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**The Treaty of Waitangi and Asian Immigrants in Aotearoa:  
A Reflective Journey**

A thesis  
submitted in fulfilment  
of the requirements for the degree

of

**Doctor of Philosophy**

at

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by

**Saburo Omura**



THE UNIVERSITY OF  
**WAIKATO**  
*Te Whare Wānanga o Waikato*

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## Abstract

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The Treaty of Waitangi was signed in 1840 between the British Crown and Māori, the indigenous people of New Zealand being represented at the signing by chiefs from various tribes. The Treaty promised to ensure legitimate control on European settlers, while guaranteeing Māori their sovereignty, undisturbed possession of natural and cultural resources, and citizenship. However, these commitments were reneged upon and were largely discarded over the next century, including devastating confiscations of land and other natural resources, undignified treatment of Māori culture and language, and the loss of indigenous sovereignty following large-scale European migration to Aotearoa/New Zealand in the late 19<sup>th</sup> century.

The New Zealand government maintained a 'white' New Zealand immigration policy until the late 1980s. An orientation towards white British in New Zealand was so deeply entrenched that the idea of monocultural assimilation remained the norm and went unchallenged until the 1960s. A reflection of this is in the fact that even today the Treaty of Waitangi is not formally recognised in the country's immigration policies.

Since the 1990s, there has been a major upsurge in the number of Asian migrants arriving in Aotearoa/New Zealand, so that today people of Chinese, Indian, and similar origin constitute about 11% of the national total population.

However, settlement support programmes and academic research relating to them have focused on superficial coping and adaptation issues. Integration of these migrants has been frequently discussed but without specific cultural references. Māori culture and the Treaty have never been an integral part of the research scope in the study of acculturation of such migrants in Aotearoa/New Zealand. Government, Politicians, and academics have consequently isolated migrants from indigenous issues, because indigenous people were regarded as irrelevant in this field.

Nevertheless, some ethnic community groups and individuals have taken initiatives to learn about the Treaty in recent times. I interviewed 17 key informants and conducted six focus groups, with seven people on average participating in each session. Employing a free-association approach in these interviews enabled me to explore significant psychological changes after my informants had learned about the Treaty.

As a result, many of the participants went through a process of redefining their identity in a new country, rather than just adjusting to or coping with a different environment. Essentially, learning about the Treaty facilitated psychological integration after migrating to New Zealand.

The future implications of such findings, especially the significant effect of repositioning Māori culture and history in cross-cultural research in New Zealand, is also discussed in this thesis.

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## Glossary: Māori to English

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Hapū .....	kinship group, clan, tribe, subtribe
Iwi .....	people, tribe, extended kinship group
Kaitiakitanga .....	guardianship, stewardship, trustee.
Kāwanatanga .....	government, dominion, rule, authority, governorship, province.
Kotahitanga.....	unity
Mana moana.....	authority over the sea - a modern term.
Mana motuhake .....	separate identity, autonomy - mana through self-determination and control over one's own destiny.
Mana tangata .....	power and status accrued through one's leadership talents, human rights, mana of people.
Mana whenua .....	territorial rights, power from the land - power associated with possession and occupation of tribal land.
Māori.....	native, or belonging to Aotearoa
Māoritanga .....	Māori culture, practices and beliefs
Marae.....	courtyard – the open area in front of the whareniui (meeting house, large house), where formal greetings and discussion take place
Mihi .....	to greet, acknowledge, pay tribute, thank
Motu .....	island, country, land
Pākehā.....	New Zealander of European descent
Tapu.....	be sacred, prohibited, restricted, set apart, forbidden, under atua protection
Te ao Māori.....	the Māori world
Tikanga .....	correct procedure, custom, habit, lore, practice; meaning
Tino rangatiratanga .....	self-determination, sovereignty, domination, rule, control, power.

Tūrangawaewae .....	foundation; domicile, place where one has rights of residence and belonging through kinship and whakapapa
Utu .....	revenge, cost, price, wage, fee, payment, salary, reciprocity
Waiata.....	(verb) to sing, (noun) a song, chant
Wairuatanga.....	spirituality
Whakapapa.....	genealogy, genealogical table, lineage, descent; kinship connectivity
Whakataukī.....	proverb
Whakawhanaungatanga ..	relating well to others, the process(es) of establishing and maintaining familial relationships,
Whānau .....	family, family group
Whenua .....	land, ground, country; placenta

Source: Te Aka Māori-English Dictionary,

<http://www.maoridictionary.co.nz/>

Compiled with assistance of Vince Malcolm-Buchanan

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## Chapter 1: Introduction

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More than 160 years have passed since the Treaty of Waitangi was signed between the Māori chiefs and the British Crown. The chronic lack of compliance to the Treaty by the Crown has been damaging to the welfare of tangata whenua, the people of the land, particularly with land confiscations, unbalanced government policy development and operations, lack of consultation in governance, and other colonising treatment of Māori people. Through that time the Crown's immigration programme continued to operate without tangata whenua consultation and as such was in clear disregard of the Treaty partnership terms (Eaton, 2007; Walker, 1995, 2004).

Such systematic denial is reflected in the mainstream public sentiment that Treaty principles are not really relevant to Aotearoa/New Zealand today due to the “*mixed faces*” of the population (Callister, 2004). This view assumes that the Treaty is irrelevant because there are many non-British immigrants in Aotearoa/New Zealand including generations of Asian settlers. Such a notion is assisted by a monolithic political system which effectively suppresses the principles of the Treaty (R. G. Nairn & McCreanor, 1991). While the government is obliged by the Treaty to regularly consult Māori on immigration policy as the Crown's partner, it consistently has failed to do so. Likewise, those who immigrate to Aotearoa/New Zealand have not been given opportunities to learn about the Treaty principles before and after their settlement (E. S. Ho, Lidgard, Cowling, & Bedford, 2003; Ip, 2003; State Service Commission, 2004).

Previous literature has mainly discussed the perception gap between tangata whenua and the majority population (Liu, Wilson, McClure, & Higgins, 1999; R. G. Nairn & McCreanor, 1991; R. G. Nairn, Pega, McCreanor, Rankine, & Barnes, 2006; D. Pearson, 2000), who are mostly descendants of British settlers and commonly are called Pākehā, or New Zealand Europeans. There has been some progress in Treaty education for the mainstream population, which is now implemented in the public

school education framework (Ministry of Education, 2006, 2007). Also there has been some attempts to educate the public on the Treaty (State Service Commission, 2004).

However, these messages are not being targeted to prospective immigrants. Since the government introduced the point system to their immigration programme, which assesses the social and economic productivity and potential of each immigrant, a considerable number of Asians have immigrated to Aotearoa/New Zealand, largely unaware of the Treaty and their tauwiwi<sup>1</sup> status (Immigration New Zealand, 2007; Iredale, 2000; Kasper, 1990; Trlin & Watts, 2004).

Studies of Asian people interacting with Māori people and their culture are in an emerging stage. Examples include the research of Jenny Lee (Lee, 2007) and Hiromi Sakamoto (H. Sakamoto, 2012a, 2012b). Lee's study focused on the challenges particularly institutional racism in the schooling system, while Sakamoto's studies have investigated kapa haka (Māori performing arts) and its potential for fostering intercultural understanding.

Contained within these studies, is early stage research on how Asian people view the Treaty and how their perceptions changed after learning experiences and cultural encounters.

Therefore, to address the issues in relation to the changing newly ethnic make-up of Aotearoa/New Zealand, I intend to examine how Asian people learn about the Treaty and how they position themselves in a new country after learning about the Treaty. There are a number of factors, such as: immigrants' cultural and ethnic backgrounds; their social backgrounds prior to migrating to Aotearoa/New Zealand; the Crown's policy direction of (not) implementing the Treaty in its immigration policies; the acculturative experiences of Asian immigrants in Aotearoa/New Zealand; and their interactions – or lack thereof – with the indigenous Māori people and

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<sup>1</sup> Tauwiwi refers to immigrants of foreign origin. I will describe this term further in a later section of this chapter.

culture. The following part of this chapter will discuss these elements and formulate the research aims and questions.

## Asian people in Aotearoa

In this section, I will discuss how migration from Asia to Aotearoa/New Zealand has been managed, in relation to relevant historical background and policy decisions made by the government. Asian migrants appear throughout the history of Aotearoa/New Zealand from the 1860s onwards. However, because the scale of British migration very much overshadows non-British migration, public awareness of a historic Asian presence in Aotearoa/New Zealand is limited.

I will also look at how an undeniable aspect of the Crown's policy direction was to maintain British ethnic and cultural dominance in the process of colonisation. While it is important to critically examine institutional racism reflected in immigration laws and policies, there is also a dimension of underachieved aspirations for the establishment of New Zealand as a settler nation. Such an attempt to create a replica of Britain in the South Pacific made the starting point, however, the development of the colony could not financially sustain as initially planned (McKinnon, 2003). Historical milestones also indicate tipping points for the discourse around the Treaty and multiculturalism, which I will discuss in later sections.

### **The signing of the Treaty – colony, dominion, and nation**

During the late 19th and early 20th century, Asian immigrants, particularly from China, came to Aotearoa/New Zealand attracted by gold. The proportion of these immigrants in the population was relatively small (just above 5000), and predominantly male, even at the peak of the Gold Rush. However, Chinese gold miners drew significantly negative attention at that time due to their distinctive cultural and ethnic identities which Pākehā perceived as very different from their own culture (Brooking & Rabel, 1995; Ng, 1993).

This eventually resulted in Chinese migrants being rejected by the European settler society, through such mechanism as severe legislative discrimination and undignified treatment. The Chinese poll tax enacted by the Crown in 1881 initially charged £10 per new comer, which was increased to £100 in 1896, and continued until 1921 (Ng, 1993). The Chinese Immigrants Amendment Act 1907 assigned English language

tests to Chinese applicants. Even when taxes were paid and the writing test passed, The Aliens Act of 1908 prohibited naturalization of Chinese nationals until its repeal in 1951. Combined with other legislation and anti-immigration societal pressure, the Chinese population in Aotearoa/New Zealand began to decline after 1881. After peaking at 5000, it had almost halved by 1936<sup>2</sup>.

Not only the poll taxes targeting Chinese nationals, but also other legislative discrimination continued with policy amendments which restricted the migration eligibility of other Asian applicants through requirements for English language proficiency, citizenship (being a British subject), and British parentage. In Leckie's (2007) discussion, Indians were not easily excluded due to the fact that they were British subjects prior to their independence in 1947. Hence the Crown introduced the language proficiency requirements and the quantum of the applicants' British parentage as a countermeasure.

In the wake of the world wars, legislation such as the Revocation of Naturalisation Act 1917, the Undesirable Immigrants Exclusion Act 1919, the Immigration Restriction Amendment Act 1920, and Alien Control Emergency Regulations 1940 were introduced and enacted often, to intern immigrants from the enemy states. The Crown also detained a number of "enemy aliens" from Germany, Italy, Austria, and Japan who were detained by the Crown on Matiu (Somes) island<sup>3</sup> in Wellington Harbour (Bennett, 2009).

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<sup>2</sup> In 2002, then Prime Minister Helen Clark on behalf of the New Zealand government formally apologised for the actions of these discriminatory actions against Chinese migrants. Following this apology, The Chinese Poll Tax Heritage Trust (CPTHT) was established in 2004 which received five million dollars as a gesture of reconciliation. See <http://www.communitymatters.govt.nz/Funding-and-grants---Trust-and-fellowship-grants---Chinese-Poll-Tax-Heritage-Trust> for more detail.

<sup>3</sup> This facility detained not only Aotearoa/New Zealand migrants, but also those from Samoa, Tonga, and Fiji who were apprehended and transferred, as New Zealand was delegated colonial administration for these territories from the British Empire.

While non-British immigrants were tightly restricted for a variety of reasons, both the British government and the Dominion of New Zealand made repeated efforts to increase the number of British settlers in Aotearoa/New Zealand by subsidizing their passages, from 1860s to the 1970s. Phillips and Hearn (2008) argue that, using emigration figures, Aotearoa/New Zealand was not a popular destination for permanent migration by Britons. Considering the scale of emigration from the British Empire, Cain (1999) calculates 9.7 million British emigrants between 1853 and 1920, while Hicks and Allen (1999) calculate 15.6 million British emigrants between 1900 and 1997, with a relatively small proportion of Britons migrated to Aotearoa/New Zealand during these periods.

However Phillips and Hearn (2008) also point out that the combined effort of the New Zealand government's decision in 1920 for accepting 10,000 per annum assisted migrants and the United Kingdom enacted the Empire Settlement Act of 1922 for providing their assist scheme brought a total of 74,000 Britons between 1916 and 1945, and of these, 72,000 came between 1919 and 1930.

Although this is a much smaller number than the Britons who migrated to Australia, it is much larger than the 7,401 assisted migrants by the New Zealand Company between 1839 and 1850. Statistics New Zealand (2010c) calculations show that about 18,200 immigrants per annum, who were mostly British, arrived between 1860 and 1899 on average. However, there were also a large number of departures around the same time, which compressed the net migration figure, which did not seemingly contribute to the population increase over this time.

The figures presented and discussed by Phillips and Hearn (2008), Cain (1999), and Hicks and Allen (1999) indicate that the New Zealand government was aware of the difficulties of attracting Britons to remote Aotearoa/New Zealand as a migration destination and why the assisted migration scheme was considered necessary by the New Zealand government. Overall, labourers were generally perceived to earn more in Australia than in Aotearoa/New Zealand (Greasley & Oxleyb, 2004). Here

the government insisted on a preferential British migrant policy to expand its population.

The population gain of British immigrant population in Aotearoa/New Zealand by natural increase also slowed down gradually. Bryant (2003) and Jones (1971) conclude that fertility rates in Aotearoa/New Zealand did not begin to decline in the 1960s as popularly imagined, but had been on a steady decline from the 1880s. At the same time, the overall life expectancy for Pākehā/Europeans was on a steady increase. The slowed natural increase of the settlers population alongside the persistent limitation of migration to British subjects, suggests that the Crown purposively chose for Aotearoa/New Zealand to remain a small country with a population predominantly of British descent rather than expand its population and economic basis through diverse migration.

After the World War Two, attracting solely British settlers became more difficult as well as unsustainable for post-war economic development, despite subsidized passage offers. The Dominion Population Committee (1946) was established to explore options to improve the sustainability of the British settlers' status.

*"We have previously expressed the opinion that, if possible, immigrants of British stock from the British Isles would prove the most satisfactory in this country. We realize, however, the grave difficulties which face Great Britain at the present time. That country also has a serious shortage of certain types of labour, and, in view of the strenuous endeavours which are being made to recover the export trade and to rebuild the industrial structure of that country, Great Britain may not be happy at seeing a large number of the younger and more able-bodied men and women emigrating to New Zealand. (Dominion Population Committee, 1946, p. 117)"*

The conclusion was to invite Dutch and other northern European settlers as they were deemed able to assimilate best with the established settler nation.

*"We think it important to comment that, if it is proposed to encourage the immigration of other European types, they should be of such a character as will, within a relatively short time, become completely assimilated with the New Zealand population and have a distinctly New Zealand point of view. (Dominion Population Committee, 1946, p. 99)"*

It is evident that the government intention was to maintain Pākehā/European cultural and ethnic dominance over Māori and other non-British migrants. While the World Wars and the "Yellow Peril" were frequently cited as the major reasons for immigration restrictions, the above statements which were publicly decided show the nature of maintaining New Zealand's status as an extension to Britain. Indeed, New Zealand took 16 years until 1947 to adopt the Statute of Westminster, while had been enacted in 1931 in the United Kingdom. The removal of British subjecthood for New Zealand citizens was enacted only in 1977.

If we also look at race-based immigration restrictions, in parallel with the series of Māori land confiscations, epidemics which significantly reduced the Māori population, and entrenched discrimination in the public education system (Beaglehole, 1957), there is no doubt that the Crown deliberately pursued race-centric policies, which curtailed non-British ethnicities from entering New Zealand, while simultaneously reducing and disadvantaging the indigenous population in favour of the British settler population. It is fair to say that immigration policies in their entirety between 1840 and the late 1940s were designed to create a society in which people of British descent predominated.

### **Decades of social movements**

Following the adoption of the Statute of Westminster in 1947, New Zealand citizenship British subject entitlement continued until 1977. The Crown diversified its migration programmes to non-British migrants during the post-war period, slowly extending entry to northern Europeans, Pacific peoples, and Asian peoples.

Of the Chinese people who migrated before World War Two, their number did not actually increase over time, and they maintained their cultural ties within their ethnic community (Ng, 1972). However, the major turning point for the Chinese in Aotearoa was the Communist Revolution of 1949, after which land was transferred from family to state control, and links with Western countries like Aotearoa/New Zealand were shut down.

Coinciding with this, an increasing number of young Chinese who were born in Aotearoa/New Zealand had become highly assimilated within the mainstream society. Asian migration to Aotearoa/New Zealand continued as naturalization of Chinese was reinstated in 1951, which however was only allowed for the purpose of family reunifications with those who were already settled (Roy, 1966). Most of their children were educated in mainstream schools and went on to pursue academic and financial success (Poot, 1993).

The preferential treatment of race and ethnicity in immigration policies during the 1960s and 1970s were not as overt as in the pre-1945 period. However, it does not mean an overnight policy shift, rather a gradual process occurring over decades before shaping to the market oriented scheme of the 1980s (Ongley & Pearson, 1995). In 1962, it became mandatory to have an entry permit granted before landing in Aotearoa/New Zealand. However, commonwealth citizens from Britain, Canada and Ireland were exempted from this requirement until 1974. But it is not always easy to know the true direction of the government on immigration during the twentieth century. Brawley (1995) critically examined the actual practice of the immigration policies during the interwar period. He notes the introduction of the Immigration Restriction Amendment Act 1920, which restricted the entries of non-British migrants and actually continued its legal validity until the 1950s. Brawley also argues that although public circular or publications might not be made, it was obvious that the Crown was exercising race-based entry restrictions.

