

A SHORT HISTORY OF TE MĀTĀHAUARIKI RESEARCH INSTITUTE

DR ALEX FRAME, WAYNE RUMBLES AND DR RICHARD BENTON

I. BACKGROUND TO THE ESTABLISHMENT OF TE MĀTĀHAUARIKI

Te Mātāhauariki Institute was established to continue the work of a research programme which had been established under a contract awarded under the Public Good Science Fund (PGSF), to the School of Law at the University of Waikato. This was the first law project to be so funded in New Zealand. The programme, titled "Laws and Institutions for a Bicultural New Zealand", was developed by Professors Paul Havemann and Margaret Bedggood, at the suggestion and under the guidance and encouragement of Professor Michael Selby, then Deputy Vice Chancellor in charge of Research. The design and writing of the programme itself was almost entirely the work of Professor Havemann. The funding granted initially was \$450,000 for two years.

The central vision, or rationale, of the programme was described thus in the successful proposal:

The law and therefore the legal system and legal and political institutions should both shape and mirror the values of a society. The law and legal and political institutions in a truly bicultural society should therefore reflect the values and approaches of both cultures. In Aotearoa/New Zealand the law, legal system and legal and political institutions have, for the most part, reflected only one culture.

It comprised four "objectives":

- Bicultural Methodology and Consultative Processes;
- Bicultural Political – Legal Continuum;
- Māori Law and State Law : A Case Study (on property-related concepts);
- Bilingual Information Transfer.

This programme can be traced back to work on Māori Custom law, undertaken by the Law Commission in the 1990s. The Commission's programme began with the appointment in 1993 of a Māori Advisory Committee chaired by the late Bishop Manuhua Bennett. The Commission also took up an

unpublished paper by a member of the Advisory Committee, Chief Judge Eddie Durie, on Māori Custom Law. This initiative was soon embraced, with the Commission's blessing, by the University of Waikato, which held two "bicultural conversations" in 1995 under the auspices of the Law School, bringing together a number of people who would later be associated with the research programme and where many of the ideas later incorporated into its content were discussed.

The programme began well, with the recruitment of an Advisory Panel, a concept which endured throughout the history of the Institute. The first meeting of the Panel was chaired by Chief Judge Eddie Durie and members included David Oughton, Denese Henare, Dr Matthew Palmer, Professor Richard Sutton, Professor MM Durie, Sir Robert Mahuta, Professor James Ritchie, Manuka Henare, Dr Joan Metge, Professor Wharehuia Milroy, Professor Michael Selby, Professor Tamati Reedy, and the Law School's Kaumatua, Henry (Binga) Haggie. The project received enthusiastic endorsement.

Unfortunately, for a number of reasons, the Law School was not in a position to maintain the Programme on its own. Even after the appointment of Judge Michael Brown to head the project, it became clear that it would have a better chance of success and survival if it were to be detached from the Law School and established as an independent research institute. In 1997 this was effected, again through the support and expertise of Professor Selby. The new Institute, soon to be named Te Mātāhauriki, was thus established as a stand-alone entity, responsible directly to the Deputy Vice Chancellor of the University, to take over, implement and then renew the original contract. Its mission was to explore the possibilities for the evolution of laws and institutions in New Zealand to reflect the best of the values and concepts of both founding peoples of the state, Māori and European.

Judge Brown's directorship from 1997 to 2004 saw the recruitment of additional members to both the Advisory Panel and the Research Team. As well, the stimulating discussions of theoretical and methodological questions grew naturally into more concrete projects. Collaboration with Te Ariki Tumu Te Heuheu and his Ngāti Tūwharetoa tribe came to provide a practical model for scholarly collaboration. The Te Mātāpunenga research project grew from the realisation that a base of knowledge about Māori customary law was a prerequisite if the Institute were to advance its aim, which now came to be stated as "exploring ways in which our legal system might reflect the best in the concepts and values of both its major founding cultures". The Institute's website, an important instrument for reaching a wider audience, was created by Wayne Rumbles in this period. Satisfaction with the work of the Institute

during Judge Brown's term was such that the Foundation for Research, Science and Technology (FRST) progressively extended the funding until June 2007. The long-term funding of this project was again something without precedent.

When Judge Brown stepped down from the directorship in 2004, Alex Frame and Wayne Rumbles acted in his place until, in June 2005, Dr Frame accepted formal appointment as director until the completion of the FRST contract in June 2007. That funding, which ended with the meeting that provided the stimulus for the book in which this account appears, was used partly to discover the key concepts, philosophies, beliefs, values, customs, ethics and practices that form Māori law and jurisprudence. Among other initiatives, this resulted in a compilation, launched in an advanced draft form at the symposium, called *Te Mātāpunenga – a Compendium of References to the Concepts and Institutions of Māori Customary Law*. It was hoped that the Institute's work might be continued by another agency, focusing on the practical application of concepts from Māori custom law within specific areas of the general legal system, and the development of custom law to meet the particular needs of Māori, especially in the areas of tribal and community governance.

