and policy development, decision-making, research consultation, joint developments, evaluation, advisory and support structures, and services’, and ‘the University (is to) continue to build its capacity to respond to its Treaty of Waitangi responsibilities in all Divisions and at all levels of the organisation to ensure that its responsiveness is institutional wide’ (Kapa 2005, 13).

However, a recent (2009) document suggests a nascent critique. The ‘Research Consultation with Maori Policy’ (2009), while conforming to Treaty partnership commitment: i.e. ‘the University of Otago has a commitment to partnership consistent with the Treaty of Waitangi’ also states that: ‘Both partners (i.e. the University and Ngai Tahu) acknowledge the principles of academic freedom and the University’s role as a critic and conscience of society’, a legislative requirement according to Section 162(4) of the 1989 Education Amendment Act. The next sentence suggests that a new negotiation of the power relationship between the university and the tribe may be underway: ‘Ngai Tahu acknowledges that the consultation process outlined in this policy provides no power of veto by Ngai Tahu to research undertaken at the University of Otago’ (2009, 1-2). That it is necessary to state the tribe cannot ‘veto’ research suggests either that it has attempted to do so or has actually done so, or that there are concerns that veto is a possibility.

The University of Otago is not alone in developing Treaty policies that operate at all levels of university life. Other New Zealand universities also have Treaty ‘acknowledgement’ systems which include university-wide strategic plans through to compliance and auditing practices at departmental level. For example, Victoria University of Wellington has adopted the ‘principle-based framework adopted by Council to discharge its duties under the Treaty of Waitangi’ (Treaty of Waitangi Statute Governance Policy, 2009). Each Treaty principle has a number of associated tasks against which the university can measure its ‘acknowledgement’.
The University of Auckland’s Strategic Plan provides an example of the level of detail to be found in university Treaty policies. According to the Plan, the university will ‘fulfill the responsibilities and obligations of the University under Te Tiriti o Waitangi’ (*Treaty of Waitangi*) (Strategic Plan, Objective 10, 2006). This includes recognising tribal interests. ‘The University will place greater emphasis on the development of productive and mutually supportive relationships with mana whenua (*indigenous authority*) iwi Maori (*tribal Maori*), and Maori organisations. The University will develop relationships to identify shared aims and aspirations and to develop, implement, and monitor programmes which achieve those aims and aspirations’ (Strategic Plan, Objective 10, 2006).

The Strategic Plan demonstrates in some detail how the mechanisms of monitoring and auditing operate. The ‘actions’ required under Objective 10 include: ‘develop and implement strategies to assist all staff and students to have a knowledge and understanding of Te Tiriti o Waitangi relevant to their disciplines’. Another ‘action’ states how this performance will be audited. ‘Regularly assess the performance of the University against its responsibilities and obligations under Te Tiriti o Waitangi.’ (Strategic Plan, Objective 10, 2006). How this will be undertaken at faculty level is demonstrated by the Faculty of Education’s policy to meet Objective 10 through ‘the management of its resources, in the employment of staff, selection of students and the development and delivery of programmes and services’ (Faculty of Education, 2008, 1). The shift from ‘acknowledgement’ in the legislation to such a comprehensive system based upon an ‘adhering to’ interpretation, one referred to by Brookfield above, occurs at the point where Treaty ‘partnership’ is treated as uncontested and ‘read into’ what is being acknowledged. Accordingly ‘the principle of partnership is derived from the original Treaty Partnership and from an education perspective, places an obligation on the faculty to include Maori in the design of Faculty of Ed policies, and strategies.’ (Faculty of Education, 2008a, 1).
The following example from the university's human ethics requirements demonstrates how 'adherence' in the Strategic Plan affects academic research. The university document 'Guiding Principles for Research' draws the attention of applicants to the University of Auckland Charter (Section 2.3.3) 'which acknowledges the Treaty of Waitangi' (Guiding Principles for Research, 2006, 2). This establishes the requirements that research outcomes will 'directly or indirectly benefit Maori' (Applicants’ Manual, 2009, 20). Research is

To empower and build capacity' (which) 'may be by means of: Developing a partnership between whanau (extended family), hapu (sub-tribe), or iwi (tribe) and the university researchers and: Involving Maori in the organisation, management, and conduct of the project (Applicants’ Manual, 2009, 20).