*Disregarding the confidential nature of their instructions from the New Zealand Government, shipping and airline companies in Sydney produced a pamphlet on try to New*

*Zealand that included the advice that people 'not wholly of European race and colour' were restricted from entering. (Brawley, 1995, p. 268)*

Similarly, Brooking and Rabel (1995) point out that the Department of External Affairs issued an internal memorandum in 1953 to reiterate the 'White' New Zealand policy:

*Our immigration is based firmly on the principle that we are and intend to remain a country of European development. It is inevitably discriminatory against Asians – indeed against all persons who are not wholly of European race and colour. Whereas we have done much to encourage immigration from Europe, we do everything to discourage it from Asia. (Brooking & Rabel, 1995, p. 39)*

This clearly shows the unpublicised race-based immigration policies existing during these decades. The official statistics clearly show New Zealand to be a society dominated by New Zealand Europeans in the 1960s. The 1961 Census recorded approximately 2.4 million people (Parliamentary Library, 2008). Of these, 'Europeans' comprised 94.3%, while only 8.4% were Māori, while Pacific peoples and Asian were below 1% each<sup>4</sup>. Although the ethnicity recording criteria were not fully compatible with the post-1986 criteria, European ethnic dominance was obvious (Khawaja, Boddington, & Didham, 2000). Further, Roy (1966) argues that the Crown did not just maintain the covert White New Zealand policy, but more precisely it was a White British New Zealand policy. Ongley and Pearson (1995) largely agree that a White British New Zealand policy presumably, and state that the number of non-British migrants since 1945 to Aotearoa/New Zealand is less than 2,500 people per annum on average before the immigration policy review in late 1980's. They also note that labour market demand in Aotearoa/New Zealand

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<sup>4</sup> Percentages will not sum to 100 percent due to multiple response and proportional representation.

became weaker than in Australia and Canada after the mid-1970s which resulted in reducing the immigration inflow.

A series of global events in the 1970s triggered the collapse of the New Zealand economy, and ultimately had a significant impact on immigration policies. The global oil crisis and the United Kingdom joining the European Economic Community (EEC) in 1973 severely undermined the economic prosperity that Aotearoa/New Zealand had enjoyed for several decades. In the following year, Commonwealth citizens were no longer exempted from the mandatory permit to enter Aotearoa/New Zealand. Several key pieces of legislation were enacted during the 1970s, such as The Race Relations Act 1971, the ratification of the *International Convention on the Elimination of All Forms of Racial Discrimination of 1965* in 1972, and the Treaty of Waitangi Act 1975. Roper (2011) discusses the socio-economic aspect behind the emergence of the anti-racism movement in Aotearoa/New Zealand, beginning in the 1960s and intensifying in the 1980s. Contrary to positive economic indicators showing full employment before 1973, actual labour conditions did not fully benefit everyone in society, as a significant number of people in Aotearoa/New Zealand suffered from a widening disparity in wealth (Department of Labour, 2009; Organisation for Economic Co-operation and Development, 2008). The frequency of labour disputes increased from the early 1960s and peaked in the late 1970s (Statistics New Zealand, n.d.), coinciding with global anti-war and civil right movements, as well as the resurgence of mana whenua (indigenous rights movement demanding recognition of the Treaty).

However, such progress in human rights and anti-discrimination did not necessarily mean the social hostility against non-British immigrants in Aotearoa/New Zealand swiftly disappeared. Dawn raids during the late 1970s specifically targeted Pacific peoples suspected of overstaying their visas (Trlin, 1987). The xenophobia underlying anti-immigrant sentiment amongst the general public persisted, particularly after the 1973 economic depression. Social hostility coupled with a growing lack of employment opportunities for New Zealand born citizens, lead to restrictive immigration policies which by 1979 resulted in a 40,000 annual net migration loss (Brooking & Rabel, 1995).

In many ways these decades were a time of rude awakening for the people of Aotearoa/New Zealand. MacLean's (2010) examination of the anti-apartheid movement in Aotearoa/New Zealand highlights protesters' ethnicities and their bearing on opposition to South-African racism. Māori activists developed a consciousness of mutual status as fellow colonised indigenous people with black South Africans, while Pākehā discourse against racism was grounded in narratives of social justice. As the group benefiting from racial privilege in Aotearoa/New Zealand, Pākehā were not as invested in changing New Zealand society as Māori involved in the anti-apartheid movement. On this point, Poata-Smith (1996) describes how anti-racism activism was maintained between Māori and Pākehā, but eventually the discrepancy of perceptions and ethos widened and political association accordingly weakened. In his critical examination, no single factor should be blamed. Anti-racism activism, in particular the anti-Springbok tour protests, revealed many Pākehā were yet to understand the history and the consequences of colonisation in Aotearoa/New Zealand. Perhaps the Springbok tour was easier to critique because it was a foreign issue rather than a domestic issue requiring facing historical and ongoing injustice in Aotearoa/New Zealand. For those who were advocating recognition of the Treaty, seeing the Springbok tour attracting more attention from the general public than Treaty injustice would have been difficult. However, Māori activists generally recognised lambasting Pākehā for hypocrisy in protesting foreign racism while allowing domestic racism to go unchallenged would create irreparable division.

Net migration losses were temporarily offset by the return of New Zealand citizens during the global recession in the early 1980s but returned to negative figures toward the end of the decade (Labour and Immigration Research Centre, 2012). Aside from relatively small numbers of refugees, the mid 1970s to 1980s were times when Aotearoa/New Zealand attracted fewer migrants.

### **Opened gate for the global market**

Following the trend of Asian migration to the United States in the 1980s (Rumbaut, 1997b), there was considerable pressure in the late 1980s to 1990s from lobby groups in Aotearoa/New Zealand to deregulate the

country's immigration policy. In particular, the New Zealand Business Roundtable (NZBT) commissioned Kasper (1990) to publish a report in favour of a deregulated immigration policy, which successfully facilitated a major immigration review which supported the changes proposed by the NZBT on behalf of the big business community it lobbied for.

Asians migrating to Aotearoa/New Zealand after the 1990s immigration review, unlike those who settled in Aotearoa/New Zealand in earlier periods, were selected by the government with strong socio-economic interests in mind. Applicants' occupational knowledge, skills, and settlement funds became the major criteria for permanent immigration, in order to maximize economic development at national level (Immigration New Zealand, 2007; Trlin & Watts, 2004). Unlike the previous selection criteria, the post 1980s criteria are knowledge-based without explicit ethnic references. However, English language proficiency was reinstated and given a more measurable scale using the International English Language Testing System (IELTS) as defined by the British council<sup>5</sup>. The major selection criteria, particularly occupational skills and experiences, qualification and age, were assessed according to a numeric scaling system aimed at standardising the assessment process as well as to enable adjusting the immigration quota threshold.

Most importantly, selection criteria were solely determined according to mainstream economic demands (Bedford, Ho, & Lidgard, 2000; Farmer, 1997) in which the government largely disregarded potential impacts on tangata whenua, as well as on the majority population. Since then, the Department of Labour has regularly conducted labour market

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<sup>5</sup> IELTS is comprised of four assessment components: reading, writing, listening and speaking (face to face interview). A large proportion of the examination questions are open ended. In its nine-band scale, those who are applying for permanent residency under the general skills category, currently 6.5 (Competent user) an overall score is required as a prerequisite. Applicants who have a tertiary degree primarily taught in English are exempted from this requirement. <http://www.immigration.govt.nz/migrant/stream/alreadyinnz/business/englishlanguage requirements/>

assessments to adjust the selection threshold level (Immigration New Zealand, 2007).

It is also important to note that while the Crown's did not intend to undermine New Zealand's dominant Pākehā culture, its approach to immigration did significantly change from the late 1980s. Prior to this point, the Crown's conventional approach was to limit immigrants, based on their ethnic origin, to those of British and northern European descent. As I have discussed earlier, maintaining the existing British settlers' majority status was a high priority. Such an ethnic based selection criterion was there to ensure immigrants would not disturb social norms. By contrast, the post 1980s selection criteria placed a significant focus on applicants' employability, including their English language proficiency, to objectively measure their likelihood of assimilating with the mainstream culture. The definition of what constitutes 'good citizens' obviously changed with the emergence of New Right politics.

### **The New Millennium**

The 2006 census<sup>6</sup> showed that the Asian population had increased to approximately 354,000 people, comprising 9.2% of the national population, of whom, two-thirds lived in the Auckland region (Statistics New Zealand, 2006c). The most recent update generated from the 2013 Census<sup>7</sup> show that 471,711 people are of Asian descent, comprising 11.8% of the national population (Statistics New Zealand, 2013).

Considering that the 1961 Census recorded less than 1% of the population as Asian, amongst a smaller total population, the increase has significantly changed the ethnic composition of Aotearoa/New Zealand from that of a half century ago.

This trend is expected to continue in the foreseeable future. The official ethnic population projection indicates that the Asian population in Aotearoa/New Zealand is estimated to increase to 790,000 by 2026

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<sup>6</sup> The 2011 census was cancelled due to the Christchurch earthquake on 22<sup>nd</sup> February, and rescheduled for March 2013 (as of 27 May 2011)

<sup>7</sup> This was a quick highlight, detailed cross tabulated analysis is yet to be released.

(Statistics New Zealand, 2010b). The 2006 Census data shows that approximately 80% of Asian people were born overseas, meaning that the majority of Asian people are migrants (Statistics New Zealand, 2006a). On the other hand, the projection scenario anticipates higher birth rates amongst Asians than amongst New Zealand Europeans, meaning that the projected demographic growth of the Asian population in Aotearoa/New Zealand will be largely a result of domestic reproduction, rather than of international migration. Since Māori and Pasifika populations are also expected to increase in the same projection figures, both the school age and working age populations will be more ethnically diverse in the coming decade than they have been in the past.

### **Issues around categorising Asians**

While people identify themselves with a specific ethnicity, the “Asian” label is still determined by government officials. Before we look at Asian people by numbers, this subsection will discuss an overview of classifications in Aotearoa/New Zealand and other countries to examine how “Asian” is externally defined.

There is a generalised classification for “Asian” across the settler nations including Aotearoa/New Zealand. Asians are classified based on their geographical origins, namely the south-east, east, and north Asian regions. Those with ethnic origins in the Indian subcontinent are classified as Asians in some cases. Interestingly, the United Kingdom government separates Chinese from other Asians (The Office for National Statistics, 2001), while other countries such as the United States of America, Australia, and Aotearoa/New Zealand include Chinese as Asian (Australian Bureau of Statistics, 2000; Statistics New Zealand, 2006b; U.S. Census Bureau, 2007).

In fact, the United Kingdom census definition is still race-based (i.e. “Black” and “White” are still in the system), rather than ethnic identity-based (Block, 2010; The Office for National Statistics, 2001). The Australian government includes Central European ethnicities, such as Armenian, Georgian, Kazakh, and Uzbek, as Asian, whereas Statistics

Canada (2008) includes Iranian, Israeli, Kurd, and Turk as Asian (see Appendix B).

The Asian label is frequently used in Aotearoa/New Zealand, usually with reference to those who have come from the south-east, east, and north Asian regions, but also for those from the Indian subcontinent. Statistics New Zealand uses this label to collate ethnic groups from south-east, east, and north Asian, including those whose ethnic backgrounds are from India and surrounding regions (Statistics New Zealand, 2006b). However, this labelling has been problematic for researchers because it amalgamates specific ethnic groups from a diverse range of different ethnic and cultural groups, obscuring issues specific to different ethnic groups and their needs (Rasanathan, Craig, & Perkins, 2004).

Collective identity theories in current mainstream social psychology support internally defined identity, where people freely choose to identify themselves with a most preferred identity (Hogg & Vaughan, 2002). However, pan-ethnic categories that typically classify people as Polynesian and Asian and similar are, in fact, still externally defined (Lynn, 2006). Aspinall (2003) argues that these categories are social categories, rather than ethnic or race categories, which are constructed by external key persons. Hence, "Asian" may be a social category rather than an identity.

Developing this argument further, Webster (1997) discusses the perceived oddness of how "Asian" was constructed through the notion of Western neo-colonial discourses on orientalism, as defined by Edward Said (1978). These observations, however, do not automatically mean that all of those who are categorised as "Asian" are willing to define themselves according to that specific ethnic identity. Kang and Lo (2004) elucidate the Asian category that second generation Chinese and Korean Americans often prefer. Unlike their parents, who were usually first generation immigrants to the United States, they tend to view Chinese and Korean ethnic identifications as inherited notions, which are not strongly intrinsic to themselves. Instead, they see themselves as Asian Americans.

Similarly in Aotearoa/New Zealand, Park (2006) acknowledges the fact that the categorisation of “Asian” in Aotearoa/New Zealand was initially established and imposed by the dominant group. However, she also argues that there was a subsequent acceptance of such a category by Asian people, due to its historical development as a social category.

### **Emerging profile of Asian people in Aotearoa/New Zealand**

While there are a number of concerns around how Asian people are externally defined, having the Asian category available in the Aotearoa/New Zealand official statistics has helped to delineate issues that were specific to this pan-ethnic group. Without such a category, even a simple comparison could not have been conducted (Khawaja et al., 2000).

The National Health Index (NHI), an alpha-numeric unique identifier for health and disability support service consumers in Aotearoa/New Zealand, covers approximately 95% of citizens (Ministry of Health, 2012). The NHI did not have a separate ethnic category for “Asian” until 2000; formerly it classified Asians as “other” (Ministry of Health, 2011). Prior to incorporating the Asian category in the NHI, National Minimum Data Set (NMDS) was redefined to record self-identified ethnicity in 1995, which was introduced in conjunction with making the ethnicity field on death certificates mandatory in the same year (Ajwani, Blakely, Robson, Tobias, & Bonne, 2003). These changes were also comparable with the 1996 census definitions of self-identified ethnic identities.

Prior to the mid-1990s, most official statistics in Aotearoa/New Zealand did not have meaningful information for cross-ethnic comparison. However, since these changes and the passage of more than 18 years, researchers can now obtain more current and longitudinal detail of Asian people in Aotearoa/New Zealand, instead of solely relying on sporadic anecdotal evidence.

Unemployment, occupational statistics, annual income indicators, and other health related statistics provide information about the actual status of the lives of Asian people. As previously indicated, 80% of Asian people in Aotearoa/New Zealand were born overseas, so the domestic statistics

cited in this study are assumed to reflect Asian migrants' lives in this country.

In terms of unemployment, 9.4% Asians, 13.9% of Māori and 16% of Pacific peoples were unemployed in March 2012, while overall population unemployment was recorded at 6.7% (Statistics New Zealand, 2012a). One might argue the remaining employed Asians might be earning more to offset the total earning. However, 62% of Asian earned less than \$30,200 per annum in 2009, while the national median income in the same year was \$46,000 per annum (Statistics New Zealand, 2009).

These statistics pose question regarding the permanent residency criterion and applicants' qualifications before moving to Aotearoa/New Zealand. The general assumption is that the higher the qualification level, the more annual income migrants will earn. The Department of Labour's study (Badkar & Tuya, 2010) on the Asian domestic labour force shows that Asian workers are more qualified than other ethnic groups, but at the same time, they are much more likely to be overqualified for their occupations. These figures clearly indicate that their post-settlement life is likely to be financially disadvantaged, despite their employability and potential to economically contribute being scrutinized before migrating to Aotearoa/New Zealand. Contrary to post-1980s government policy initiatives to recruit knowledge workers to supplement the New Zealand labour force, it seems the number of Asian migrants into the lower end of the labour force is larger than was originally expected.

With regard to health, Ministry of Health figures show that Asian people tend to be healthier than people from other ethnic minorities (Ministry of Health, 2006). Health is another important criterion for permanent residency eligibility<sup>8</sup>, thus it is no surprise that the health status of Asian people was better than other ethnic groups. However, it was noted that because of the rapid population increase since 1996 (and the statistical incompatibility as discussed earlier), those proportional figures may not be

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<sup>8</sup> Most applicants must undergo health screening to prove that they are unlikely to become financial burden on the state.

comparable with other groups. For instance, in a separate figure published in 2009, the Ministry of Health (2009) indicated a much higher male-to-female suicide rate ratio for Asian (1.4:1) than the national average (3.7:1), suggesting female Asian were more socially vulnerable than other groups. The latest figures released by the Ministry of Health (Ministry of Health, 2014) does not have the sex rate ratio figures of suicides for a comparison, but the self-harm figures showed a much higher proportion for Asian female recorded 70.9%, while the total female ratio was 65.5%. Hajat, Blakely, Dayal and Jatrana (2010) conducting a thorough analysis of mortality statistics, found that Asian migrants initially retain mortality advantages over their New Zealand-born counterparts; however, as they live longer in Aotearoa/New Zealand, their health status declines.

Keeping this focus on statistics, the Ministry of Social Development's report (Martin & Pritchard, 2010) on homicide within families between 2002 and 2006, found the mortality rates per 100,000 for Asian victims was 0.88, while the national average was 0.7, 0.37 for NZ European, and 2.05 for Māori respectively. Amongst Asian victims, about half were aged between 15 and 24 years. Most domestic homicides involving Asians were couple-related, rather than child related, unlike other ethnic groups which tend to have higher proportions of child homicides. This report also reveals that the majority of both Asian victims and perpetrators were born overseas.

Migrants without confirmed permanent residence status are vulnerable to exploitation, such as human trafficking<sup>9</sup> and abusive employment conditions. Harre (2013) examined how the New Zealand authorities responded to forced labour issues in Foreign Chartered Vessels (FCV). His strongest criticism was around the lack of protection for forced labour victims who did not have valid residency visas. Under the Immigration Act 2009, vulnerable victims are classified as protected persons, including victims of domestic violence, who are exempted from removal (previously

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<sup>9</sup> Migrant spouses' immigration status in Aotearoa/New Zealand is largely depending on their partners' legal sponsorship. Migrant women tend to be in more vulnerable position because of this.

called *deportation*). However, as Harre argues, victims were the ones who are usually being prosecuted under the Immigration Act and subsequently removed from the country, instead of being legally protected in accordance with the Act.

## The Treaty and immigration

Discussions of the Treaty of Waitangi and immigration issues invariably involve race/ethnic relations issues. Simply labelling anti-Treaty sentiments as being racist does not help us to explore and understand the various types of reasoning presented by those who are dismissive of the Treaty and its relation to immigration.

In this section, I examine representative political discourses that are frequently argued in Aotearoa/New Zealand, with some reference to overseas equivalents. These discourses subtly include and/or exclude different groups of ethnic minorities in order to countermand the Treaty principles.