II. TŪHONOHONO – CUSTOM AND THE STATE

The dual mandate of the symposium, Tūhonohono, held from Friday 22nd to Sunday 24th June 2007 to mark the end of the FRST-funded phase of the *Laws and Institutions* Programme, was firstly to present the Institute's work in the compilation of *Te Mātāpunenga: a Compendium of References to the Concepts and Institutions of Māori Customary Law*, and secondly to provoke discussions relevant to the work ahead.

"Tūhonohono" refers to a bonding, in reference to the Institute's object of joining the customary visions of Māori and other New Zealanders in a cohesive, New Zealand jurisprudence. It also describes the work method for this symposium, of joining with Pacific scholars to advance the understanding of custom law and its contribution to state legal systems.

In accordance with the symposium's first theme, "Finding Custom", *Te Mātāpunenga* was discussed by the Editorial Board (Alex Frame, Richard Benton and Paul Meredith), and the draft text in CD format was launched by Justice David Baragwanath following the opening by His Excellency the Governor-General, Sir Anand Satyanand. The remaining two days focused on possibilities for future work in relation to the understanding and application of customary concepts, in the general law, and in the law particular to Māori, with papers presented on the Saturday and with open discussions on the development of custom on Sunday.

A. Tāngata Māori – Tāngata Pasifika

Those familiar with Māori oratory or the studies of traditional Māori society will appreciate the Māori sentiment of a familial bond with Pacific peoples. Māori stories and genealogies record a period when Māori lived in the islands, and still today farewells are made to the spirits of the recently departed as they begin their return to the Pacific homeland. Accordingly, while Māori have associated themselves with the experiences of indigenous minorities like Australian Aboriginals and native North Americans, as in the recent drafting of an instrument on indigenous peoples' rights, the Pacific connection is based more soundly on the bonds of kinship, common culture and shared oceanic experiences.

Over the last hundred years the bond with the Pacific has been expressed in a range of conferences and cultural events, extending to the replication of traditional ocean voyaging. Early events included the collaboration with Pacific contingents at the 1906 New Zealand International Exhibition at Christchurch, the Rarotongan attendance at the opening of the whare rūnanga at Waitangi in 1934, and later in that year the naming of an east coast ancestral marae as Te Hono ki Rarotonga (The Bond with Rarotonga).

The Waikato tribes of the Kīngitanga have taken a leading role in forging significant personal bonds with leading Pacific families. These are renewed at annual celebrations attended by tribes from throughout the country. Accordingly, in advancing the study of Māori custom law it was fitting in organising the Symposium for Te Mātāhauariki to join with Pacific scholars at the Tainui Endowed College established by the Waikato people, in recognition of their commitment to scholarship and the links they have assiduously maintained with the Pacific. Te Mātāhauariki was particularly grateful to the College, to its then Director, Dr Ngapare Hopa, and Mr Hemi Rau, as Chief Executive of the Waikato Raupatu Trustee Company, for hosting this symposium.

B. Ngā Take: Issues

There are also pragmatic reasons for engaging with the Pacific. The more regular application of custom in the Pacific provides insights for Māori, for whom the use of customary institutions and processes for the resolution of disputes is now rare. But what weight is to be given to comparisons with the Pacific when customary practices vary considerably both between and within Pacific states?

Arguably, while the differences appear large for those intimately involved, the practices stem from values that are relatively uniform throughout the Pacific states, notwithstanding the expanses of ocean between them. Among differences, which have also to be considered, the most obvious, in relation to most Pacific states, is that Māori are a small minority in their country (presently about 15 per cent of the population). Accordingly, issues arising from the constraints of majority opinion on the development of custom law will not have the same importance for Pacific Islanders. The differences should not be exaggerated, however, since Pacific customs are increasingly affected by international norms, and even the opinions of aid donors and international financiers.

A particular area where Māori and Pacific peoples share a common interest is in the incorporation of customary values into state legal systems. While most Pacific peoples enjoy political control in their countries, and while most Pacific constitutions expressly envisage the advancement of Pacific customs and values, judges frequently do not refer to these in the decisions of courts of Pacific states. More frequently, Pacific jurisprudence reflects Western values and processes, implicitly ignoring any need for people to feel that their values are incorporated in the procedures and decisions of their legal institutions. On the other hand, while Māori do not have the same political opportunities to advance their customary systems, some progress has been made in developing a bicultural jurisprudence, and Māori values have been incorporated into general law. By way of comparison, Melody MacKenzie from the University of Hawai'i discussed the incorporation of native Hawaiian values into general Hawaiian law, where again the native people are a minority ("Hawaiian Values in State Legislation").¹

In addition, Māori and Pacific Islanders face similar problems in relation to the conflict between custom and human rights, as were considered generally in relation to the Pacific by Dr Sailau Suaalii ("Custom and Human Rights") and more particularly in relation to Pacific women and children by Dr Claire Slatter ("Gender and Custom in the South Pacific"). The danger of viewing custom in an uncritical manner caused the organisers to ask Helen Aikman QC, at the time a Law Commissioner in New Zealand, to consider whether custom is, or can be, "conservative" and, if so, whether that is a strength or a weakness. The Hon Justice Paul Heath explored some difficulties in fitting customary principles into the overall legal system ("'One Law for All' – Problems in Applying Maori Custom Law in a Unitary State").