The applicant must: 'Explain how the intended research process is consistent with the provisions of the Treaty of Waitangi'. (Application Form, 2009, 12). Compliance with the Treaty is monitored by the required consultation process and the need for authorisation from the Pro Vice-Chancellor (Maori). The Manual gives detailed instruction about the appropriate Maori groups with whom to consult. Names of local tangata whenua (indigenous people) are available from the Office of the Pro Vice-Chancellor (Maori) along with advice on how to consult and people who can help in the consultation process. The Manual’s reference to the impact of research on the Maori community, with many 'over-burdened' with consultation requests, suggests a well-entrenched practice.

Ethics committee approval (and the prior agreement from the Maori community) is required for research that may be considered ‘a topic of particular interest to Maori’ (Applicants’ Manual,
This has considerable implications given that almost any topic might be considered of ‘interest’. A further requirement embedding Treaty politics into research is the requirement that researchers declare their tribal affiliation. ‘If the research involves participants who are recruited because they are Maori (or the research involves a topic of particular interest to Maori) the Maori researcher should list his or her tribal affiliations (pepeha); if the researcher is non-Maori he or she should state his or her background’ (2009, 10-11).

The innocuous term, ‘background’ can only mean ‘genetic heritage’ (i.e. race). While a person can become a New Zealander, one cannot become a Maori. Despite the contemporary emphasis on the social construction of ethnicity, ethnic background makes little sense unless biological descent from the historical ethnic group is included. This is recognised in the Canadian definition of ethnicity which, unlike Statistics New Zealand (2005), does include the word ‘race’ (Statistics Canada, 2010). Yet the idea of ‘race’ as genetic descent may be seen in any number of New Zealand examples. In order to be on the Maori electoral roll for instance, one must be a ‘Maori’, which is defined as ‘the descendant of a Maori’. Maori educational scholarships require evidence of genealogical descent as well as cultural identification and applications for Health Research Council Maori Health Grants state that the ‘applicant must be of Maori descent’ (HRC Maori Grants, 2010).

According to the various liberal-culturalist understandings of ethnicisation in the contemporary period, Treaty policies and practices such as those exemplified above are progressive and concerned with safe-guarding indigenous rights. Different and opposing approaches are considered to be hostile to Maori interests (Opensaw and Rata, 2007; 2008). Yet according to Marie and Haig, the ‘rights-based approach’ to research that kaupapa Maori represents is more about auditing and compliance than acquiring evidence of the reality experienced by Maori
people. They argue that:

the functional significance of a ‘rights-based approach’ is not in its attainment of evidence, but in its auditing role that ensures that New Zealand research institutions, organisations, and scientists comply with Kaupapa Maori Research views about the causes of current disparities where Maori are either over- or under-represented (2009, 124).

They refer also to the significant ‘moral pressure, which has led to individuals conforming to doctrines, including kaupapa Maori research methodology, that fundamentally reject orthodox science’ (2009, 127).

Like Marie and Haig, Tremewan (2005, 13) discusses the moral pressure ‘that keeps academics silent, and therefore complicit, in the institutionalisation of indigenous ideology into the university’. He hints at the fate awaiting those who are critical.

There is nothing as implacable as academics, NGO activists or government policy analysts policing their colleagues for political conformity under the guise of academic rigour. The New Zealand research community, from the biomedical sciences to the social sciences, is almost inured to ideological imperatives in funding applications and conference paper selections. Those critiquing the dominant culturalist paradigm, even obliquely, are likely to miss out on funding or be excluded from presentation roles at multi-sectoral policy conferences (2005, 13).
7. Conclusion

My purpose in this article has been to provide an alternative argument to the liberal-culturalist approach concerning the place of the Treaty of Waitangi in New Zealand universities. To do this, I have located the brokerage of policies and practices based on Treaty partnership interpretation and the tensions emerging from this brokerage within the context of indigenist politics. These politics are explained as an ideology of the new forms of social organisation conducive to capitalist accumulation in the contemporary period where, according to Turner (2003), the global market, rather than the nation-state, provides the neoliberal hegemonic framework for political society. Indigenist politics, like neoliberal politics, is part of this hegemonic framework.

The corporatisation of the New Zealand university during the 1990s contributed to its declining role as the promoter of ‘the idea of a common national culture’ (Readings, 1996, 13) and its increasing role as a producer of the knowledge commodity and of education as a business in the global market. Likewise, the corporatisation of the tribe, as a localised social organisation, also contributes to the weakening of the nation-state, both though its non-national character and its direct engagement in the globalised world. In addition, the corporate university and the corporate tribe are united by their common interests in the business of knowledge. The success of the brokerage of indigenist interests into the New Zealand university, one demonstrated by the studies of the penetration of Treaty compliance into everyday university operations, demonstrates this underlying commonality.
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