### The statutory position of the Treaty

For the purpose of this thesis, it is important to note that despite the Treaty of Waitangi being understood as the founding constitutional and legal document for Aotearoa/New Zealand (Palmer & Palmer, 2004), a large number of historical redresses have continued to be addressed through the Waitangi Tribunal process since the enactment of the Treaty of Waitangi Act of 1975. The translation of the Treaty texts in te Reo Māori was particularly problematic, and Sir Hugh Kawharu attempted to resolve this by producing what the Māori text of the Treaty may actually have meant to the chiefs who signed te Tiriti. (See Appendix D for the full text).

HER MAJESTY VICTORIA Queen of the United Kingdom  
of Great Britain and Ireland regarding with Her Royal  
Favour the Native Chiefs and Tribes of New Zealand and  
anxious to protect their just Rights and Property and to  
secure to them the enjoyment of Peace and Good Order  
has deemed it necessary in consequence of the great  
number of Her Majesty's Subjects who have already  
settled in New Zealand and the rapid extension of  
Emigration both from Europe and Australia which is still in  
progress to constitute and appoint a functionary properly  
authorised to treat with the Aborigines of New Zealand for

the recognition of Her Majesty's Sovereign authority over  
the whole or any part of those islands

However, the primary focus of both past and present legislation for immigration control rarely advocates for the interests of tangata whenua. In particular, none of the New Zealand Constitution Act 1852, the Treaty of Waitangi Act 1975, the Constitution Act 1986, the Immigration Act 1987 and the New Zealand Bill of Rights Act 1990 have an explicit reference to the Treaty. Hence there is an absence of regular consultations with Māori so as to reflect and protect their interests, including those potentially impacted by immigration. The Legislation Advisory Committee (2007) stated that Parliament is assumed to not legislate law that infringes the Treaty principles with intent. In other words, Parliament has the responsibility of implementing the Treaty within new legislation. Perhaps, with regard to immigration matters, there is a lack of understanding about the Treaty and its implications for immigration control. In terms of the legal experts' consensus on the Treaty's legal validity, the New Zealand Law Commission (2002) clearly recognises whanaungatanga, mana, tapu, utu, and kaitiakitanga as the main elements of tikanga, which provide the foundation of the Treaty. It is rather illogical that the Immigration Act is fully devoid of reference to the Treaty. Despite the increasing recognition of the Treaty amongst legal professionals, the Constitutional Advisory Panel (2013) recommended maintaining the status quo of the Treaty in the constitutional framework and to focus on public dialogue and education in the meantime.

For example, Immigration New Zealand has encouraged permanent residence applicants to find jobs (or job offer) outside the Auckland region, in order to ease pressure from population increase. Urban planning, local council strategies on regional development, environmental concerns, and long term infrastructure planning can easily be influenced by immigration inflows. The Local Government Act 2002 has a clear reference to the Treaty which requires local bodies to work with Māori, but it limits its scope to localised issues. Because immigration control is under central government jurisdiction, the Act does not extend to matters concerning immigration. Wong (2000) argues that any variation of legal agreement,

including public policies between Māori and the Crown, are always subject to consultations with Māori as the primary Treaty partner. In particular, she points out, immigration legislation and policies have always been determined without the consent of Māori.

As I have discussed earlier in this chapter (pp.4-14), external factors, particularly the political and economic interests of the UK, have significantly influenced immigration legislation in the past. The enactment of the Citizenship Act 1948 was due to the British Westminster Statute of 1931 which was influenced by a decreasing flow of immigrants from the United Kingdom after the Second World War, and the conclusion of the Dominion Population Committee (1946), that the Aotearoa/New Zealand government would have to seek Dutch and Scandinavian immigrants to replace or augment Britons. Similarly, the review of New Zealand citizenship in 1977, and the removal of the traditional source country criteria in 1987, was largely to do with the UK's political and economic shift toward the EEC in 1973 (D. Pearson, 2002). Prior to New Zealand citizens losing their status as British subjects in 1977, the flow of people from the UK to Aotearoa/New Zealand was perceived more like an internal transfer of commonwealth citizens, than as international immigration (Roscoe, 1999).

D. Pearson (2002) describes this shift as a process towards redefinition of nationhood. He argues Aotearoa/New Zealand moved from the traditional race-based selection, formerly exclusive to British migrants, to a more "liberalised" selection determining who was eligible to live in Aotearoa/New Zealand regardless of ethnic origin, in the wake of the globalised knowledge economy. In my earlier discussion, I examined the historical roots of privileged White New Zealand immigration (see pp. 4-12). However, maintenance of such a hierarchy was hampered by overwhelming factors, mainly originated in the UK. The geographical isolation of Aotearoa/New Zealand may have delayed nation building for a considerable length of time in deference to its British roots.

Despite such major change running counter to Article Three, as well as the Preamble of the Treaty, the voices from tangata whenua were obscured in

the process of these immigration changes (Spoonley, 2009; Walker, 1995, 2004). In contrast, there is an increasing level of acknowledgement and implementation of the Treaty philosophy in other parts of the political process such as acts and public policies (Barrett & Connolly-Stone, 1998), as the emergence of Māori political participation becomes more significant (Lunt, Spoonley, & Mataira, 2002).

### **Biculturalism lost in translation**

It is important to acknowledge that many scholars (Cox, 2002; Eddy Taihukurei Durie, 1989; Durie, 2002; Gover & Baird, 2002; Human Rights Commission, 2003; Moon, 1999; R. G. Nairn & McCreanor, 1990; Palmer & Palmer, 2004; Walker, 1995, 2004; K. Wong, 2000) in Aotearoa/New Zealand have discussed how the Treaty of Waitangi is a founding document which clearly addresses immigration in its preamble. The Treaty as a constitutional framework covers everyone in the country, which also means it does not exclude, but includes those who immigrate to this country without invalidating their cultural and ethnic origins (Vasil & Yoon, 1996; Waitangi Tribunal, 2004, 2011). In this subsection, I will discuss how the Treaty's original biculturalism was lost through a deliberate intention to satisfy another political agenda (Barber, 2008; Johnson, 2008; R. G. Nairn & McCreanor, 1991; Tuffin, 2008).

Biculturalism exists in counter-position to monoculturalism and assimilation, and offers a way to address public recognition of the Treaty and Māori culture in Aotearoa/New Zealand. The most common misinterpretation of biculturalism that it exclude non-Māori/non-Pākehā people (Ip, 2003; Lowe, 2009; Mitchell, 1990; New Zealand National Commission for UNESCO, 2009; Rasanathan, 2005), This confusion is derived from a superficial interpretation of the word itself without reference to its historical background. The legal treatment of non-Māori/non-Pākehā people is as simple as a reference to non-Māori who are under the Crown umbrella. The Crown is responsible to ensure the best outcome for immigration control. This does not mean that it is in sole charge of immigration control, considering the Treaty principles and the requirement to protect Māori interests.

While biculturalism usually means equal partnership, it may be seen as posing a threat to mainstream political identities in the following ways: having an equal partner might be seen as reducing one's own group's share of authority, if a zero-sum mentality is dominant in one's mind. Such a mentality might also influence the view of nativity and contest notions of belongingness (Callister, 2004; Roscoe, 1999; Sampson & Goodrich, 2005). Claiming nativity to Aotearoa/New Zealand as non-Māori cannot be done with reference to the Treaty, because under the Treaty framework, Pākehā are classified within the same group as new migrants. The zero-sum fallacy over the Treaty is a self-induced negative reaction, as no legal interpretation of the Treaty precludes or degrades any person's human rights in Aotearoa/New Zealand.

The zero-sum fallacy in relation to the Treaty can lead to the negative conclusion of the Treaty being unfair and biased by non-Māori. Egalitarian discourses that employ multiculturalism are commonly claimed to deliver a better equality by bringing all parties, including tangata whenua, under the Crown's sole authority (Brash, 2004; Rasanathan, 2005; Tan, 2007b; Young, 2006, n.d.). However, biculturalism also is capable of hosting the scope of multiculturalism within the Treaty framework. Within the Crown sub-framework, multiculturalism can also be maintained to include Pākehā and immigrants from various cultural backgrounds. I will further discuss multiculturalism within the Treaty framework in a later section.

Not only individual human rights, but also collective human rights, particularly for cultural minorities, should equally be respected, expressions of cultural identity intrinsic to one's wellbeing, and as fundamental to the human right to be who one is (Baubock, 1996; Freeman, 1995). Biculturalism, in principle, embraces the idea of collective human rights, as it inherently values Tikanga Māori. Moreover, recognising the collective human rights of tangata whenua does not infringe or significantly differ from recognising those of other ethnic groups (Human Rights Commission, 2003). Thus other cultural minorities would also benefit from understanding the Treaty philosophy and its implications for defining their social space in Aotearoa/New Zealand.

## Binary politics

Nativism is the notion of excluding, or otherwise distinguishing, recent immigrants from overseas. Claiming a “native” status in a country of origin-by-birth shows some commonality with one major stream of conservative political discourse exemplified in the United States. Nativists do not principally claim ancestral connections to other countries and cultures. Rather they make country-of-birth a core value in order to politically advantage themselves, as the socially dominant group in settler nations. The other political dimension of nativism is that it has little or no recognition of indigenous people.

According to Sánchez (1997) and Alcoff (2003), the conservative Right in the USA has constructed a binary political discourse, in order to reject recent immigrants who are mostly Asian and Latino, while protecting themselves from accusations of being racist by “including” African Americans without addressing the actual issues of racial discrimination (Feagin, 1991). Such tokenistic approaches typically involve political appeals to African Americans by the conservative Right, claiming that new immigrants are a burden on social services and employment opportunities for African Americans, so as create leverage against new citizens of foreign birth origin. Nativism is one of the most often employed forms of classical political rhetoric using one minority group against another minority group. Arnold Shankman’s study (1977) on African American print media shows that nativist strategies were already being deployed in the mid to late 19<sup>th</sup> century in America. Interethnic relations between African Americans and Japanese migrants towards the beginning of the Second World War were already strained by a high proportion of African Americans subscribing to the white stereotypes of Japanese people.

In Aotearoa/New Zealand, Nativism was first seen and recorded in the 1920s. The White New Zealand League, which was formed by a group of Pākehā farmers in Pukekohe, advocated and promoted white supremacy, also tried to include Māori, in order to pressure Asian (primarily Chinese and Indian) immigrants who were perceived to pose an economic threat to mainstream farmers at that time (Leckie, 2007). The League was part of a

large movement concerned at the prospect of “hybrid races” and “contamination” of the white gene pool (Brookes, 2007).

The ultimate aim was to achieve further entrenchment of European social domination in Aotearoa/New Zealand. However, in this political rhetoric, Māori were utilised to reinforce the political discourse. As I discussed earlier in this chapter, with particular regard to Indian immigrants, the mainstream politicians at this time made all possible attempts to exclude, or significantly reduce the number of Asian immigrants by introducing more restricted immigration laws (Leckie, 2007). Considering the poor socio-economic status of Māori in the 1920s, due to the series of land confiscations and the lack of social welfare to ameliorate their disadvantages, it is difficult to take at face value Pākehā claims to be acting to “protect Māori interests” from “foreign threats”.

From a retrospective point of view, Kasper (1990) and Roy (1966) elaborate on the anti-immigrant nativism whereby Aotearoa/New Zealand, in contrast with other British colonies, essentially suppressed the idea of an immigrant country as a collective identity. Instead, a call for the protection of earlier settlers gained significantly more popularity. Both Kasper and Roy also point out how geographical isolation also contributed to the development of the White Dominion model. Their argument reinforces my earlier discussion on the history of immigration laws and policies, concluding that the Crown deliberately chose for New Zealand to remain as a small country, without opening its door to diverse ethnic groups.

In the contemporary USA, outside of politics, a nativist discourse can also be discerned, within popular culture, whereby anti-Asian sentiment is given expression. Ice Cube’s record “Black Korea” (Ice Cube, 1991) was made around the time of rising tension between African Americans and Korean immigrants in San Francisco in the early 1990s, when Koreans began to assert business interests within impoverished African American areas (Pastor Jr, 2001).

Similarly in Aotearoa/New Zealand, Alan Duff’s controversial novel, “Once Were Warriors” (1994), contains narratives in which Jake Heke (main character of the novel) rails against Chinese immigrants, in describing his

daily life experience with a takeaway shop owner, a recent immigrant, who does not speak English fluently. Duff describes Jake's complicated and negative perceptions of Chinese immigrants as obsessively hard working, greedy and superficially polite. He claims a slightly better psychological position than them. Although such characterisations are not strictly "true", they reflect often unexpressed feelings amongst the wider population, which are infrequently addressed in academic literature.

### **Mainstream discourse**

Identifying the mainstream discourses opposed to the Treaty philosophy cannot be achieved without addressing the notion of monoculturalism in Aotearoa/New Zealand. Roy (1966) critically examines the covert existence of White New Zealand policies, which matched the Australian equivalent at the same time during the 1960s. The only difference between those two countries was mainstream New Zealand's coyness regarding such policies. Roy argues that the underlining notion derived from the idea of utopianism which was apparent amongst some British immigrants to Aotearoa/New Zealand who were social egalitarians, led to the monolithic dominant culture of Aotearoa/New Zealand, though it in reality was not egalitarian but rather covertly racist (Vasil, 2000).

In an extension of Roy's argument, West-Newman (2004) suggests that many Pākehā show consistent forms of resentment over Treaty grievances. She points out that such indignant emotions derive from egalitarian beliefs amongst Pākehā, as well as subconscious racism against Māori. She observes that mainstream Pākehā view Tikanga Māori, which is an integral part of Treaty claims, as a significant threat to their established social institutions. Similarly, Minogue (1998) describes how many non-Māori tend to have superficial understandings of Treaty settlements as a "cargo cult" from which Māori derive unfair financial advantages.

Frequent references to other non-Māori subordinate groups are made as leverage against the Treaty as the founding document. Meanwhile multiculturalism, as opposed to biculturalism, is superficially advocated and accorded universalism and equality. For example, Mitchell (1990), in

his criticism of the Treaty, argues that biculturalism involves a pair of monolithic monoculturalisms, which he claims are exclusive and divisive. However, neither Mitchell nor West-Newman has a positive alternative as a resolution. West-Newman sees multiculturalism as rather problematic, since it generates more complexities than the conventional political agenda advocating biculturalism. The political balance is no longer as simple as it used to be.

Public recognition of cultural diversity in Aotearoa/New Zealand has not been as substantial as the claims about biculturalism. Bartley and Spoonley (2005) critique the absence of holistic policy framework at central government level to embrace non-mainstream cultures and languages, and they argue that societal efforts at building mutual cultural understanding in Aotearoa/New Zealand is still at an ad-hoc stage. They argue that social resources for developing non-mainstream cultural capital are deliberately limited, in order to avert empowering subordinate ethnic groups and their cultural potential.

While the New Zealand Bill of Rights Act 1990 and the Human Rights Act 1993 provide some legal protection for citizens to maintain their culture and language, these laws do not fully eradicate all forms of discrimination. Te Reo Māori became one of the official languages of Aotearoa/New Zealand and Te Taura Whiri i te Reo Māori (the Māori Language Commission) was established when the Māori Language Act was enacted in 1987. Until then, there had been no legal recognition of the Māori language since British settlement began, although the Treaty itself was contentiously presented in both Māori and English. While embracing further cultural diversity must be valued, this historical fact should also be acknowledged. This is primarily because a politically weaker subordinate group is utilised to leverage political advantages for the conservative groups who promote monoculturalism. I will discuss further the political implication of multiculturalism in the later section of this chapter.

### **Treaty compliance in immigration control**

Traditionally, Treaty debates were concerned with the relationship between tangata whenua and the Crown because redressing the

aftermath of colonisation was a priority. However, this does not deny the importance of immigration issues in the Treaty framework. The Treaty and immigration are deeply connected, thus issues relating to those who migrated to Aotearoa/New Zealand under Crown authorisation are yet to be addressed.

Immigration New Zealand claims that it consults with interested parties in order to benefit Aotearoa/New Zealand society by means of its immigration programme (Immigration New Zealand, 2005b). However, no accounts of regular consultation with Māori, reflecting the voice of tangata whenua, is made public. No evidence is provided to prove Immigration New Zealand's claims of complying with the Treaty principles of participation, protection, and partnership. Throughout this research project, I lodged information disclosure requests (see the Appendices) under the Official Information Act 1982, but received little in return. Immigration laws and the Treaty have been discussed several times in the public arena (e.g. "The great multi-cultural melting-pot", 2009; Tan, 2007a, 2007b), but never been implemented in actual legislation or policies.

In 1990, the WAI223 claim was lodged with the Waitangi Tribunal, because of the complete absence of consultation with Māori regarding the major review of immigration policies. This case has not been closed and no action has been taken since 1994 when two expert reports commissioned by the Tribunal were submitted. Thus no legal judgement or review has been made since the case was lodged.

In 2001, an expert hui was held in Wellington by the Department of Labour specifically to engage Māori over the country's immigration policy. It was described as the first of its kind by one of the participating experts. A summary of the hui was compiled and submitted to the ministry, but no legal implementation occurred.

The most recent case of Treaty avoidance by the Crown is the Immigration Act Review, commenced in 2005 (Immigration New Zealand, 2005a), in which no indication or evidence of consulting with iwi or hapū was published (Department of Labour, 2006). In fact, the Cabinet made a

decision not to involve any iwi or hapū consultation, based on its view that the executive government retains sole privilege to manage immigration matters (Office of the Minister of Immigration, 2006). This contradicts earlier government statements about this review process (Immigration New Zealand, 2005a).

In this section, I will discuss three cases in relation to how Māori were (and still are) excluded from immigration law making processes.

### **WAI223 claim**

As I discussed earlier in this chapter, the Crown conducted a major review of the Immigration Act in the late 1980s in the wake of the emergence of a globalised knowledge economy. A major shift occurred as the conventional race-based immigration selection criteria were abandoned and replaced with explicit criteria on qualifications, skills, and occupational experiences in the subsequent policy changes. Superficially, such a law change seems liberated of white centric racism. Selection of applicants based on their ability and qualifications would match with the country's egalitarian ethos, as well as strong calls from the business community.