1 In this discussion titles of presentations are those of the papers presented at the Symposium; most of the presenters are represented in this volume, in some cases with substantially revised or new contributions on similar themes but with new titles.

The opportunity to consider the application of customary principles in discrete areas of New Zealand law was considered in various contexts. Dr Grant Young traced the approach of the New Zealand Land Courts towards Māori custom (“The Māori Land Court and Custom”), and Chief Judge Joe Williams discussed practical issues facing Judges in applying custom today. Dr Robert Joseph explored aspects of the interface between Māori custom and State regulatory systems (“The Interface between Māori Custom and State Regulatory Systems – Tikanga Māori and Wāhi Tapu”), and The Hon Taihakurei (Eddie) Durie discussed the development of custom law to serve the particular needs of Māori in relation to the formation and management of tribal authorities (“Custom and the Formation of Tribal Authorities”).

Three general issues which Institute researchers found surfacing in many consultations and discussions with a wide variety of groups over a long period, and which the Editorial Board of Te Mātāpunenga found it necessary to discuss in the *Introduction* to that volume (which, it is anticipated, will be prepared for publication in its final form in 2012), were:

- (1) The difference between custom (habit/fashion) and customary law (obligation) and how to find a definition that allows us (contrary to Western traditions) to call “spiritually sanctioned” norms “laws”.
- (2) Putting to rest a certain Western tradition, still sometimes found underlying hostility to custom, of calling other systems of law “primitive”.
- (3) The so-called issue of “Genuine” versus “Spurious” custom, and the general charge that custom is being made up to suit.

These issues also arose in discussions at the Symposium, informed by the presentations and also by the notes on Māori custom law in New Zealand, distributed to Symposium participants at the outset, and incorporated in Chapter 2 of this volume. The work of the Institute and the proceedings of the Symposium are small but we hope nonetheless significant contributions to the task of building a more inclusive, just and equitable society:

“He rau ringa, e oti ai” (With many hands, the job will be finished).

APPENDIX

A LIST OF PUBLICATIONS AND PUBLIC PRESENTATIONS BY
MEMBERS OF TE MĀTĀHAUARIKI INSTITUTE, 1997–2007

The publications and public presentations of Institute staff and associates are listed here under five headings: *A* cites and summarises the main articles in newsletters; *B* covers books and chapters in books; *C* numbers articles in scholarly journals; *D* lists occasional papers published in-house by the Institute; and *E* gathers together the addresses, speeches and other public presentations made by Institute members during the life of the Institute.

A. Newsletters of Te Mātāhauariki Research Institute

A useful guide to the pattern of work at the Institute from 2000 onwards is provided by the newsletters periodically produced under the deft hand of Paul Meredith. The newsletters were supplied to all members of the Institute (Team and Advisory Panel) along with a network of interested persons included on the Institute's mailing list. They are also available online at the Institute website, which continues to be maintained on the University of Waikato site: <www.lianz.waikato.ac.nz/>. The dates of the Issues with a list of the main items in each are set out below.

Issue 1, November 2000

Introduction by Judge Brown
Collaborative cross-cultural research
Judge Brown's practical guide to restorative justice
Te Mātāpunenga: Māori legal concepts

Issue 2, February 2001

Te Mātāpunenga work well under way
Judge Brown calls for "national conversation"
Cross-cultural training with Institute for Professional Legal Studies
International human rights and the Treaty of Waitangi (Margaret Bedggood)
Customary law and the modern legal system
Te Mātāhauariki researcher wins prestigious award
Human rights and the Treaty of Waitangi

Issue 3, July 2001

A new publication "Korero Tahī"
Te Mātāpunenga well received at conference
Kai-Hau: working on an entry for Te Mātāpunenga
Paul Heath QC appointed to Advisory Panel
Two reports on custom law

Africa: coexistence of customary and received law

Issue 4, January 2002

Meredith and Frame present paper to History Conference
 Turnbull Library interest in Te Mātāpunenga
 Rob Joseph returns from trip to North America
 Website proving useful tool
 Re-historicising Māoritanga
 Alex Frame in Fiji lands case

Issue 5, August 2002

Grey and Iwikau: A journey into custom: launch at Government House
 Saying sorry and meaning it (Dr Richard Benton)
 A study of Ifoga (Leilani Tuala-Warren)
 The government of themselves – progress on Dr Joseph’s Thesis
 Plan for completion of Te Mātāpunenga

Issue 6, January 2003

“Wiremu Tamihana – Rangatira” – launch of Dame Evelyn Stokes’ book
 Te Mātāpunenga: defining customary law
 Sir Āpirana Ngata on the Treaty of Waitangi
 Sample entries for Te Mātāpunenga

Issue 7, September 2003

Funding for the next 3 years granted: Judge Brown’s announcement
 Institute researchers asked to assist Te Puni Kōkiri
 Māori customary rights – the hard yards (Dr Alex Frame and Paul Meredith)
 Presentations by Institute members on human rights and library resources
 Te Mātāpunenga milestone reached: “Proto-Compendium”
 “Truth and the Treaty of Waitangi” (Dr Richard Benton)