However, considering the economic status of Aotearoa/New Zealand around the time of these major changes, the country was in no position to invite and employ skilled immigrants. It was a time of deregulation and austerity, of the dismantling of the Welfare State, and the privatisation of the public sector, known locally as *Rogernomics* and *Ruthanasia*. Many citizens in Aotearoa/New Zealand suffered not only from the labour market downturn but also from the significantly increased financial burden of tertiary education fees and the reduction in social welfare benefits (Organisation for Economic Co-operation and Development, 2008).

In July 1991, Rev. Eru Potaka-Dewes, on behalf of the Aotearoa-New Zealand Action Campaign, lodged a Treaty claim to the Waitangi Tribunal over the lack of consultation with Māori for the Immigration Amendment Bill 1990. This claim was judged as having a case and became WAI223. In March of the following year, an exploratory report was submitted by Tim Stevenson (1992). He argued that there was no set standard for adequate

consultation with Māori, therefore Potaka-Dewes' claim of "inadequate consultation" would be difficult to resolve unless a new protocol was set.

In November 1994, another research report was submitted by Tom Bennion (1994). He too, raised issues around ambiguity over what constitutes adequate consultation in legislative process. His report states that the colonial government commenced a new scheme with the Immigration and Public works Act of 1870, whereby it commissioned emigration agents to find suitable people who were a certain age band, sex, and had skill sets to facilitate British settlement in Aotearoa/New Zealand. In his elaboration of the exponential increase of British immigrants in the late 19<sup>th</sup> century, he cites the immigration statistics of the arrival in 1872 of 613 people, which increased to 50,747 people in 1875. To contextualise Bennion's argument, the settlers' population in 1874 was 299,514, which was increased to 414,412 by 1878 (Census and Statistics Department, 1938). This is the decade immediately after the land wars in which massive acreages were confiscated, and land and opportunity were supposedly "unlimited" (Orange, 1992). Considering the current annual immigration quota is between 45,000 and 50,000 (Immigration New Zealand, 2012) for a total population of 4.4 million people in 2012 (Statistics New Zealand, 2012b), the sudden influx of foreign migration would have been astonishing to Māori. In my earlier discussion (see pp.4-8), only a fraction of total British emigrants came to live in Aotearoa/New Zealand. However, it was obviously significant enough to overwhelm Māori at that time.

He concludes that a further investigation is needed to draw a possible conclusion to this claim, including a traditional Māori concept of immigration control. He argued that more understanding is needed to ground Māori understandings of immigration policies, and to outline how Māori are consulted and should be consulted with reference to the economic impact of immigration policy on Māori people.

In order to gain further clarification on traditional Māori views of migrants, I consulted Dr. Matamua (Te Reo Māori expert of Tūhoe descent), particularly regarding the terms of "manene", in comparison with other

terms such as “tauīwi” and “rāwaho” (see Appendix A). He said that manene is not an equivalent term for migrants, as its meaning is actually associated with a stranger or someone who is unfamiliar to an area or group of people, including those with whom he/she shares genealogical links but has not met. His examination, which he verified with other senior language experts, shows that manene does not necessarily denote the genealogical description, when it comes to differentiating migrants and tangata whenua (people of the land); nor does it describe the cultural and family origins of migrants. He also points out that if migrants proceed to integrate with the host community in accordance with tikanga Māori, the use of manene denoting them as “strangers” would be inappropriate. Instead, he suggests that tauīwi (foreign race) or rāwaho (from outside) would be more appropriate as generic category for migrants. He notes that these concepts are yet to be debated thoroughly amongst experts to determine a general consensus on how Māori would incorporate migrants in their cultural concepts (Matamua, personal communication, December 18, 2013). Tauīwi is also well accepted amongst many cross cultural researchers in Aotearoa/New Zealand. One of the most well-known usage examples is found in the book title, “Tauīwi” (Spoonley, MacPherson, Pearson, & Sedgwick, 1984). The usage in the title was originally suggested by Ngahuia Te Awekotuku, who also wrote the conclusion of this book (Te Awekotuku, 1984).

Both Stevenson and Bennion point out the lack of a clear standard to define an adequate level of consultation for central government level policies. The Department of Labour seems to take the same legal interpretation to justify not conducting any regular consultation with Māori. Conducting regular consultations for central-government policies may also mean that the Crown could lose sole control over its policy directions. On the other hand, the current consultation process that the Ministry of Business, Innovation & Employment (formally the Department of Labour) has been practicing is heavily focused on industry. Māori may not represent a considerable portion of communities in Aotearoa/New Zealand; however, the same criticism could also apply to the corporate sector and industrial parties.

No further report or documentation was made after the 1994 report was submitted.

### *The 2001 Māori consultation*

In 2001, the New Zealand Immigration Service hosted a hui with selected participants invited by the Māori Perspective Unit of the Department of Labour, Te Puni Kōkiri, and Minister's offices. The original released hui report did not have participants' names which were withheld under the privacy act provision. However, Tariana Turia revealed some of the names during the Parliamentary debate for the first reading of the Immigration Bill in 2007.

*“the participants included Professor Ranginui Walker, Pauline Tangiora, Atareta Poananga, Amster Reedy, Sir Paul Reeves, Eru Pōtaka-Dewes, Annette Sykes, the Hon Tuariki Delamere, Moana Jackson, Jason Fox, and many other expert advisers across Te Ao Māori”. (“Immigration Bill - First Reading,” 2007)*

Although the full list of participants was not released, these names indicate the hui was intended to have a substantial commitment. Indeed, the Fact Sheet attached with the report states that the then Immigration Minister wanted to develop a strategy to start consultation with Māori, which was the rationale of the consultation hui.

In the released report submitted to the Department of Labour in 2003 (Gardiner & Parata, 2003), the invited experts voiced their concerns that Māori interest had been largely ignored. For example, the economic aspect of determining immigration policy direction was raised during the discussion for the first time.

One of the participating experts<sup>10</sup> said Māori expected immigrants to bring knowledge and wealth to the country for the benefit of people living in New Zealand, including Māori, but their expectations were betrayed as there

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<sup>10</sup> Names of the experts who participated this consultation were withheld under the Privacy Act 1993, when the documents were released under the Official Information Act 1982.

were no tangible benefit to Māori made from allowing in more immigrants. Such a disappointment was described as resembling the overall history of colonisation. Another comment during the discussion stated that Māori lost their authority as many more Pākehā arrived in the 19<sup>th</sup> century. These invited experts called for redressing the long term negligence of the Treaty by the Crown. From other literature that I have discussed in the earlier sections of this chapter, Māori suffered from historical events which were aggravated contributed to by long term mass migration Britain.

The record shows that the Immigration Minister (Lianne Dalziel) was not prepared to discuss a Treaty framework to be developed to involve Māori in major decision making processes. The reason provided was the lack of knowledge to begin such a development.

Hon. Lianne Dalziel, then Immigration Minister, retrospectively argued during the parliamentary debate in 2009 that that the consultation hui was a “*complete and utter disaster*” which lacked any “*unified view*” from Māori on immigration. The following comment represents her own conclusion on this matter, which seems to be widely shared across the Crown sector.

*“What I started to hear, because it was a job that I left incomplete, was that people wanted to see people making the decision to migrate to New Zealand being tied up with an understanding of the country they were migrating to. Therefore, an understanding of the Treaty need not be an administrative function for Māori within New Zealand, but a knowledge base to be shared with new migrants to this country.”(“Immigration Bill - In Committee,” 2009)”*

Interestingly, then, she identified the Treaty not just an issue of interest to Māori, but as something that Māori believed new migrants to Aotearoa/New Zealand should by knowledge of.

### ***The White report***

The Cabinet decision (Department of Labour, 2007) was based on a report published in November 2005, which had earlier been commissioned by the Department of Labour from Nicola White (2005) of Victoria University of

Wellington, to examine the possible implications of the review of the Immigration Act of 1987. This 11-page report presents a view that the Treaty does not have a direct implication for the Immigration Act. White, the author of this report, views the Immigration Act 1987 as a matter of national border control which is administered and operated by the executive government, and the Treaty as the founding document, but does not currently require any statutory obligation to the Treaty partner.

However, while the main theme of the report is continues to justify the Crown's sole control of immigration, White also sees that the second article of the Treaty, which guarantees protection of taonga (including cultural and intellectual properties and the integrity of Māori people), may apply to immigration issues. She also views the three principles of the Treaty (partnership, protection, and participation), as implying that the executive government has a responsibility to consider the impact of immigration on the cultural strength of Māori people. However, she states; it is unlikely that the vitality of Māori culture will be compromised by immigration. Such a remark largely ignores concerns on immigration from Māori (Spoonley, 2009; Walker, 1995, 2004). Her ultimate view of the Treaty philosophy and its bearing over the immigration issues is projected in the following statement.

*The overall approach is that immigration policy includes the capacity to let people with strong family connections come to Aotearoa/New Zealand, whether Māori or non-Māori. The way in which countries determine what is a sufficient family connection may differ, but the approach does not, in Aotearoa/New Zealand at least, depend on ethnicity. Arguments that a 'whenua' connection should make a difference are short term only: would the same argument have credibility in 10 or 20 generations time? (White, 2005, p. 8)*

Her understanding of mana whenua and the Treaty, particularly represented in the last sentence of the quoted text above, was not supported with any direct citation from Māori scholars, and is clearly

insufficient to critically discuss Treaty implications on the country's immigration policies. She deliberately chose not to acknowledge and include comments made by a number of scholars in the past, such as Walker (2004), McIntosh (2007) and Te Rito (2007), who all assert that spiritual connection with the land is intrinsic to Māori.

White largely rejects the Treaty as applying to the Immigration Act because of the absence of detailed guideline to dictate the treatment of each individual immigrants. However, she acknowledges one possible scenario of how a major influx of immigrants would impact Māori and might pose a threat to the revitalization of Māori culture, with a specific reference to the Article Two of the Treaty. But despite initially raising this point, her overall argument in the report totally drops this aspect without critically examining any other potential implications for Māori.

Leaving aside the level of White's consciousness over Māori cultural values, her statement comparing the generational lengths of settlements in Aotearoa/New Zealand essentially conflates those who settled much earlier with those who settled much later. Her discourse resembles the notion of nativism that I have discussed earlier in this chapter. In terms of White's statement, she takes a reverse approach by not recognising indigenous cultural values and rights over the land, which leads her to redefine the country's origin and resets everyone's genealogical pedigree back to "square one".

### ***Subsequent political responses***

White's report remained undisclosed to the public, along with its subsequent approval process within government ministries, until I lodged a disclosure request under the Official Information Act 1982. Since there was no allowance in the entire process to allow other researchers to critique that report, I will also briefly discuss how this report became validated as the basis for the legal grounds by which Treaty implications were rejected. Assuming that there was a systematic measure to secure Māori interest in newly introduced bills before Parliament, it is important to examine how the White report became legitimised through the legislative process.

First, the Department of Labour (DoL) sought an approval of the White report from Te Puni Kōkiri (TPK) in an email sent on 13<sup>th</sup> December 2005.

*The Department has carefully considered the relevance of the Treaty of Waitangi to this review.*

*As set out above, the Immigration Act regulates the process of decision-making and the administration of immigration-related border control, but it leaves decisions on the actual content of immigration policy explicitly to the executive government. This review is not proposing to alter this fundamental structure.*

*Treaty implications in the immigration context do not arise in the detail of the day to day administration of immigration, which are the matters that dominate the content of the Immigration Act. The Treaty does, however, have relevance to the overarching policy and goals that a government may set for immigration. Part of the process of developing immigration policy is a consideration of the effect of immigration settings on the overall ethnic mix and social cohesion in New Zealand. The Treaty suggests that that consideration should, where relevant, include consideration of the effect on the vitality of Māori culture.*

*In summary, assuming that the Immigration Act continues to prescribe key powers, obligations and processes, and to leave policy content to executive government discretion, Treaty considerations would not have any significant bearing on the matters dealt with in an Immigration Act. They could, however, impact at the policy level. (Department of Labour, 2005) (Underlining by author)*

TPK responded to the DoL that they approved the overall report and accompanied statement above with no major objections.

*Te Puni Kokiri agrees with the proposed treatment of Treaty issues. (TPK, 2005)*

While the White report received no ministerial objection, the Immigration Act Discussion paper drafted in March 2006 posed a minor concern regarding how Māori were portrayed in its introductory part. Interestingly, TPK raised concerns around the impacts of immigration on Māori status and culture, similar to how White (2005) indicated a possible scenario. TPK maintained that while these concerns were not affecting the main scope of the Immigration review, “*high level concerns*” were clearly denoted in communication between the DoL and TPK. Potentially negative impacts of immigration on Māori were raised, but not extensively discussed, twice in the process. The discussion report, with no reference to the Treaty, was approved and its final edition was released in November 2006. The public saw only the Cabinet release in May 2005 with its discussion paper without any open discussion regarding the Treaty and immigration.

Based on these internal discussions, the cabinet released a paper in November 2006 to formally project the direction of the Immigration Act review.

*The Department has carefully considered the implications of the Treaty of Waitangi for this review. The 1987 Act regulates the administration of immigration-related decision-making and border control, but it leaves decisions on the actual content of immigration policy explicitly to the executive government. This review proposes to retain this fundamental structure. Assuming that the Bill prescribes key powers, obligations and processes, and leaves policy content to the executive government, as proposed, there are no Treaty implications noted. (Office of the Minister of Immigration, 2006)(underlined by author)*

Essentially, then, the Crown maintained the view that immigration as border control is under its sole jurisdiction. The most conspicuous aspect

of these discussions is the identification of the power holder over decision-making on immigration. The Crown thus retained its rights as key decision maker, and refused to compromise. Incorporating Treaty implications on immigration control could have set precedents, opening a floodgate for other Treaty claims to actively share central administrative power. The peripheral positioning of the Treaty with legislation was clearly premeditated rather than a product of open and critical discussion.

Ironically, the Cabinet manual (Legislation Advisory Committee, 2007) clearly states that Parliament is assumed to not intentionally enact legislation that infringes the Treaty and its principles. Following this assumption, Parliament would (or should) decline a bill that is inconsistent with the Treaty. However, in terms of the Immigration Act 2009, Parliamentary debates and consultation over Treaty implications remained relatively minor and did not produce any significant impact on the due course of its legislative process. As I have discussed earlier, Hon. Tariana Turia ("Immigration Bill - First Reading," 2007) first revealed the existence of the 2001 expert hui during the debate, and also spoke that the experts' recommendations were not implemented with the Immigration administration. Although no response was made in this particular debate, this point was revisited in the select committee debate two years later by Hon. Dalziel ("Immigration Bill - In Committee," 2009). When MP Te Ururoa Flavell questioned the lack of Māori involvement on the immigration issues Dalziel acknowledged and supported the view that immigrants should commit to learn about the Treaty, but she, as the Minister of Immigration, ultimately rejected the call for Treaty implementation within the Immigration Act itself.

After the enactment of the Act in 2009, it was amended under urgency in March 2010. Despite the opposition that the Māori Party made in 2009 to the Act, they supported the amendment in 2010, which did not contain any improvement for Treaty implementation. During the Parliamentary debate, Hon. Rahui Katene ("Immigration Act 2009 Amendment Bill - First Reading, Second Reading, In Committee, Third Reading," 2010) discussed the Treaty and immigration, but from a point of view that was different from that of her party a year before. She cited the United Nations

Human Rights Committee recommendations on reviewing the status of the Treaty within the domestic legal system. This was the same point of objection raised in the WAI223 case, discussed earlier (pp. 31-34). While the point was publically acknowledged, the same constitutional obstacle recurred, and the dominant position established in the late 19<sup>th</sup> century prevailed.

There was no real transparency or accountability in these policy decisions and legislative changes. The present study is therefore aimed at rigorously critiquing the dominant practice of isolating the Treaty from immigration issues.

## Multiculturalism and immigrants

As briefly discussed in the earlier section to this chapter, mainstream discourses in settler nations frequently employ multiculturalist discourses to argue against indigenous people's sovereignty. In order to understand the notion of multiculturalism, rather than simply accepting it at face value, the followings points must be considered:-

- Since international migration from Asia has become more common due to significant shifts in the global economy, maintaining the European orientation of Pacific Rim nations is no longer feasible.
- The emergence of historical reconciliation movements aimed at reclaiming the status of indigenous peoples, has prompted reactions in the dominant white settler cultures to maintain their advantage by utilising increasing ethnic diversity as a tool for political leverage.

This section are to discuss the political functions of multiculturalist discourse in opposition to the Treaty and biculturalism, with the ultimate consequence of devaluing ethnic diversity.

### **Boutique Multiculturalism**

Multiculturalism is often regarded as synonymous with anti-racism and anti-assimilation. However, as Stanley Fish (1997) discusses, some multicultural discourses, which he calls "boutique multiculturalism", are superficial, and fail to advocate the true essence of multiculturalism. His critical discussion examines how liberals often lack the capability to recognise the seriousness of hate speeches. In fact, he argues that no one can achieve true multiculturalism, due to the fact that everyone has particular political intolerances which will eventually defeat the core philosophy of multiculturalism (Beckett & Macey, 2001; Fish, 1997; C. Harris, 2001; Thomas, 2001; Wiewiorka, 1998).

In other words, multiculturalism has a covert aim of making subordinate groups conform to a monolithic social institution (Kundhani, 2002; S. Pearson & Kothari, 2007). Harris (2001), in his support of Fish's thesis, extends his critique to argue that multiculturalism is a convenient, yet

enormously strong weapon of capitalism, which consumes subordinate cultural products which are promoted as authentic, ethnic, exotic and/or somewhat “cool”. For example, S. Pearson and Kothari (2007) discuss how ethnic foods and cultures are presented in mainstream television programmes, whereby ethnic differences are celebrated for the sole purpose of entertaining mainstream viewers through the appropriation of cultural property. With regard to commercialised interests in multiculturalism, Shand (2002) critically examines the nature of such commercial practices by non-indigenous parties which compromise the cultural property of indigenous peoples.