Issue 8, September 2004

Who was “Nayti”?
 Legal anthropologist to visit Te Mātāhauriki
 A study of “Europeanised Māori” (Paul Meredith)
 Te Mātāpunenga: introducing the Titles (Dr Richard Benton)
 Ohaaki: a power station on Māori land (Dame Evelyn Stokes)
 Dr Frame’s submission to Parliament on Foreshore and Seabed Bill

Issue 9, December 2004

Institute hosts successful Symposium on Polynesian customary law
 Legal pluralism revisited (Dr Anne Griffiths, University of Edinburgh)
 Samoan custom (Tui Atua Tupua Tamasese)
 Lexicography and law (Dr Richard Benton)
 Customary concepts in Māori migration accounts (Dr Frame and Joeliee Seed-Pihama)
 Performance and Māori custom (Tui Adams, Alex Frame, Paul Meredith)

Issue 10, October 2005

He Poroporoaki – Dame Evelyn Stokes
 Thanks to founding Director and welcome for new Director
 Some lessons from Hawaii (Dr Richard Benton)
 Māori ancestral sayings – a juridical role (Joelice Seed-Pihama)
 Te Mātāpunenga roadmaps (Dr Richard Benton)
 Website major point of contact for end-users (Wayne Rumbles)

Issue 11, October 2006

Advisory Panel member Anand Satyanand appointed Governor-General
 Dr Robert Joseph has PhD conferred at University of Waikato
 Justice Baragwanath addresses Law Commission on its 20th birthday
 “One plus one equals three”, Frame and Meredith address Auckland meeting

Issue 12, May 2007

Te Mātāpunenga completed – Xmas 2006
 Institute joins with Tainui Endowed College for Tūhono hono
 Tūhono hono programme and background paper
 Judge Brown gives Inaugural ANZAC Address
 Dr Joseph investigates demand for collaboration with Māori on “governance”
 Victoria University Press to publish “Waikato Quartet”
 Meredith and Frame invited to adapt 1+1=3 for US publication

B. Books and book chapters authored by Te Mātāhauariki Research Institute members

1. Alex Frame, “Sovereignty and Self-determination for Indigenous Peoples in Multi-ethnic States, with particular regard to New Zealand and Fiji”, in Brij Lal and T Vakatora (eds), *Fiji and the World*, University of the South Pacific, Suva, 1997.
2. Alex Frame, “Property and the Treaty of Waitangi: A Tragedy of the Commodities?”, in Janet McLean (ed), *Property and the Constitution*, Hart Publishing, Oxford, 1999, Chapter 11.
3. Alex Frame, “Beware the Architectural Metaphor”, in Colin James (ed), *Building the Constitution*, Institute of Policy Studies, Victoria University of Wellington, 2000, pp 426-433.
4. Paul Meredith, “A Half-caste on the Half-caste in the Cultural Politics of New Zealand”, in Hartmut Jacksch (ed), *Māori und Gessellschaft*, Hartmut Jacksch, MANA Verlag, 2000.
5. Alex Frame, commissioned biographical essay on Sir Hepi Te Heuheu in *The Dictionary of New Zealand Biography* Vol. 5, Auckland University Press, Auckland, 2000, pp 514-515.

6. Justice Edward Durie, "The Treaty in the Constitution", in Colin James (ed), *Building the Constitution*, Institute of Policy Studies, Victoria University of Wellington, 2000.
7. Denese Henare, "Can or Should the Treaty be Replaced?", in Colin James (ed), *Building the Constitution*, Institute of Policy Studies, Victoria University of Wellington, 2000.
8. Alex Frame, "Beware the Architectural Metaphor", in Colin James (ed), *Building the Constitution*, Institute of Policy Studies, Victoria University of Wellington, 2000.
9. Dame Joan Metge, *Korero Tahi: Talking Together*, Auckland University Press, Auckland, 2001. The work draws on the rich resource of tikanga korero (Māori rules of discussion) to develop a procedure for managing group discussion. This is contrasted with "talking past each other", which had been the focus of an earlier book.
10. Wayne Rumbles, "Treaty of Waitangi: New Relationship or New Mask", in Greg Ratcliffe and Gerry Turcotte (eds), *Compr(om)ising post/colonialism(s)*, Dangaroo Press, Sydney, 2001.
11. Alex Frame, *Grey and Iwikau: A Journey into Custom*, Victoria University Press, Wellington, 2002 (96 pages). An account of the journey overland of Governor Grey and Iwikau Te Heu Heu in 1849-50, and a study of the nature of customary law and its status in the modern legal system of Aotearoa/New Zealand.
12. Dame Evelyn Stokes, *Wiremu Tamihana: Rangatira*, Huia Press, Wellington, 2002. This book documents the life of Wiremu Tamihana Tarapipipi Te Waharoa, a great rangatira of Ngāti Haua.
13. Alex Frame, "Making Constitutions in the South Pacific: Architects and Excavators", in David Carter and Matthew Palmer (eds), *Roles and Perspectives in the Law: Essays in Honour of Sir Ivor Richardson*, Victoria University Press, Wellington, 2002, pp 277-295.
14. Richard A Benton and Nena BE Benton, "RLS in Aotearoa New Zealand, 1989-1999", in Joshua A Fishman (ed), *Can Threatened Languages be Saved? Reversing Language Shift Revisited: A 21st Century Perspective*, Multilingual Matters, Clevedon, Avon, pp 423-450. Reprinted in Paul Lassetre (Compiler), *Language in Hawai'i and the Pacific*, Pearson Custom Publishing, Boston, 2005, pp 355-384.