Boutique multiculturalism, with its pattern of superficial inclusion, commonly becomes a significant threat to subordinate ethnic groups, for instance Māori (Taylor, 1998). Similarly, Ryan (1997) argues that Taonga and Tikanga Māori are frequently misrepresented and exploited in the tourism sector, resulting in disdain for Tikanga and Taonga. These are prime examples of the harmful nature of superficial cultural inclusion, raising significant concerns amongst cultural experts in Aotearoa/New Zealand.

In terms of protecting cultural property, Haugen (2005) notes that before 2000 there was a strong scepticism that traditional Māori knowledge would gain statutory protection. However, following international trends, concerns over protecting traditional knowledge have been acknowledged and implemented in Aotearoa/New Zealand’s laws (Franks, 2001), particularly through the Trade Mark Act 2002. Frankel (2005) points out that despite the Act, which requires a consensual process in the use of Taonga Māori with appropriate Māori authority, the Act is not fully aligned with Tikanga Māori. She also points out that the underlining motive of introducing this legislation was to minimize cultural infringement to Māori. According to Frankel, the law-making process placed excessive emphasis on averting cultural offences, while the focus group had recommended positive involvement of Māori which was not implemented. Although, for a short time, the Crown sponsored and funded the Toi Iho Māori mark which they initiated to protect Māori art and artists (Hardie, 2010), Toi Iho was primarily driven by the Māori arts community (Shand, 2002).

### Asian as “leverage”

Asian peoples in settler nations, particularly in the US, are commonly observed as being assimilated with the host society, hence they are deemed to be “model minorities” (Cheng, 1997; P. Ho, 2003; Omi & Takagi, 1996). Being a model to other social minorities means that they are expected to conform to the common values of the dominant group (Doane, 1997; Langlands, 1999). While the model minority concept has gained some public status, scholars in the past critically examined the concept in order to challenge it. Wong, Lai, Nagawasa, and Lin (1998) argue that Asians as model minorities are a politically constructed myth. In politically constructing such a myth, Omi and Takagi (1996) argues, the conservative Right use Asian Americans as leverage to delegitimise affirmative action initiatives for other non-Asian minorities. Siu (1996) points out that Asia/Pacific students constituted 30% of the high achievers group despite comprising only 3% of the U.S. population. While this is a remarkable achievement, Siu also found that 27% of all dropouts in the San Francisco school district were Asian Americans in the 1994/5 school year. Supporting Omi and Takagi’s argument, a study by Awad, Cokley and Ravitch (2006) clearly show that those who have negative racial attitudes toward minorities were likely to oppose affirmative action and support colour-blind policy. This study revealed that people tended to oppose affirmative action because of their covert racism, rather than from believing in egalitarian freedom.

This type of political discourse coming from the mainstream social group increases pressure on Asian people to assimilate. A study of second generation Asian Americans by Dhingra (2003) found that some Asian Americans distanced themselves from other ethnic minority groups, such as African Americans, and also reported that they did not believe there was any need for affirmative action for ethnic minority groups. His findings showed that second generation Asian people were highly assimilated within mainstream Americans. As a result, negative perceptions of other ethnic minorities were further entrenched by assimilated ethnic minorities. For example, a series of controversial writings attacking African American people by Kenneth Eng (2007a, 2007b, 2007c), published in *Asian Week*,

a Californian ethnic newspaper, portray distorted stereotypical views about different ethnic minority groups. Dandy and Pe-Pua (2013) investigated interethnic relations amongst immigrants, Anglo-Australians and indigenous Australians in Australia. Prejudice, such as feelings of being in competition with each other (e.g. for housing, social services etc.), with negative stereotypes toward other ethnic groups, were observed in this study. However they also found that better understanding reduced intergroup tensions.

A recent example of Asian people being used for political leverage in Aotearoa/New Zealand involves the debates over reserved seats for Māori (mana whenua representation) following the merger of local councils in the greater Auckland region. The Royal Commission on Auckland Governance made a series of recommendations (Royal Commission on Auckland Governance, 2009), which included secure representation of local Māori iwi.

However, this part of the commission's recommendation was not implemented. Hon. John Key, the Prime Minister, and Rodney Hyde, then Minister of Local Government, held a press conference to defend their decision for not implementing mana whenua representation.

*... it is also true that Auckland is a multicultural city for which people of the Pacific and increasingly Chinese and Indian New Zealanders have a strong voice...(Gay, 2009)*

In terms of the demographical fact, the above statement is true, the Auckland region accommodates the largest number of Pasifika and Asian migrants. However, not legislating mana whenua representation, while making direct reference to "other non-Pākehā" populations, is nothing more than misdirecting the public. As extensively discussed in the Royal Commission report, the ethos of securing Māori representation derives from recognising them as the people of the land. The above statement made by John Key was a deliberate manoeuvre within ethnic affairs to neutralise the opposing discourse for the mana whenua seats. Another point to note is that recognizing Auckland as multicultural did not result in secure representation for Asian migrants on the city's local government.

Not only the councillor seats, but also council-controlled organisations, lack effective ethnic representation (New Zealand Labour Party, 2010). As a result, the extent of political subordination of Asian migrants has become more visible to the public. Despite the widespread debate, there were no political representation benefit for Māori, Pafifika or Asian immigrants.

Another example is Prime Minister John Key's defence of the proposed change to the Employment Relations Act 2000, commonly known as the 90 days trial, which enables employers to dismiss workers without providing reasons within the first three months of employment. Without hearing reasons of employment termination, workers will not be able to dispute the case of their dismissal. Key's defence statement refers to Asian immigrants being potentially advantaged with better employment opportunities – while, arguably, casting a negative of indigenous and other workers who lack the potential drive of new migrants.

*Mr Key also says it might give immigrants a chance for a better job – like the Indian pizza delivery guy who came to his house last night with his children's dinner. "Guys like him told me they just want a better opportunity and this will hopefully do it," he says. (Garner, 2010)*

As I have previously discussed (pp.17-21), Asian migrants in Aotearoa/New Zealand tend to be overqualified for their occupations. A recently released report by the Controller and Auditor-General (2013) states that one of the main obstacles for not being able to gain employment matching with their skills and qualifications is employers being considerably reluctant to employ migrants of Asian descent. It is rather cynical that the Prime Minister referred to Asian migrants to deflect public criticism on the depleting protections for workers generally, especially considering the vulnerability of Asian migrant workers in Aotearoa/New Zealand.

### **Multiculturalism without the Treaty**

Previously, I have asserted that: 1.the Treaty does not have a direct influence on the country's immigration control; 2. the Crown insists that it retains sole charge of the country's immigration control; 3.historically, New

Zealand's mainstream political structure has had a strong desire to align itself with Britain, hence the white (British) New Zealand policy which endured for decades; 4. multiculturalism offers a superficial accommodation of various cultural values and practices, while acting more like covert assimilation. In order to identify the agenda behind multiculturalism and its appeal to those who reject the Treaty, a further examination of the actual utilisation of such discourse is essential.

Anti-racism was one of the paramount discursive points in advocating the Treaty (Barber, 2006, 2008; Came & da Silva, 2011; Hill, 2010; Huygens, 2007; K. Nairn, Munro, & Smith, 2005; R. G. Nairn & McCreanor, 1990, 1991). The existence of racism and its effect on Māori is absolutely undeniable, in terms of understanding the Treaty in history and the subsequent negative outcomes enduring to today. However the Treaty also is about the country's constitutional status, rather than just an expression of race relations in Aotearoa/New Zealand (Waitangi Tribunal, 2011). Essentially, public recognition of the Treaty has been obscured by white colonisation, and confronting this racism has facilitated a better public understanding of the Treaty and its relevance today.

Confusion over the status of the Treaty has been utilised by opposing political groups in diverse ways. By treating the Treaty as a race and cultural relations matter, the Treaty loses its constitutional focus. In this approach, the Treaty as a reflection of relations between Māori and Pākehā is conveniently reduced to land disputes and cultural sensitivities thus some non-Māori start seeing the Treaty as a politically peripheral matter.

Restricting the Treaty in this way was also an effective and powerful form of political leverage using Asian migrants. Once the scope of the Treaty is reduced to race relations, multiculturalism is introduced, with a strong reference to ethnic migrants from Asia, and further political neutralisation of Treaty advocacy.

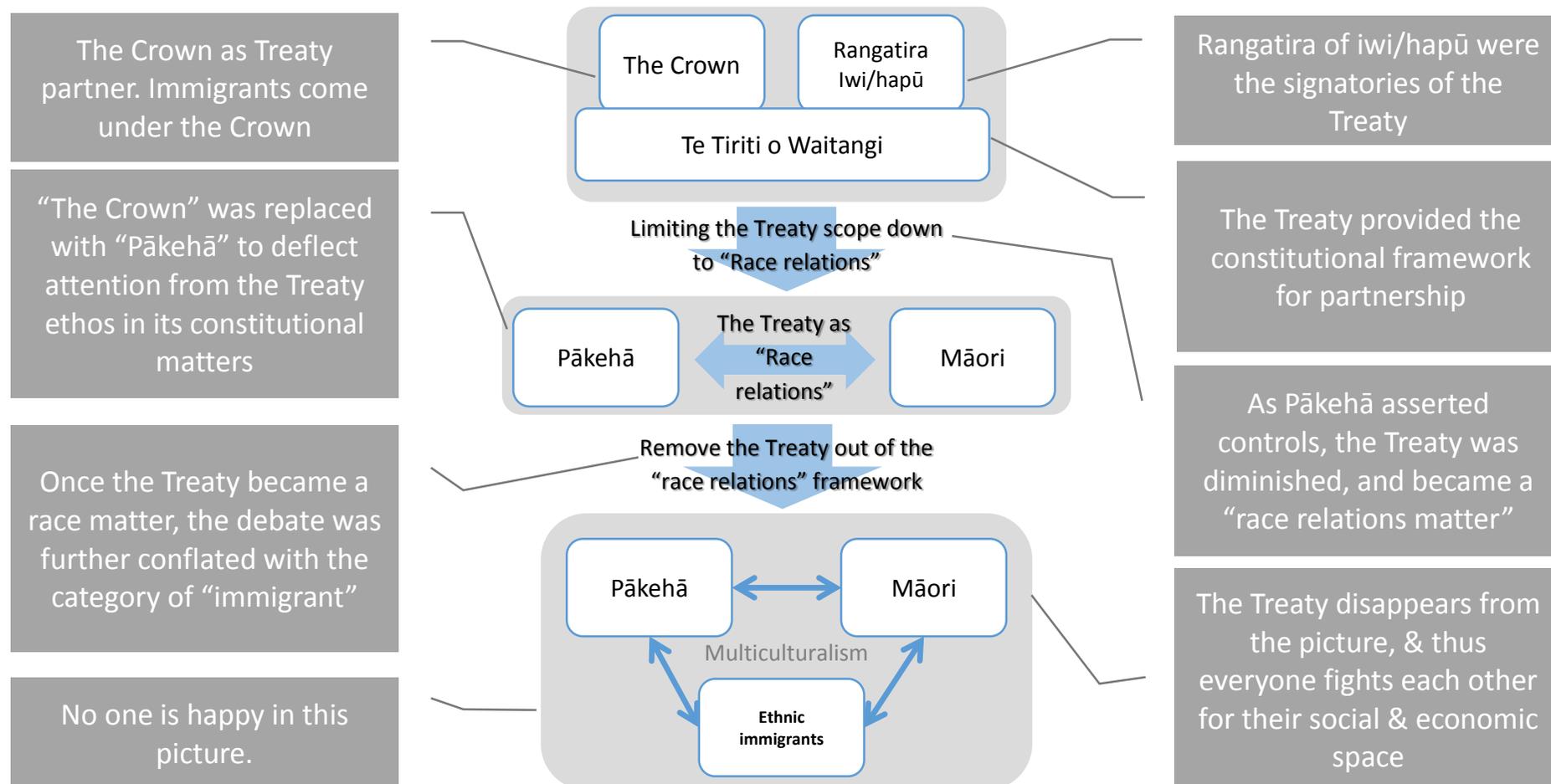


Figure 1. The racialization of Treaty discourse

## Living in a new country

Theorisation of migrants' adaptation existed in Asia, even before cross-cultural studies were established in settler nations. While these classical teachings may not have a significant cultural impact in a contemporary context, being cognizant of such cultural background may increase our understanding of ethnic migrants' lives in a totally different environment.

Asian classical literature, taught in school curricula over several centuries, emphasises that cultural adaptation remains the key to successful migration. Zhuangzi (369 BCE - 286 BCE) is one such example (Roth, 2001). He addresses the importance of learning local customs while living in an environment that one was not brought up in. In his work, *The Tree on the Mountain*, he outlines "going where certain customs prevail, you should follow those customs"<sup>11</sup> (Coutinho, 2006).

Similarly Dojikyō, in a widely used textbook during the Edo period (17<sup>th</sup> century – late 19<sup>th</sup> century) in Japan, also emphasises the same aspect when on foreign soil: "when entering a country, follow their local custom"<sup>12</sup> (Dojikyō, 1814). Assuming that Asian immigrants who come to Aotearoa/New Zealand have this sensibility derived from their classical traditions, then most of them would be somewhat aware of the importance of learning the local customs and cultures. However, possessing this knowledge and willingness to adapt does not necessarily mean acculturation in a new country takes place smoothly. This section discusses acculturation of Asian migrants in a broader sense, before proceeding to theoretical discussion in the next section.

### Migration motives

One of the most visualised descriptions of migration motives is by Yuen (2008), quoting an old proverb, "the moon in foreign countries is

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<sup>11</sup> 入国問禁, 入境問俗, 入郷随俗 (original text in Chinese)

<sup>12</sup> 郷(ごう)に入(い)つては郷に随ひ 俗に入つては俗に随へ (original text in Japanese)

particularly round and bright”, literally meaning their lives would be brighter once they migrate.

Generally speaking, education and pedagogy are highly valued among Asian culture groups. Yang (2010) elaborates more practical reasons for Asians with strong desires to migrate to the United States. He argues that educational opportunities, particularly at tertiary level, strongly influenced their decision-making, because of highly restricted entrance criteria in Asia. At least until the 1990s, entry to tertiary education in Asia was limited through highly competitive entrance examinations. Despite the language barrier, open access to tertiary education in settler nations, particularly in the US, has a strong appeal. This is primarily because tertiary qualifications, due to cultural values, are considered premium in Asia (Bhattacharya & Schoppelrey, 2004; Chua, 2011; Talbani, 1996; J. Yang, 2011). Overseas educated Asian graduates choose to go back to their home countries or migrate permanently, having gained a qualification that give them greater assurance for both scenarios.

Yang (2010) also details migration motives including cravings for better living conditions, not only economic but also political, social and environmental. He argues that macro level social disparities in migrants' home countries narrow their future opportunities and prospects, and hence they naturally consider leaving their home countries in order to escape these.

### **Reality of adaptation**

However, a number of studies (Noh & Avison, 1996; Rumbaut, 1997a, 1997b; Schnittker, 2002) indicate that Asian immigrants often experience significant difficulties in cultural adaptation to the host culture, which lead to a common understanding in social psychology that immigrants experience on-going acculturation stress. Discrimination is a major social barrier for Asian immigrants and their descendants, achieving a respected positions within host societies (Gans, 1997).

Not only Māori are negatively reported by the media (McGregor, 2007; R. G. Nairn et al., 2006; The Broadcasting Standards Authority, 2009), but also Asian people are negatively portrayed in the mainstream media in

Aotearoa/New Zealand which largely reflects widespread xenophobia (Hueber, 2011; Spoonley & Trlin, 2004; Tan, 2007a; Tuffin, 2008). Furthermore, having cultural values supporting adaptation into the host society, as described above does not necessarily mean that immigrants are prepared to successfully integrate with the host society, but often remain in voluntary segregation (Hiebert & Ley, 2003; Yuan, 1963). A recent report released by the Ministry of Business, Innovation and Employment shows that a total of 577,983 permanent migrants (as opposed to sojourners) arrived between 1998 and 2011, and of those, 121,848 people (approx. 21%) have permanently left Aotearoa/New Zealand (The Labour and Immigration Research Centre, 2012). While this report did not publish any ethnicity breakdown, having one in five migrants permanently departing the country after their attempt to settle in Aotearoa/New Zealand signals a potential problem amongst immigrants regardless of their ethnicity.

Given that a large number of the migrants during this period were Asians, these studies above strongly indicate that a number of Asian migrants suffer from a significant disparity between their pre-migration expectations of adaptability with positive prospects and their actual post-migration lives with significant negative experiences (Fleras & Spoonley, 1999). Considering the overwhelming research based evidence, perhaps, the classical teaching on adaptation was rather aspirational.

For some people, learning the two different host cultures of Pākehā and Māori may well be overwhelming, especially at the early stage of their migration. Learning indigenous culture and values might be perceived as an extra burden to new migrants if they see Pākehā culture derived from the British traditions of the dominant culture as essential for a successful settlement. However, it is also possible that some might be keen to learn about Tikanga Māori, if they have learning opportunities at some stage of their migration to Aotearoa/New Zealand. This latter possibility poses questions to investigate regarding whether immigrants view Tikanga Māori and associated historical contexts as vital to their successful settlement in Aotearoa/New Zealand.

### **Coping, adaptation, attitudes**

The dominant themes in researching ethnic migrants in settler nations are coping, adaptation and attitudes (e.g. Kopic, 2004). These factors are the most immediate elements in migrants' lives in the earliest phase in a new country. In other words, these factors are relatively easy to observe by social researchers, using various methods, without deeply engaging with the target population. From ethnic migrants' points of view, coping and adaptation might be seen as providing an instantaneous solution to survival in a new country.

Koltko-Rivera (2004) has made an extensive examination of the worldviews theory in Psychology. He discusses how migrants who start their new lives in a completely different cultural environment most likely experience their worldviews being shaken (see Figure 2).

*If one's worldview is disconfirmed, one's very sense of reality has been shaken. Whether we see this as the territory of personal crisis, transformation, or something of both, the consequences are literally world shattering.*

*... It is quite another to face a world without God. (Koltko-Rivera, 2004, p. 27)*

He argues that when migrants' worldviews are challenged, their coping and adaptation layers become neutralised, because they cannot apply a change of strategies without their values being rejected or significantly challenged in the new environment. In his argument, psychological scheme is an incidental based set of knowledge, which is best used to cope with different situations without the subject changing their values or personal philosophy. It is noteworthy that Koltko-Rivera examines these different layers of human cognition to investigate the different levels of struggle that ethnic migrants experience.