15. Robert Joseph, “Denial, Acknowledgement and Peace-Building through Reconciliatory Justice: A Tainui Case Study”, in W McCaslin (ed), *Justice as Healing: Indigenous Ways. Writings on Community Peacemaking and Restorative Justice from the Native Law Centre*, Living Justice Press, St Paul, Minnesota, 2005.
16. Richard A Benton (ed), *Conversing with the Ancestors: Concepts and Institutions in Polynesian Customary Law*, Te Mātāhauariki Institute, University of Waikato, Hamilton, 2006. (Details in List D, below.)
17. Richard A. Benton, “Mauri or Mirage? The Status of the Māori Language in Aotearoa New Zealand at the Start of the Third Millennium”, in Amy BM Tsui and James W Tollefson (eds), *Language Policy, Culture and Identity in Asian Contexts*, Laurence Erlbaum Associates, New York, 2007, pp 163-181.
18. Joan Metge (with Jacinta Ruru), “Kua Tutu te Puehu, Kia Mau: Māori Aspirations and Family Law”, in Mark Henagan and Bill Atkin, *Family Law Policy in New Zealand* (3rd ed), LexisNexus, Wellington, 2007.

C. Articles Written by Te Mātāhauariki Members in Scholarly Journals (2000–2007)

1. Richard Benton, “Whose Language? Ownership and Control of Te Reo Māori in the Third Millennium” (2001) 16(1) *New Zealand Sociology* 35.
2. Robert Joseph, “Denial, Acknowledgement and Peace-Building through Reconciliatory Justice” (2001) in Waikato University College, Te Taarere aa Tawhaki: *Journal of the Waikato University College*, Koroneihana, Hopuhopu.
3. Joan Metge, “Returning the Gift: Utu in Intergroup Relations” (2002) 111 *Journal of the Polynesian Society* 311.
4. Joan Metge, “Ropeworks – He Taura Whiri”, Waitangi Rua Rau Tau Lecture 2004 <www.radionz.co.nz>
5. Robert Joseph, “Challenges of Incorporating Māori Values and Tikanga under the Resource Management Act 1991 and the Local Government Bill – Possible Ways Forward”, in B Midson and G Morgan (eds), *Yearbook of New Zealand Jurisprudence, Vol. 6, 2002–2003*, University of Waikato, Hamilton, 2004.
6. Alex Frame and Paul Meredith, “Performance and Māori Customary Legal Process” (2005) 114 *Journal of the Polynesian Society* 135.

7. Joan Metge, "Working in/Playing with Three Languages: English, Te Reo Māori and Māori Body Language" (2005) in Chis Shore (ed), *Translations, Treaties and Testimonies: The Cultural Politics of Interpretation*, Special Issue, *sites* (New Series) 2(2), 83.
8. Alex Frame, "The Fiduciary Duty of the Crown to Māori: Will the Canadian Remedy Travel?" (2005) 13 *Waikato Law Review* 70.
9. Alex Frame, "Hoani Te Heuheu's Case in London 1940-41: An Explosive Story" (2006) 22 *New Zealand Universities Law Review* 148.
10. Joan Metge, "The Anthropologist as Citizen" (2006) 3(2) *sites* (New Series) 60, Jeffrey Sissons (ed), Special Issue Beyond Ethnography.
11. Alex Frame and Joellee Seed-Pihama, "Some Customary Legal Concepts in Māori Traditional Migration Accounts" (2006) 12 *Revue Juridique Polynésienne* 113.
12. Richard Benton, with Mere Roberts, Brad Haami, Terre Satterfield, Melissa L Finucane, and Mark Henare, "Whakapapa as a Māori Mental Construct: Some Implications for the Debate over Genetic Modification of Organisms" (2004) (16)1 *The Contemporary Pacific* 1.
13. Robert Joseph, "Whānau mentoring, Māori Youth and Crime" (2007) 11(1) *Children's Issues* 26.

D. Papers published by Te Mātāhauariki Research Institute as Occasional Papers and made available on the Institute website (2000–2007)

1. Paul Meredith and Rachel Parr, "Collaborative Cross Cultural Research for Laws and Institutions for Aotearoa/New Zealand", Te Mātāhauariki Institute, *Occasional Paper Series*, Number 1, 2001.
2. Alex Frame, "Property and the Treaty of Waitangi: A Tragedy of the Commodities?", Te Mātāhauariki Institute, *Occasional Paper Series*, Number 2, 2001.
3. Wayne Rumbles, "Africa: Co-existence of Customary and Received Law", Te Mātāhauariki Institute, *Occasional Paper Series*, Number 3, 2001.
4. Leilani Tuala-Warren, "A Study in Ifoga: Samoa's Answer to Dispute Healing", Te Mātāhauariki Institute, *Occasional Paper Series*, Number 4, 2001.
5. Rachel Parr, "Te Mātāhauariki Methodology: The Creative Relationship Framework", Te Mātāhauariki Institute, *Occasional Paper Series*, Number 5, 2001.