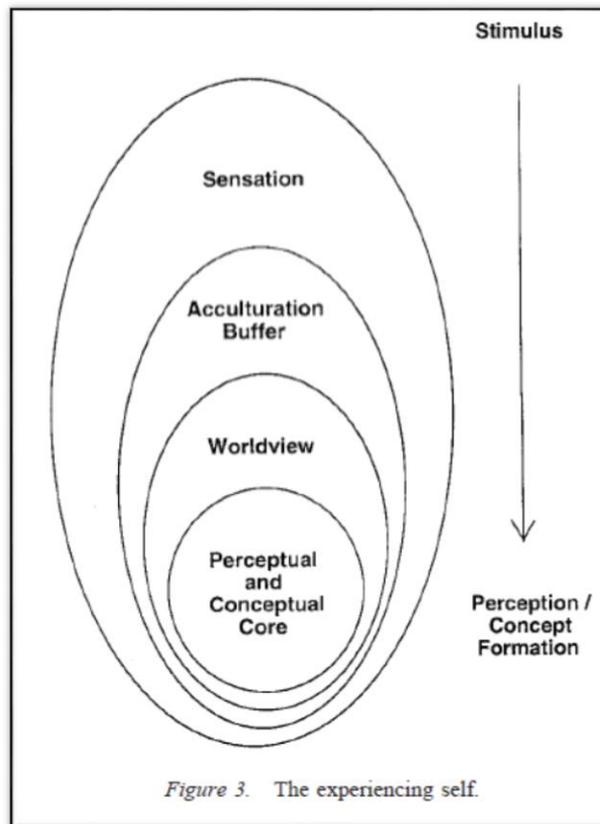


Figure 2. Koltko-Rivera (2004, p37)

Questions remain over the efficacy of investigating day-to-day life level coping and adaptation to understand the core issues of ethnic migrants' lives. In particular, such a research approach may not be adequate to identify how migrants redefine their identity and social space in a new country.

To address the process of social integration by migrants, different models were developed in the past. R.E.Park (1926) constructed a four stage model of acculturation, comprised of *Contact*, *Conflict*, *Accommodation* and *Assimilation*. The most notable feature of Park's model is that this was one of the first to generalise the process of acculturation as a flow. While each individual migration experience is unique, such a generalization approach provides cross-cultural researchers a starting point. Because international migration during Park's era was primarily by maritime transportation, the time, financial and social costs of migration were incommensurately larger than today's standard of global travelling. Also it

is important to note that *assimilation* in his model was a reflection of the then social norm, which carried a positive connotation at that time.

J.W. Berry's (1997, 2008) model of acculturation is one of the best-known theories in cross-cultural studies. His model is not in chronological stages but succinctly displays four different scenarios of acculturating experiences: *marginalisation*, *separation*, *assimilation*, and *integration*. *Marginalisation* occurs if migrants fail to integrate as well as to maintain their cultural identities. *Separation* is a result of not adopting to different cultural practices in a new environment and occurs when the subject insists on maintaining his or her own cultural identity. *Assimilation* is a complete alteration of migrants' cultural identities. Unlike the other scenarios, *Integration* is an ideal model where migrants successfully adapt to different cultural practices without losing their cultural roots. Amiot, Sablonnière, Terry, & Smith's (2007) integration model has a very similar descriptions of these scenarios in acculturative experiences to Berry's model. Despite the popularity of the Berry model, there are some issues yet to be addressed by it. Berry idealises integration as the ultimate scenario of acculturation (Bowskill, Lyons, & Coyle, 2007), but neither he nor his theoretical followers have proposed an effective pathway to achieve full integration. Another issue yet to be addressed by this model is the assumption that the host country's culture is stable enough to accommodate migrants from different cultural backgrounds. If ethnic migrants have no firm ground for landing, their acculturative experience may be compromised.

The model developed by Cross, Parham and Helms (1991) on African American identity provides a fascinating and insightful theory of identity (re)affirmation. Their model's focus is those who have lost their cultural roots, through forced assimilation into mainstream American national identity. In Berry's description, the subjects of Cross et al.'s research may fit the criteria under his *marginalisation* and *assimilation* categories. The study found that people who experienced a significant encounter stage initiated an exploration and learning process of their cultural roots within an immersion process. Gradually by internalising their cultural roots, they emerged with a reaffirmation of their African cultural identity.

### **Reclaiming migrants' journey in research**

Cross-cultural research on migrants' experiences has progressed through understanding and generalisations of their coping and adaptation strategies in their new countries. Provision of research evidence was prominent in understanding cultural transferability in one's life time. Especially since global travelling has become more convenient and significantly cheaper, living in a foreign country from one's country of origin has become very common (Richardson, 2007), and theorization of acculturative experience has produce been considered to a significant social benefit.

On the other hand, modelling of migrants' acculturation has also created a burden on cross-cultural research. Over-generalisation in this field has become problematic, because it only allows researchers to look at a superficial level of acculturation (Lazarus, 1997). In particular, quantitative methods based on Berry's model seem to limit research scope to the visible layers of each individual migrant. Padilla and Perez (2003) point out that acculturation becomes more difficult if an immigrant is socially stigmatised by skin colour, language, ethnicity and other cultural differences. For example, Mexican migrants in the U.S. are likely to suffer from poor health and socio-economic status, due to the wide-spread racism which isolates them from the host society (Viruell-Fuentes, 2007). In countries like the U.S. where severe discrimination and isolation are the social norm, assimilation might become one solution for disadvantaged migrants, to relive the social burden from which they suffer (Waters & Jiménez, 2005). Bowskill, Lyons and Coyle (2007) argue that integration in Berry's acculturation theory potentially becomes covert forcible assimilation, because of the overwhelming social power balance between the host society and migrants.

Concerned to establish diversity within cross-cultural psychology, Kim and Berry (1993) disseminated their work on "indigenous psychologies"; however, psychology of the first nation people of Canada (where Berry comes from) does not feature in this publication. Levy (2007) developed a workable model of indigenous psychology for Aotearoa/New Zealand, in which she cites Kim and Park (2005) who have critically examined the

claim of Canadian psychology to have successfully developed indigenous psychology, when in fact, indigenous people were mostly excluded from its development. Their paper concludes that indigenous psychology is more accurately described as the (mainstream) national psychology of Canada.

In terms of my research scope, Asian immigrants' perceptions of the Treaty currently are not well discussed or investigated in the social sciences. In order to explore Treaty issues and reflect the voices of Asian communities in Aotearoa/New Zealand, a different approach from previously constructed models seemed appropriate. Instead of contemplating whether my participants' narratives would fit any of the existing models, refocusing on migrants' journeys seemed far more effective as an exploratory approach.

I have therefore considered this approach from my own personal experience and position as an Asian immigrant of Japanese origin who first came here in the late 1990s.

## Research objectives

### Issues with Asian immigrants and their understandings of the Treaty

There are a number of issues for immigrants which may influence their awareness of the Treaty. While not all of these issues directly influence immigrants' perceptions of the Treaty, combinations of some or all of the factors below may apply.

First, in terms of maintaining legal compliance with the Treaty, the government's selection and settlement mechanism has never had any requirement for awareness of the Treaty. Currently, having knowledge of the history of Aotearoa/New Zealand is not required to gain permanent residence status.

Second, as I have discussed earlier in this chapter, it is evident that immigrants who come to live in Aotearoa/New Zealand are pressured to assimilate with Pākehā culture as the dominant host culture, because of its strong social presence in both public and private sectors (Poot, 1993). Assimilation takes the form of conforming to mainstream core values (Doane, 1997; Harrison, 1995; Langlands, 1999; McCrone, 1997). An important aspect of such assimilation is that traditionally the mainstream social group in Aotearoa/New Zealand is very reluctant to embrace the Treaty (McPherson, Harwood, & McNaughton, 2003; R. G. Nairn & McCreanor, 1990; R. G. Nairn et al., 2006). Assimilation thus occurs on Pākehā/European terms.

Third, while some immigrants are keen to learn about the Treaty (State Service Commission, 2004), there is a proportion of immigrants who consider the Treaty irrelevant to them, perceiving it to be focused on race relations between Māori and Pākehā (Ip, 2003).

Fourth, social indicators and research-based literature suggest that the social position of Asian migrants in Aotearoa/New Zealand is generally lower than that of Pākehā/Europeans. Despite laws and policies which prohibit discrimination, Asian migrants are less likely to be socially advantaged in Aotearoa/New Zealand (McIntyre, Ramasamy, & Sturrock,

2003). If ethnic migrants' overall social status remains degraded for a sustained period of time, it might lead them to develop interethnic disharmony and resentment. It is possible that some migrants might come to resent Treaty-based advocacy due to their treatment in a society which discriminates in many life situations, and in which they do not qualify for "privilege" (Ip, 2003). Further, because of a significant lack of knowledge on the Treaty, they may not understand that the Treaty includes new immigrants (State Service Commission, 2004).

### **Research aims and questions**

As I have discussed in this chapter, this research on Asian people's perception of the Treaty can also apply to their perceived social position in Aotearoa/New Zealand. The Treaty is a publicly debated issue, so asking questions on their perceptions of it carries the potential risk of surveying superficial political opinions without any substantiation.

It is important, as a researcher, to ensure rigorous scholastic exploration was maintained throughout the project. Hence I have formulated the following questions to explore in the research:-

1. Identify how Asian people in Aotearoa perceive the Treaty, with considerations of their social and cultural affiliations, particularly their ethnic communities, their countries of origin, and their relationship with Aotearoa/New Zealand.
2. Analyse sentiments and relevant experiences of Asian people in Aotearoa/New Zealand, including the process of how they developed their understanding of the Treaty, with particular focus on emotional aspect of their thoughts and experience.
3. Understand the process of the acculturation experienced by Asian people in Aotearoa; how their internal views of who they are began to change. This question may not be relevant to Asian people who were born in Aotearoa/New Zealand, but focusing on their identity development provided me with some comparative analysis with an immigrant cohort to understand the process of assimilation.

In order to substantiate my investigation, each of the above questions was also examined with reference to the following issues:-

- Potential absence of Treaty awareness and the lack of policy implementation to enforce learning of the Treaty as part of immigration process.
- The assimilative pressure placed on immigrants in Aotearoa/New Zealand
- The failure of the government and society generally to recognise the Treaty as relevant to immigrants coming to Aotearoa/New Zealand
- Potential resentment amongst Asian people regarding empowerment of Māori by the Treaty, due to their lack of understanding of the issues involved.

## Chapter 2: Methods

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Prior to commencing this project, I examined academic literature and planned how I was going to gather voices from Asian communities in Aotearoa/New Zealand. While the principle research design remained the same, there were three phases of exploration of the issues, based on the main research question – how Asian people view the Treaty of Waitangi.

My initial plan was to capture voices from Asian communities by a triangulation approach in a combination of key-informant interviews and focus groups; I was expecting key-informants would provide their succinct observations of how their community members perceived the Treaty, and focus groups would provide “ordinary people’s views” of the Treaty. Prior to commencing data collection, I anticipated that identifying and analysing themes across key-informants and focus groups would be reasonably simple.

However, as several unexpected themes emerged at the initial phase of interviews, the research design was no longer a flat horizontal shape. Instead, it became a journey of seeking further answers to the questions raised during interviews; it was a three-phase cycle of asking questions, attempting to elaborate the key elements with participants, reflexive practice examining their responses, and then developing further questions.

The first phase granted me the starting points to explore the issues outside of my initial theoretical framework. In the second phase, while I focused on listening to key-informant stories through interviews, I attempted to cross-examine whether the emerging themes from the first phase were also commonly shared. After I was satisfied that newly emerged themes were not coincidental but had a firm ground, I had another key-theme to examine the relationship between the Treaty and integration of Asian immigrants. Therefore the third phase had more focus on obtaining an answer for what the Treaty ultimately means to Asian immigrants. Through these phases, I gained a satisfactory level of information from the Asian communities.

In this chapter, I will discuss the theoretical background of the methods employed, and then describe how I explored the issues through these interviews.

## Methodology

Qualitative methods were employed in this study with key-informants and focus groups to triangulate the important themes that emerged during interviews. This approach covered different ranges of the target population and gained their insights over the issues surrounding the Treaty. I conducted all interviews and facilitated all focus groups to identify how much participants understood the Treaty, how they saw the Treaty, and the reasons why they saw it the way they did.

### Advantage of qualitative approach

Quantitative research methods, such as conducting questionnaire style surveys, are very common studies of public perceptions of political issues. However, there were some methodological shortcomings that needed to be overcome before conducting surveys with Asian migrants to understand their perceptions of the Treaty:-

1. There was a significant lack of standardised sets of questions and scale measurements already tested and verified by other researchers in Aotearoa. In fact, this was the first such study of Asian migrants' perceptions of the Treaty and relevant background issues. While a statistical analysis of a newly built question set or attitude/perception scales is possible, there had to be some degree of repeated sampling to achieve measurement validity, as well as gaining data validity. Attaining these two major instrumental validities at the same time in a new area of research was very difficult.
2. This study is an exploratory study to identify how Asian migrants perceive the Treaty. I drew out some presumptions and research questions based on previously published studies, and recognise that there was a definite degree of uncertainty with the obtained data.

3. Recruiting a sufficient number of participants from Asian communities for a quantitative survey was unlikely to be achievable. Depending on the number of questions to ask, a minimum of a few hundred people to a thousand people would be required to achieve acceptable statistical power to ensure validity. Having a low response rate was another threat to data validity. Some researchers suggested that Asian migrants were a lot less likely to respond to a mass survey due to their lack of English language proficiency. Another problem I had was access to a reliable distribution point (e.g. large scale Asian institution) to invite the target population groups to participate.
4. In order to achieve an acceptable number of returned questionnaires, anticipating the lower return rate mentioned above, the cost of postage placed a significant pressure on the research budget. Online questionnaires are an alternative method being increasingly accepted, however, these cannot be executed without generous support from various community sectors that have an abundance of electronic addresses.

Perhaps these obstacles could be removed or overcome following this study as I have gained information to start developing question standardization. However, for this particular project, it was unrealistic to deploy quantitative methods.

Eliciting responses from participants is a crucial part of research. Creswell (2002) firmly emphasises that qualitative research takes place in a natural setting, thus researchers are strongly encouraged to conduct appropriate data collection procedures at locations that are most appropriate for participants; in order to understand responses in context, it is essential to establish and maintain contact with participants, as rapport building with participants facilitates holistic understanding of participants and their community.

Another advantage of the use of qualitative methods, particularly participant-lead methods, is it can improve the quality of responses, as conventional research methods with the use of measurements have a

number of issues with studying cultural minorities (Hunt, Jackson, Powell, & Steelman, 2000), such as Asian people in Aotearoa/New Zealand.

### **Choosing thematic approach**

According to Riessman (2008), narrative analysis and thematic analysis have different strengths for understanding participants' stories. While narrative analysis is case-centric which is useful in case studies, thematic analysis is more generalisable across participants, but has minimal focus on how participants tell their narratives. In terms of the differences from the Grounded Theory approach, Floersch, Longhofer, Kranke and Townsend (2010) describe that Grounded Theory uses coding technique for associating particular lengths of text, which are normally processed to associate incident by incident. Whereas the thematic approach does not make this type of specification in the coding process. Considering the divergent nature of migrants' experience on an everyday basis in Aotearoa/New Zealand, a thematic approach seems to have allowed a wider freedom. Hence I planned to use thematic analysis for focus groups and individual interviews, as thematic generalisation would be beneficial for my study.

I chose not to employ a critical discourse approach to examine how participants' perceptions were constructed. This is largely because: -

1. I did not have any baseline assumptions – such as covert racism amongst the target population – to critique their perceptions;
2. my study was to freely explore how participants perceived the Treaty and the potential reasons behind their perceptions as new citizens of Aotearoa/New Zealand, and;
3. none of my participants were in a position to exercise social power. Hence a critical discourse approach did not seem appropriate to be employed for my study.

Riessman (2008) cites how Williams (2004) used thematic analysis in his study of rheumatoid arthritis sufferers, in which he started with a brief and simple question and went on to elicit an unfolding long story. As Riessman points out, this is not rigorously scientific so as to reflect the general population, however, it is a very effective way to establish theoretical

arguments. Hence I decided to use thematic analysis to benchmark my approach to the research inquiry.

### **The need for focus groups**

While individual interviews provided in-depth information about how Asian people perceive the Treaty, another method was essential to: 1. verify the main themes that emerged from key-informant interviews, and; 2. to cover a wider range of communities. Employing focus groups is very effective because participants naturally encourage and elicit each other's responses so as to express their understanding of the issue (Wilson, 1997).

Similarly, Breen (2006) supports this view that a focus group interview is more appropriate for letting participants generate their ideas within a social context. While focus groups would help me to extract the details in a social context, Breen (2006) also emphasises that individual interviews are useful to explore individual experience. Moreover, Wilson (1997) points out the potential of guiding participants to express their "public voice", which may be very significant with Asian people as maintaining their public image is highly valued in their cultures. Hence, conducting individual interviews in addition to focus group interviews would be academically beneficial and appropriate, as a means of taking into account Asian cultural values.

The other important benefit of conducting focus groups with Asian immigrants was reduction in interviewee fatigue; although many of participants had gained permanent residence visas with a reasonable level of English language proficiency (IELTS 6.5 in general module), the potential participants for this study came from community based training centres where they were learning English. One-on-one interviews would have required a considerable effort and ability to articulate thoughts throughout the process. For many second language speakers of English, this would be exhausting. Focus groups in this type of setting, significantly reduce such a burden from committing sole-speech. In this study, focus group participants were able to prepare their input while others were producing their views, or collectively construct their views with their peers.

## **Research design**

Based on these theories, I decided to design my research procedures with key-informant interviews and focus groups to triangulate their perceptions of the Treaty from different positions. The initial plan was to gain overviews of their perceptions from focus groups and more in-depth thoughts from key-informants which I was going to employ a thematic approach to analyse.

### ***First phase***

After I completed the pilot data collection – the first phase of my study comprised five key-informants and one focus group – I went through the data to produce the preliminary findings. I eventually had to reformulate my questions because some of the emerged themes, particularly their life hardship and psychological schema revealed that my initial presumptions did not allow an effective investigation of their perceptions.