6. Robert Joseph, "The Government of Themselves: Case Law, Policy and Section 71 of the New Zealand Constitution Act 1852", *Te Mātāhauariki Institute Monograph*, 2002. (117 pages)
7. Dame Evelyn Stokes, "The Individualisation of Māori Interests in Land", *Te Mātāhauariki Institute Monograph*, 2002. (227 pages)
8. Robert Joseph, "Comparatively Speaking: A Summary Paper for Objective 2", Te Mātāhauariki Institute, *Occasional Paper Series*, Number 6, 2003.
9. Tonga Karena, "Cooking the Potatoes", Te Mātāhauariki Institute, *Occasional Paper Series*, Number 7, 2003.
10. Tui Adams, Richard Benton, Alex Frame, Paul Meredith, Nena Benton, Tonga Karena, "Te Mātāpunenga: A Compendium of References to Concepts of Māori Customary Law", Te Mātāhauariki Institute, *Occasional Paper Series*, Number 8, 2003.
11. Joeliee Seed-Pihama, "Māori Ancestral Sayings: A Juridical Role?", Te Mātāhauariki Institute, *Occasional Paper Series*, Number 10, 2003.
12. Dame Evelyn Stokes, "Ohaaki: A Power Station on Māori Land", *Te Mātāhauariki Institute Monograph*, 2004. (159 pages)
13. Richard Benton (ed), *Conversing with the Ancestors: Concepts and Institutions in Māori Customary Law*, Te Mātāhauariki Institute, University of Waikato, Hamilton, 2006. Proceedings of Te Mātāhauariki Research Institute's Conference at the Fale Pasifika at the University of Auckland, October 2004:

Introduction: Talking with each other (Richard Benton)

Chapter 1: Customary Law in a Transnational World: Legal Pluralism Revisited (Anne Griffiths)

Chapter 2: Lexicography, Law and the Transformation of New Zealand Jurisprudence (Richard Benton)

Chapter 3: Resident, Residence and Residency in Samoan Custom (Tui Atua Tupua Tamasese Ta'isi Efi)

Chapter 4: Some Māori Legal Concepts in Traditional Migration Accounts (Alex Frame and Joeliee Seed-Pihama)

Chapter 5: Towards a More Inclusive Jurisprudence for Aotearoa New Zealand: Te Pū Wānanga 1999–2003 (Nena Benton)

Chapter 6: Performance and Māori Customary Law (Alex Frame and Paul Meredith)

14. Transcripts of Te Pū Wānanga Sessions and interviews of which audiotapes were made and are held in the University archives:

1 (8 September 1999) Dr Tui Adams

2 (23 March 2000) Bishops Manuhua Bennett and Whakahuihui Vercoe with Mr Te Arika Morehu

3 (28 April 2000) Dr Pakariki Harrison (first session)

4 (15 December 2000) Mrs Roka Paora, with Drs Tui Adams and Hirini Melbourne

5 (16 March 2001) Sir John Turei with Dr Tui Adams

6 (27 September 2001) Mrs Mabel Waititi, with Mr Kevin Prime and Mr Tukaki Waititi

7 (28 September 2001) Mr Tukaki Waititi and Mr Kahu Waititi

8 (12 July 2002) Dr Merimeri Penfold (second session; first was not recorded)

9 (18 March 2003) Mr Henare Te Ua

10 (5 April 2003) Dr Pakariki Harrison (second session)

11 (27 May 2003) Lady Rose Henare and Mr Erima Henare

12 (6 June 2003) Dr Ngapare Hopa

E. Addresses, Speeches, and other Presentations made by Members of Te Mātāhauariki Research Institute (1997–2007)

1. Alex Frame, "A Journey Overland to Taupo in 1849 by Governor Grey and Iwikau Te Heu Heu". Public lecture illustrated with pictures to an audience invited by Arika Tumu Te Heuheu, Great Lake Centre, Taupo, 1 May 1998.
2. Judge Michael Brown and Margaret Bedggood. Presentation on the Institute's project, "Laws and Institutions for Aotearoa/New Zealand", Australasian Law Teachers Association Conference, University of Otago, July 1998.
3. Robert Joseph, "Bi-culturalism within a Post-Treaty Settlement Context". Paper presented at Te Oru Rangahau Māori Research and Development Conference, School of Māori Studies, Massey University, 7–9 July 1998.
4. Paul Meredith, "Hybridity in the Third Space: Rethinking Bi-cultural Politics in Aotearoa/New Zealand". Paper presented at Te Oru Rangahau Māori Research and Development Conference, School of Māori Studies, Massey University, 7–9 July 1998.