### ***Second phase***

Because of the significance of the emergence of these themes, minor changes to my research design did not seem appropriate but I had to examine whether the preliminary findings were valid enough to report as final findings. Therefore the second phase was to “test” the preliminary findings with other key-informants from more diverse backgrounds and experiences. I completed this phase with sufficient supporting narratives to reject that preliminary findings I gained in the first phase were potentially coincidental, and to prove that they were logically legitimate. However, this phase posed a more fundamental question; what does the Treaty ultimately mean to Asian migrants? While the emerging themes constructed a valuable framework, they also directed me to address the absence of the ultimate goal.

### ***Third phase***

The third phase was to gain insights and thoughts to form a satisfactory answer for the question posed when the second phase was completed. While I realised some of the early findings formed a basis to address the question, I needed to gather more exemplars to reinforce them. Participants who gave their valuable time to my study echoed the ethos of

this phase and gave me their views; their ultimate answer was “the Treaty was about being part of the host community in Aotearoa/New Zealand”.

Without a phased cycle of research inquiry, it was not possible to gather firm exemplars to address the issues which went beyond studying participants’ perception of the Treaty. How their perceptions evolved is highly complicated, and involved a number of pre and post migration life experiences and influences.

### **Post-analysis insights**

Effectively the research aims were achieved by having my participants share their narratives of migration journeys. These research aims were process-focused, which I primarily intended to guide me through what areas to explore, rather than to test a presumed hypothesis. In order to keep my scope open and to explore the issues freely, I deliberately avoided a hypothesis-based approach. I conducted key-informant interviews and focus groups to ask my participants to share their experience, sentiments, and perceptions of the Treaty. Taking an open approach helped me to explore how learning experiences around the Treaty actually had a significant psychological effect on identity resettlement processes.

The following subsections will explore and discuss how these findings support previously conducted studies, or offer alternative perspectives.

#### **Learning to trust the process**

One of the biggest but most valuable challenges encountered at both a personal and an academic level was to teach myself to trust the process. Preparation of this study – starting with writing a research proposal and ethics application that required stating questions likely to be asked during interviews – facilitated some degree of presumption over the research topic in my mind.

In order to maintain the integrity of my interviews, I constantly reminded myself that I was there to listen my participants’ stories, not my stories. Creating trust with my participants – to a large extent, trusting the process of understanding my participants’ narratives – became the paramount part

of the data collection. This required making a conscious effort to validate their stories on a “no wrong answers” basis while I conducted each interview. Such a participant-focused approach did not involve technical complexity, but it did require a considerable level of personal experience in a non-academic style of communication.

My experience in data collection supports Dickson and Green (2001) 's work on Participatory Action Research (PAR) which their scholastic achievements were arrived at by trusting the process, despite feeling uncertain during the course of interviews. Much as Dickson and Green discuss in their paper, the mental aspect in trusting the process plays a major role, which often challenges researchers to relinquish any attempt at controlling how their participants' narratives are shared. Similarly Hoskins (2000) emphasises the importance of staying with the complexity of the phenomena, with a firm belief that new knowledge will be created. Discussions around the psychological status of researchers undertaking qualitative inquiries may well sound unscientific, or otherwise non-academic, as academic researchers are commonly deemed to be neutral and fair. However, it is important to acknowledge the humanistic aspect of the study. My research redefined trusting the process of previously conducted qualitative studies, by applying these values to Asian migrant groups in Aotearoa/New Zealand. Instead of attempting to be “subject-neutral”, my approach followed Clarke (2002)'s method of “free association” with participants and shared narratives to maximise the degree of freedom in my research inquiry. However, I did not attempt to fully replicate Clarke's approach of psychoanalytic interpretation and on-site elaboration during interviews, as my participants had a strong desire to share their stories and I understood their narratives.

At a personal level, in hindsight, my participants had a strong desire to share their personal stories and views of the Treaty with someone they could trust. Some of my key-informants had a strong preference to know about me before they started sharing their stories. Perhaps I could have put a more detailed profile on the information sheet, but the quality of personal interaction with the interviewees is likely to people's perceptions before they are willing to share personal accounts of their own lives. My

research supports Kilpatrick, McCartan, McAlister and McKeown (2007) critique of the power relationship between interviewer and interviewees that traditionally fashioned researchers/interviewers in an unequal power relationship. Without confronting such a power-dynamic, achieving participatory research is impossible, and this eventually defeats the ethos of participatory research itself. They also discussed the need for empowerment – as opposed to power transfer – arguing that participants should also be able to influence the outcome. In their argument, participatory research is not extraction of data but more of an interaction; instead, I use “sharing their stories”, rather than “interaction” to denote the participant-centred approach of my study. Similarly, my research also supports Nairn, Munro and Smith (2005)’s reflection on participant-centred methods with their own initiatives – not only the informed-consent process, but also how and where research takes place, as well as the outcome – to be more validated in academic research.

### **Evolving processes of exploration**

Due to the nature of the topic, issues had to be explored with participants, rather than data simply being extracted or elicited through standardised processes. I became more explicit about a participant-centred approach as soon as I started the first phase interviews, which I set out as a pilot group to establish preliminary themes. The traditional approach of a structured question-answer interview schedule did not fully suit the exploration process, which largely supports observations of Hollway and Jefferson (1997) that inviting further elaboration from participants’ in their own words and maintaining active/attentive listening are effective in gaining in-depth details. Similarly my research supports Kielhofner and Mallinson’s (1995) work on establishing guidelines for narrative inquiries so that follow-up questions by interviewers can deepen the inquiry further; such as questions regarding the passage of time, and how past, present and future are connected in each participant’s story. My interview methods followed the methods outlined by Kielhofner and Mallinson (1995), where inquiring about past-present and/or causality-outcome relationships, as well as the use of metaphor while consistently attempting to understand

the meanings of participants' responses played a major part in my interviews.

Exploring issues, following the data analysis after each phase, required that I practice reflexivity as I progressed to the second and third phase of my inquiry. In line with Cunliffe's (2004, 2010, 2011) work on critical reflexivity, each interview and focus group always left me with a question to reflect on; in particular, the construction of reality amongst Asian migrants emerged as one of the most important themes. Realising the fact that I, as a researcher/interviewer, was also part of an intersubjective reality marked an important milestone in my research journey. In particular, constantly asking myself "so what?" helped maintain the momentum of my reflexivity exercise, as Cunliffe (2004) discusses in her paper.

### **Gender and Age dynamics in focus groups**

While key-informant interviews did not reveal significant shortcomings, a few points of concern – namely gender and age factors – were raised in one of the focus groups I conducted. The limitation I had in arranging focus groups for this study gave me unintended opportunities to observe gender and age. Having two female-only focus groups, as well as one group with a dominant senior male, and another group with predominantly senior males provided an interesting comparison for observing different group dynamics. This was especially so, considering that all focus groups had common characteristics 1). they volunteered from the same community-based training classes that participants were undertaking at that time and 2). They had known each other for at least four weeks prior to the focus group). It is relevant to note that gender and age factors did have some weight in group dynamics.

Amongst all the focus groups, the female only groups were self-driven in exploring how they viewed the Treaty. Facilitation of these groups, in particular, achieved the four goals prescribed by Wilson (1997): the process encouraged open discussion; created a free space for participants to explore their own views; provided a great range of views; and

experienced how autonomous discussions were done in a small group with minimal interventions made by the facilitator.

On the other hand, group dynamics involving senior males in focus groups demonstrated difficulties associated with the patriarchal norms of Confucianism and Islam. Peer-regulation was also observed when other senior males were in the same group. This suggests that age and gender related group dynamics should be managed to prevent undesirable dominance in peer group discussions.

Overall, conducting the focus groups in this study met three out of four objectives proposed by Sim (1998): not only were participants' views of the Treaty recorded, but different group dynamics were observed; the process of these focus groups did not interfere with my participants' discussions; and my method of recording (hand-written notes and digital voice recording) did not produce any reactive effects on my participants' discussions. The only difficulty was attributing quotations to each individual participant accurately. Except for some overtly loud individuals, when discussions were carried out with a lot of endorsements, agreements and serial add-to-that-point comments, it was very difficult to ascertain who exactly contributed to the compound process of shared sentiments, experience and perceptions in the group. This became more problematic when I went back to the voice recordings; I also took some hand written notes, but sometimes the speed of discussion put great pressure on my role as listener, facilitator and recorder of the group discussion. In my study, I prioritised having smooth and undisturbed group discussion, rather than slowing the process in order to make individualised sets of records. This was primarily because I already had done an extensive range of one-on-one key-informant interviews to gain in-depth insights, and the focus groups in this study were more to triangulate the emerging themes from the key-informant interviews. This approach in my study was to overcome the epistemological aspects of external validity in conducting focus groups, which Sim (1998) raised in his paper concerned that themes which emerge in focus groups may well be tied with the particular settings, rather than representing the nature of the social situation.

## Key informant interviews

### Participants

I recruited participants for key-informant interviews based on the following criteria:-

1. People who were successfully integrated with the host society while maintaining their own cultural identities;
2. People who were extensively involved with community activities relevant to this study, such as Asian community organisations and development, activities that involved representing immigrants' voices, and so on; and
3. People who understand the values of the Treaty of Waitangi and have found their positions within the Treaty framework.

These criteria are noted below as phases.

Participants were from various ethnic backgrounds: seven ethnic Chinese, six Indian, and four others; 11 females and six males (including one Transgender).

**Table 1. Key Informant profiles**

<b>Time of Interview</b>	<b>Location</b>	<b>ID and ethnicity</b>	<b>Gender</b>	<b>Phase</b>
March 2009	Hamilton	KI 1, HK Chinese	M	1
April 2009	Hamilton	KI 2, Indian	F	1
April 2009	Hamilton	KI 3, Indian (Fijian)	F	1
		KI 4, Indonesian		
April 2009	Hamilton	(Chinese)	M	1
May 2009	Hamilton	KI 5, Indian	F	1
August 2009	Wellington	KI 6, Chinese	F	2
August 2009	Wellington	KI 7, Chinese	TM	2
December 2009	Rotorua	KI 8, Indian	M	2
January 2010	Hamilton	KI 9, Chinese	F	2
February 2010	Auckland	KI 10, Chinese	F	3
		KI 11, Malaysian		
March 2010	Auckland	(Chinese)	F	3
April 2010	Auckland	KI 12, Indian	F	3
May 2010	Gisborn	KI 13, Chinese	M	3
		KI 14, Singapore		
May 2010	Auckland	(Indigenous)	F	3
August 2010	Auckland	KI 15, Japanese	M	3

October 2010	Auckland	KI 16, Indian	F	3
December 2010	Auckland	KI 17, Bangladesh	F	3

### Procedure

I started by recruiting participants from my own network which I developed in the years prior to commencing this project. Subsequently I had help from the people who participated, to expand the recruitment range. I employed the snowball sampling method which is more common amongst social science researchers who study non-dominant social groups (Okazaki & Sue, 1995). Due to the nature of the research topic, as well as other life commitments that many potential participants had, the selection process inevitably became self-selected.

The use of snow ball sampling and self-selection may have reduced the quality of random sampling to achieve “fair” representation of the Asian ethnic population in Aotearoa/New Zealand. However, since this study had an aspect of exploratory research, it was almost impossible to know generally assumed sentiments or opinions, and this approach has become the key to open the door for further explorations.

In most cases, I had a referral from another participant or through my network (e.g. Treaty educator network). I sent the information sheet and a sheet of some sample questions to potential participants; and once they agreed to take part, I then arranged to have an interview at the best suitable time, day and location. All interviews were conducted at their most preferred locations (e.g. their office, a café, etc).

### Materials

All interviews had the following items:-

1. Information sheet describing the overall aim of this research, along with typical features such as the length, and the contact details of the researcher. A consent form and sample questions were also attached to inform potential participants of their rights, the overall structure of questions, and so on.

2. A digital voice recorder<sup>13</sup> was used with participants' consent to record the entire interview. The use of a recorder allowed me to focus on conducting interviews with its capability to preserve the flow and details of interviews.
3. Koha (in several different forms, all at inexpensive cost) was offered to all participants to express gratitude for their time and help with this research as well as their willingness to share intimate parts of their experience and thoughts.

## Focus groups

### Participants

Focus group participants were from various ethnic backgrounds across Asia: 11 Chinese, 11 Koreans, four Indians, 10 Chinese of Taiwanese origin, and four others. All were undertaking some form of community-based education available to immigrants at the time the focus groups were conducted. All groups were in a mixture of different ethnicities and first languages of the Asian region.

In total, six focus groups were conducted: three in Hamilton, comprised of groups of six, seven, and nine people; and three in Auckland central, with groups comprised of six people each. There was a slight over representation of females within the focus groups. One group in Hamilton (Pilot) and one group in Auckland were all-female.

The pilot group in Hamilton was recruited through a community organisation, and the rest of the groups (two in Hamilton and three in Auckland) were recruited through local-based education providers that cater to government-funded certificate programmes for immigrants. All group participants were either New Zealand permanent residents or New

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<sup>13</sup> For the first phase, iPod with Griffins technology iMic was used, and second and third phases, iPhone 3GS was used.

Zealand citizens verified by their coordinators. Their duration of living in New Zealand varied, typically between three to seven years.<sup>14</sup>

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<sup>14</sup> Some focus group participants did not disclose the duration of their lives in Aotearoa/New Zealand. I must also note that these figures are generally inclusive of time before participants were granted their permanent residence visas.

Table 2. Focus Group profiles

<b>Time of interview</b>	<b>Location</b>	<b>Ethnicity</b>	<b>Gender</b>
May 2009	Hamilton	Chinese	F
	Hamilton	Indian	F
	Hamilton	Indian	F
	Hamilton	Indian	F
	Hamilton	Korean	F
	Hamilton	Filipina	F
September 2010	Hamilton	Chinese	F
	Hamilton	Indian	M
	Hamilton	Korean	M
	Hamilton	Korean	M
	Hamilton	Korean	M
	Hamilton	Chinese (Taiwan)	F
	Hamilton	Chinese (Taiwan)	F
September 2010	Hamilton	Chinese	F
	Hamilton	Chinese	M
	Hamilton	Chinese	M
	Hamilton	Chinese	M
	Hamilton	Korean	M
	Hamilton	Chinese (Taiwan)	F
	Hamilton	Chinese (Taiwan)	F
	Hamilton	Chinese (Taiwan)	M
	Hamilton	Chinese (Taiwan)	M
September 2010	Auckland	Cambodian	M
	Auckland	Chinese	F
	Auckland	Chinese	F
	Auckland	Japanese	F
	Auckland	Korean	M
	Auckland	Korean	M
September 2010	Auckland	Hong Kong	F
	Auckland	Hong Kong	F
	Auckland	Korean	F
	Auckland	Korean	F
	Auckland	Korean	F
	Auckland	Chinese (Taiwan)	F
October 2010	Auckland	Chinese	F
	Auckland	Korean	F
	Auckland	Russian <sup>15</sup>	F
	Auckland	Chinese (Taiwan)	F
	Auckland	Chinese (Taiwan)	F
	Auckland	Chinese (Taiwan)	M

<sup>15</sup> This participant did not specify her ethnicity, but only stated as a (central) Russian native.

## Procedure

Participating organisations assisted the recruitment process after they had understood and agreed to the principles of this research. Due to the nature of gaining organisational consent, I, as a researcher did not have any influence over who participated in focus groups. Invitations and information sessions were done by proxy method.

The first pilot in Hamilton was arranged through one of the key-informants; I contacted the centre coordinator via email to gain an organisational consent. Once I was approved, the coordinator gathered consent from programme participants agreeing to be part in my study. This focus group was conducted as an extension of their lunch time programme at their centre.

The other five groups were recruited through a large institution which provides nation-wide community education programmes. Prior to lodging any direct inquiry, I obtained an ethical approval from the ethics committee of this institution, then I made initial contact with the national programme coordinator to gain an organisational consent, to recruit participants through the centres, I was then referred to head tutors in six different areas of Auckland and Hamilton to establish further arrangements to recruit students for focus groups; of those I contacted, one from Hamilton and another one from central Auckland decided to take part<sup>16</sup>. All focus groups were conducted in a spare class-room as part of a group discussion class. This was to minimise the burden on the centre's time scheduling.

## Materials

Similar to key-informant interviews, all focus groups had the following items:-

1. Information sheet describing the overall aim of this research, typical procedural features such as length of discussion, and the contact

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<sup>16</sup> I also contacted a head tutor in Manukau where a lot of Asian migrants reside. However, due to the class level composition, I could not recruit enough people who were able to sustain an hour-long discussion in English.

details of the researcher. A consent form and sample questions were also attached to inform potential participants of their rights, the overall structure of questions, and so on.

2. A digital voice recorder was used with the participants' consent to record the entire interview. The use of a recorder allowed me to focus on conducting interviews with its capability to preserve the flow and details of discussions.
3. Refreshments - potato chips and fruit juice. Due to the budget limit and time limit – I was not allowed to go over an hour – refreshments were kept minimal, considering the time for consuming refreshments and having discussion at the same time.

### **Additional notes**

This research project required considerable resources to recruit participants for interviews and focus groups, including the use of a motor vehicle. In a conservative calculation, I drove at least 6,000km across the North Island for this project. This figure does not include post interview engagement. Considering the nominal annual driving distance in Aotearoa/New Zealand is between 12,000km and 14,000km, it was not a small distance to travel for data collection. There is no set standard for motor vehicle depreciation rates. However in my case, the financial cost was not small.

There were also times when I had to stay overnight for interviews due to the travel distance from where I was based. My friends who value my research kindly offered accommodation to limit the expenditure.

### **Ethical considerations**

#### **Informed consent**

I provided the best quality of information to all potential participants and programme coordinators prior to having their agreement to participate in focus groups. I made myself available to answer all questions. I also ensured that there would be no pressure to participate by using the following approaches:-

1. I used the snowball recruiting method for key-informants. Because they were heavily involved with community activities, many key-informants knew who would likely be comfortable participating in this study. It was also important to ensure that the potential participants invited matched the criteria.
2. Stratified inquiries via appropriate coordinators for arranging recruiting focus group participants. Because five of the six focus groups had to be arranged through an education provider, an appropriate chain of approvals had to be granted to meet their organisational code of conduct and ethics. At the same time, I minimised my involvement with potential participants to reduce possible pressure that my presence may have created.