5. Alex Frame, "Property and the Treaty of Waitangi: A Tragedy of the Commodities?". Presentation at the "Property and the Constitution" Conference, Victoria University of Wellington, 18 July 1998.
6. Nan Seuffert, "Bicultural Research Methods in Aotearoa/New Zealand". Presentation to the "Fields of Knowing" Conference at Monash University in Australia, 26–29 August 1998.
7. Robert Joseph, "Post-Treaty Settlement Implementation Issues". Address at the Te Hunga Roia Māori o Aotearoa Conference, University of Waikato, 20–23 August 1998.
8. Alex Frame, "Fictions in the Thought of Sir John Salmond". Lecture for the "Eminent Victorians" Centennial Series, Hunter Building at Victoria University of Wellington, 31 March 1999.
9. Wayne Rumbles, "Eco-indigeneity and the Complex Person: Ways of viewing Conflicts between Environmental Discourse and the Assertion of Indigenous Rights", Paper at the Re-imagining Multiculturalism Conference, Melbourne, Australia, 1–3 October 1999.
10. Justice Taihakurei Durie, "The Treaty in the Constitution". Speech at the "Building the Constitution Conference", Parliament Buildings, Wellington, 7–8 April 2000.
11. Denese Henare, "Can or should the Treaty be replaced?", Speech at the "Building the Constitution Conference", Parliament Buildings, Wellington, 7–8 April 2000.
12. Alex Frame, "Beware the Architectural Metaphor", Speech at the "Building the Constitution Conference", Parliament Buildings, Wellington, 7–8 April 2000.
13. Tui Adams, Alex Frame, Richard Benton, Nena Benton and Paul Meredith. Addresses at the 20th Annual Australian and New Zealand Law and History Conference "Prospects and Retrospects", University of Waikato, 2001.
14. Judge Mick Brown, "We need to have a national Conversation". Presentation at 9th International Conference on Thinking, Auckland, 15–19 January 2001.
15. Alex Frame, "Customary Law and the Modern Legal System of Aotearoa/New Zealand". Staff Seminar for the School of Law, University of Waikato, 21 February 2001.

16. Richard Benton, Alfred Harris and Ngapare Hopa, "Process, Priorities and Accountability in the Approval and Conduct of Research on Genetic Modification". Presentation to the Royal Commission on Genetic Modification at a National Hui, Turangawaewae Marae, Ngaruawahia, on 7 April 2001.
17. Robert Joseph, "Section 71 – Law and History". Paper at the 20th Annual Conference of the Australian and New Zealand Law and History Society, July 2001.
18. Tui Adams, Alex Frame, Richard Benton, Nena Benton, and Mark Henare, made a presentation at Tapeka, Waihi, at the invitation of Tumu Te Heuheu on 21 July 2001. Dr Frame presented images and other material relating to Governor Grey's visit to Pukawa in 1849–50 and the party engaged in discussions with the scholars and artists working on the new meeting house at Pukawa.
19. Robert Joseph. Several presentations to First Nation and other Canadian audiences on Treaty Settlement and other issues in August 2001.
20. Paul Meredith. Presentation at the Te Waka Awhina o Aotearoa Hui on 9 November 2001.
21. Dame Joan Metge, Alex Frame and Paul Meredith. Presentation on the task of compiling Te Mātāpunenga, for the management, staff and invited guests of the National Library, at National Library Auditorium in Wellington on 23 November 2001.
22. Paul Meredith and Alex Frame, "Performing Law: Muru and Hakari". Presentation to the New Zealand Historical Association Conference in Christchurch on 1 December 2001.
23. Paul Meredith and Wayne Rumbles, "The Law of Whiteness". Paper at the Legal Identity Conference in Melbourne, Australia, 10–12 December 2001.
24. Alex Frame gave a speech at Government House, Wellington, on 15 August 2002, on the occasion of the launch of "Grey and Iwikaui: A Journey into Custom". The Governor-General, Te Ariki Tumu Te Heuheu and supporting ope from Taupo, many members of the Judiciary, and the Vice-Chancellor of the University of Waikato, Professor Brian Gould, were among the distinguished guests.
25. Paul Meredith and Alex Frame. Presentation describing Institute's work thus far on Te Mātāpunenga to the Annual Conference of the Māori Law Society in Dunedin on 30 August 2002.

26. Paul Meredith, with Judge Caren Wickliffe of the Māori Land Court, and Kahui Maranui (National Māori Land Information Systems Manager), "Access to Customary Law: New Zealand Issues". Presentation at the New Zealand Law Librarians' Conference, 12 September 2002.
27. Judge Mick Brown, "Facing the Future". Address to Public Sector Senior Management Conference on 24 September 2002.
28. Robert Joseph and Tom Bennion, "Māori Values and Tikanga Consultation under the RMA 1991 and the Local Government Bill – Possible Ways Forward". Presentation to the Māori Legal Forum Conference at Te Papa Tongarewa in Wellington, 9–10 October 2002.
29. Alex Frame and Paul Meredith. Presentation the Institute's work thus far on Te Mātāpunenga, to Members of Waitangi Tribunal at their annual conference in Wellington, 10 October 2002.
30. Richard Benton. Presentations and discussions on the subject of Te Mātāhauariki's work at the University of Waikato, Te Papa in Wellington, and at the University of Auckland, November 2002.
31. Richard Benton, "Te Mātāhauariki – the Imminent Dawn: Customary Law in a Globalized Society". Address to the Conference on "Preservation of Ancient Cultures and the Globalization Scenario", International Centre for Cultural Studies (India), 7th Joint Conference, with the School of Māori and Pacific Development, University of Waikato, Hamilton, 22–24 November 2002.
32. Robert Joseph, "Māori Governance". Presentation to a Transparency International meeting in Wellington on 6 December 2002.
33. Robert Joseph, "Indigenous Law and its Impact on Globalisation". Presentation to the Te Ohu Kai Moana Conference, Wellington, 9 December 2002.
34. Alex Frame, "The Treaty of Waitangi and Ultimate Legal Principles". Presentation for Auckland University's Legal Research Foundation Conference, Auckland, 10 June 2003.
35. Alex Frame, "Ultimate Legal Principles". Presentation at symposium on Human Rights and the Treaty of Waitangi, Victoria University of Wellington, 8 July 2003.
36. Paul Meredith and Alex Frame, "The Hard Yards". Presentation at the invitation of senior Te Puni Kōkiri policy analysts (Ben Paki, Tama Potaka, Denese Henare, Dr John Tamahori) at TPK in Wellington on 24 July 2003.

37. Robert Joseph was co-facilitator of several Treaty of Waitangi Health Training Workshops: Te Ara Tika Tuatahi – A way forward, provided for the Waikato District Health Board between 2003 and 2007.
38. Alex Frame was invited to a discussion on 25 November 2003 at the State Services Commission in Wellington by Mr Tia Barrett of the Commission on publicity and public information concerning the Treaty of Waitangi. The contribution was subsequently referred to in the Commission's report.
39. Joan Metge, "The Challenge of Difference". Lincoln Efford Memorial Lecture, Christchurch WEA, 25 May 2004.
40. Joan Metge, "The Treaty of Waitangi – Then and Now". Contribution to a seminar on the Treaty of Waitangi, Cathedral of the Holy Trinity, Auckland, 27 June 2004.
41. Alex Frame made a submission on 12 August 2004 before the Select Committee of Parliament considering the Foreshore and Seabed Bill. Dr Frame presented the Committee with the draft of an alternative Bill. The presentation was the subject of news reports that evening.
42. Joan Metge, with Manuka Henare, and David Williams, also made a submission to the Select Committee of Parliament considering the Foreshore and Seabed Bill in August 2004.
43. Te Mātāhauariki's Research Team presented several papers at the Institute's Conference on "Polynesian Customary Law" at the Fale Pasifika of the University of Auckland, 10–12 October 2004 [See List D, above, for details].
44. Alex Frame and Paul Meredith. Presentation on the nature and methods of Te Mātāpunenga, at the invitation of the Crown Law Office in Wellington, 18 November 2004.
45. Joan Metge. "Working in/Playing with Three Languages", Paper at the ASAAZ Annual Conference in Auckland, 3 December 2004.
46. Joan Metge made a submission to the Parliamentary Select Committee on New Zealand's Constitutional Arrangement in 2005.
47. Paul Meredith and Alex Frame presented separate papers on Māori Land Claims to a Research Wananga held at Te Wananga o Aotearoa, Hamilton, 10 February 2005.
48. Alex Frame ("Constitutional Issues for Government") and Manuka Henare ("Race Relations and Government") were invited speakers at the Capital City Forum in Wellington, 5 March 2005.

49. Joan Metge, "He Iwi Tahī Tatou: The Making of a Nation". Presentation in a discussion series at St Peter's Anglican Cathedral, Hamilton, 1 May 2005.
50. Richard Benton. Address on aspects of Māori Customary Law in a Polynesian context (and the work of Te Mātāhauariki Institute) to the Native Hawaiian Bar Association, Honolulu, 6 June 2005.
51. Joan Metge, "Talking together in a Pacific Way". Addressed to the LEADR Australasian Conference, Sydney, on 1 September 2005.
52. Joan Metge, "Beyond the Pale: The Anthropologist as Citizen". Presentation at the ASAANZ Annual conference, Stout Research Centre, Wellington, 26 November 2005.
53. Robert Joseph, with Materoa Dodd, "Post-Treaty Settlement Governance Challenges: Independent Dispute Resolution for Ngāti Awa". Presentation at the World Indigenous Peoples' Conference on Education (WIPCE), University of Waikato, 27 November–1 December 2005.
54. Alex Frame and Paul Meredith, "One plus One equals Three". Invited Paper at "One Country-Two Laws", a Symposium organised jointly by the Department of English and Auckland University Press, Old Government House, Auckland, 22 July 2006. The paper challenged the audience to examine the dynamic process of cultural interaction.
55. Robert Joseph and Tom Bennion, "Māori Tribal Governance". Wānanga presented for the Trustees, Ngāti Raukawa Trust, at Ruakura Conference Centre, Hamilton, 13 December 2006.
56. The symposium "Tūhonohono: Custom and the State", Tainui Endowed College, Hopuhopu, 22-24 June 2007, including contributions by Alex Frame, Paul Meredith, Richard Benton, Robert Joseph and Wayne Rumbles published in this volume.