### **Privacy**

Because Asian migrant communities are generally small, it is paramount to secure their privacy. Participants' identifiable information is suppressed in this thesis as much as possible. I informed all potential candidates of their rights over privacy protection in this study; all of those who participated understood and agreed to take part.

### **Language**

In order to cover a wide range of migrants from Asia, I used the English language to conduct almost all interviews (except one) and all of the focus groups. This is primarily due to the fact that I only speak two languages (Japanese and English) to conduct research data collection at a satisfactory level.

I was also aware that since 1995, when the New Zealand government introduced an amendment in their immigration policy, skilled migrants (excluding refugees) have been required to be proficient in the English language. The requirement was initially set at IELTS (International English Language Test System) 5 in general module. In 2002, it was subsequently lifted to 6.5 for the principle applicant and 5 for non-principle applicant/s (e.g. family member of a principle applicant).

## Analysis methods

To analyse the collected data, I used a thematic analysis approach for both key-informant interviews and focus groups. However, while the principles remained the same, I placed more focus on the narratives of my key-informants to observe and analyse their stories of experience and perception in contextual detail.

### Initial theme emergences

After conducting the pilot interviews, I replayed the voice records to review the contents and to find how and what parts of the narratives signified their stories. This process did not occur at the first replaying but I had to go through several repeats across a group of recorded narratives before I determined emerging themes. Obviously having repeated replays of single interview recording was insufficient to identify themes. Working on the pilot data helped me to form the initial starting point to understand the bigger picture – to identify whether my approach to the research questions was legitimate and would be effective in producing some answers.

Pilot data answered some of the questions I set out initially. Participants' perceptions of the Treaty were forged with insufficient or low-quality secondary sourced information. However, because many of the emerging themes were unanticipated, I had to proceed following further interrogation of the preliminary findings.

I conducted cross-comparative analysis with more interview recordings to validate the emerging themes that I obtained in the first and second phases. The data obtained and themes that emerged were highly consistent with the previous ones. Because of such a consistency, I could classify these two phases as one group if I only looked at the themes. However, the process of analysis determined there was differentiated phases for understanding the data. In hindsight, I technically had enough evidence to draw further questions when I completed the first phase analysis.

After I examined the validity of emerging themes and consistency between the first and second phases, I then revisited the initial research question to

explore the ultimate meaning of the Treaty to Asian people. With the completion of the third phase interviews, I reviewed the previous interview records for cross-comparison to affirm the emergence of themes regarding community engagement and an internal process forging perceptions.

### **Examining co-constructions of themes**

Exploring theme emergences through these three phases was a journey in itself. However, just having themes did not adequately answer the research questions. Despite the themes emerging in a flow of information in my participants' stories, I realised that the themes were all interrelated to each other. Hence I had to examine the extent of the complexity of the findings.

At the previous stage of analysis, the themes emerged without indication of how they relate to my participants' stories of their experiences and perceptions of the Treaty. In order to have clear descriptions of the themes contained in their stories, I conducted a further analysis of the key-informant interviews to examine co-construction of the themes. I classified those themes by causes and outcomes theme groups; I then classified the themes by internal and external factors sub-theme groups for each major theme group.

As for the focus group data, I also conducted the same process of further analysis; unlike the key-informant co-construction, focus group themes showed a torus-shape construction of themes. The absence of primary-source information about the Treaty were indicated participants' descriptions about the Treaty predominantly formed from secondary-sourced information. This largely supported one aspect of findings which also emerged from key-informant interviews.

These classification processes were essential to develop understanding of participants' stories with clarity, in order to draw the final conclusions of this study. Comparing these different theme constructions enabled me to demonstrate how key-informant findings and focus group findings supported each other.

## Chapter 3: Findings – Key informants

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It is essential to acknowledge the unique nature of the research findings in this study. This study was to investigate how Asian people, particularly those who recently arrived in Aotearoa/New Zealand, perceive the Treaty of Waitangi. Throughout the interviews and focus groups that I conducted, I observed a rather complicated interaction of themes; initially some of the themes to emerge seemed to conflict with each other or seemed somewhat irrelevant to each other. In particular, migrants' narratives of post-immigration hardship, as well as those related to racism and discrimination, and potential method of leaning engagement seemed not directly relevant to articulate their views of the Treaty. However, as I proceeded to analyse the interviews further, it became clearer to me that these themes provided supporting contexts to elaborate the process of learning about the Treaty. Some participants' journey encompassed unlearning the myths surrounding the Treaty which first made them anxious about the nature of society in Aotearoa/New Zealand, and then replacing these myths with knowledge about the Treaty from informed sources.

Since my initial questions were heavily focused on participants' perceptions and how they developed such views. I concluded many themes were derived from their own psychological processes. This section comprises a matrix of cause and outcome, and internal and external factors (see Figure 3).

Interactions between internal and external psychological factors as *cause* themes described the complexity of various backgrounds to explain how my participants' journeys started and have been affected. Such complexity of theme interaction was necessary to elaborate how the *outcome* themes were constructed.

I arranged the themes in this way in order to delineate how psycho-social factors contributed to forming common patterns of perceptions about the Treaty. I then describe how those outcome themes transformed positively,

based on another set of themes – *empowerment*. Learning about the Treaty aided participants' own journeys of empowerment, as they came to understand the role of the Treaty in addressing historic and contemporary injustices against Māori. Ultimately the Treaty framework provided the pathway to reclaiming their identities and the value of respecting each individual.

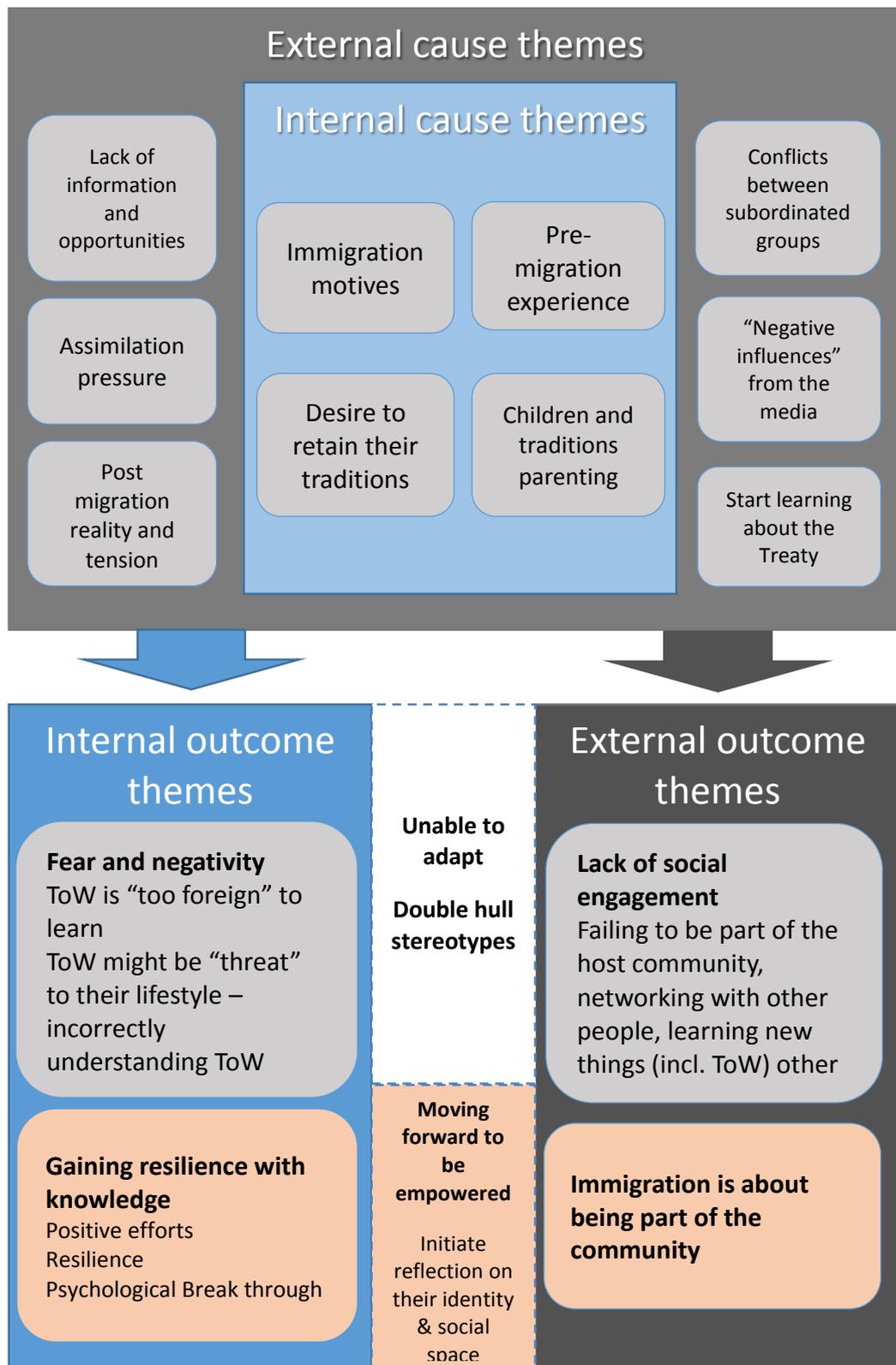


Figure 3. Theme construction

## Causes – Internal factors

These themes emerged from several key-informant interviews when they told their stories about why many migrants from Asia come to Aotearoa/New Zealand. Primarily because their impetus to migrate was voluntary, as opposed to being forced to migrate (e.g. refugees), these themes clearly show that many Asian migrants coming to Aotearoa/New Zealand, particularly after the 1990s, were self-driven. These themes form the basis of the whole experience of immigrating to Aotearoa/New Zealand.

Unlike other studies of immigrants, this research did not specifically focus on their motivations to migrate to Aotearoa/New Zealand. However, internally-initiated reasoning was definitely involved in why they migrated. Everyone had different reasons and circumstances but were united in having made a major decision. For those who migrate after reaching adulthood, international migration is especially a life changing decision, in which the course of a person's life direction is altered by their exercise of free-will.

Participants' adhering to their decision to migrate would significantly impact their locus of control over their own lives. For migrants, becoming socially successful in a new country weighs far more than making the same type of achievement in their home countries. Adulthood migration involves a significant amount of individual effort, in contrast to relying on financial support from other family members. The qualifications and previous prestigious vocations held before migration to Aotearoa/New Zealand generally reflect the social class and wealth a migrant was born into, in their home countries.

However, their life after landing on new soil does not confer the same opportunities that inherited privilege did in their place of birth. Opting to start a new life direction with success mostly determined by individual effort is not typically what many people would consciously chose unless there are exceptional circumstances.

Not all migrants successfully attain their goals in a new country. In fact, it could well be quite the opposite. When I conducted interviews, many of my participants began their stories by recounting hardship in their post-arrival lives in Aotearoa/New Zealand. Indeed, starting a new life without the social capital that they had in their countries of origin involves a number of factors that can reduce the chance of their successful integration. Informal social support is near-invisible to most people, who do not appreciate its existence, until it is lost in transition. Although it can be replaced with paid support if financial success is attained, its lack still puts a considerable strain on other parts of their lives.

Considering these factors above, in hindsight, exploration of detailed migration motives and reasons may not have achieved anything significant to this project. I have therefore listed *immigration motives* as part of internal theme groups for the findings to describe the notions behind the themes.

### **Immigration motives**

The most common theme in this part of the study was why Asian people migrate to Aotearoa/New Zealand. Most people referred to having “a better lifestyle” than in their home countries. Typically they meant living in larger sized housing, having their children educated in English, the unlikelihood of political unrest, a clean environment and so on. What binds these factors together as a theme is, how Aotearoa/New Zealand is perceived as a better place to live due to these positive attributes.

Another key point to note regarding this theme is that financial incentives were briefly mentioned by key-informants but were not dominant in their decision to migrate. It was clear that their priority was gaining a better quality of life rather than attaining financial gain. Having incitements that were stronger than financial incentives meant their expectations were reasonably high, hence it signifies the level of decision they made. In exploration of the motivation factors contributing to the decision to migrate to Aotearoa/New Zealand, where Anglo-Celtic culture is known to be predominant, it is also important to note their self-perceived ability to cope in the process of making their decisions.

In relation to prioritising learning about the Treaty as a migrant, this theme indicates that other tangible incentives overrode engaging in cultural learning processes after arriving in Aotearoa/New Zealand. Indeed, cultural experience does not often appear to aid socio-economic attainments, particularly when such achievement is not valued in the host culture. Migrants themselves also transfer their socially recognised resources such as qualifications and vocational backgrounds to Aotearoa/New Zealand in various ways as a part of their migration process.

*The end goal is to have an affluent lifestyle, nice car, house, family, etc. There is no wider context in it. ... Having that kind of mentality makes it very difficult to persuade them to learn about the Treaty.... It's a sort of thing that you can't measure; you can't measure harmonious race relationships, better understanding of others' cultures, things that are value based which you can't really "give" them. And of course, they believe they're doing their part, by being a good citizen like paying tax, etc. They just think why do they have to do something about harmonious race relations. They don't see any personal responsibility or personal benefit. That's the problem. (KI 2, Indian)*

A fascinating aspect of this theme is migrants were attracted to Aotearoa/New Zealand by its image as a cosmopolitan utopia, but were not expecting to have to prepare themselves to learn about the Treaty and Māori as the indigenous culture of the host society. Eventually my participants began to learn about The Treaty, but at this point of their lives, it was not the case yet.

For most people, being a foreigner is an isolating experience. The mainstream culture of Aotearoa/New Zealand is very "foreign" to most prospective migrants from Asia. Deciding to migrate to an unknown territory meaning they be prepared to go beyond their comfort zones. Several informants discussed psychological strength, which matched their

commitment to migrate, as resilience. Not only the strength to propel themselves (and often their family members) but also being aware of the risks of maladaptation and the likely consequences, such as unemployment, financial difficulties, stress, and so on, play an integral part in forging their psychological strength.

Some key-informants said Asian migrants were aware of the need to learn new things in a new country, in order to mitigate the risks of maladaptation and to maximise the chances of socio-economic success in their new country.

*But I also know that we can't just speak Chinese forever because we migrated to an English speaking country. Not speaking in English would be so inconvenient and not much fun. You can't even talk to your neighbours, can't mingle with others. You can't be happy. Well if you can't be happy, you've gotta go home. (KI 1, HK Chinese)*

The above statement was made in a context of social separation, in which he described the necessity to learn new things in a new country. Instead of committing voluntary segregation by isolating themselves from anyone from the host society, he questioned the intent of migration in the first place, when such behaviour defeated the purpose of migration.

On a superficial level, it might sound like he is advocating assimilation in the above statement, however, there is a fine difference between discussing the intention that migrants made prior to their departure and simply forcing migrants to assimilate to the mainstream values without questioning (I will elaborate on assimilative pressure further in a later section of this chapter). This statement was more about the attitude of not being closed within, but being open to communicate with people in the host community. His comments represent a view shared by other key-informants that migrants will have to learn new things in a new country. Some people made this more explicit to include learning about the Treaty.

A few key-informants discussed a commitment to learn about the Treaty as a new citizen's responsibility. In this context, knowing the Treaty was

seen as essential to having a better understanding of social processes in Aotearoa/New Zealand. However, as mentioned earlier, such an engagement does not come with a visible and direct outcome that would (financially) benefit migrants with a measurable outcome within a set amount of time.

*Getting back to learning about the Treaty, there would be three types of engagement. I would say it's mostly determined by their individual interest. 1. If they want to know, they will engage and participate to learn. 2. If it's not interesting enough but seeing that it's got something to do with them, they will participate. 3. If they see some benefit from learning, or feeling having some consequences from not learning about it, they will. Therefore I believe their level of interest would determine their engagement process. (KI 1, HK Chinese)*

This also leads to another theme in which he and other participants pointed out that the types of learning engagements my participants made with the Treaty were more externally driven than internally initiated. Because of the absence of a formalised process to facilitate their learning about the Treaty, as well as the intangible nature of incentives for making such an engagement, most of my participants were not directly committed to learn about the Treaty but had their interest “triggered” by some other events that had a much higher priority. For example, job interviews were listed as one incentive to learn about the Treaty, as Treaty-related questions are reasonably common in a final stage job interviews in the public sector.

Perhaps, a vague awareness of the Treaty existed, but they did not initiate learning about the Treaty until impelled to. I classified this subtheme as internal cause motivation to learn about the Treaty (for most of key-informants, the initiation stage was externally introduced hence I will discuss this under the external cause theme group). There was also significant potential benefit to the key-informants from learning about the Treaty.

For the duration that they do not know of the existence of Māori culture, it may well be the case that Asian migrants see themselves as guests in a Western country. While being largely unaware of the indigenous culture, they might see themselves as already making sufficient efforts to meet the multicultural (or cosmopolitan) obligations of their new country, such as acquiring reasonable proficiency in English, and understandings of Pākehā cultural practices while also maintaining their birth cultures. I will elaborate on the dilemmas posed by such cultural-juggling in a later section of this chapter.

### *Pre-migration experience*

Several informants described political situations in many parts of Asia, where constant political unrest is still experienced. Aotearoa/New Zealand is, often classified as one of the most politically stable countries in the world. One informant said the external image of Aotearoa/New Zealand is in contrast with many regions in Asia.

*Well, looking at New Zealand from outside, say through a featured report of New Zealand on BBC, yes New Zealand is described as a peaceful country. In international media reports, New Zealand isn't featured as a country of unrest, like Thailand<sup>17</sup>. (KI 3, Indian (Fijian))*

Senior adult migrants from these regions have especially lasting memories of political incidents in their home countries. Even if they were not direct victims (which would make them political refugee in extreme circumstance) many have experienced intimidating situations. Political persecution based on ethnicity is part of the reality in some countries in Asia. One informant briefly mentioned a socio-political reason as his impetus.

*I left Indonesia for political reasons. I was part of a Chinese minority in Indonesia. If you know the history of how they treat Chinese... I have two girls with me. They*

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<sup>17</sup> Referring to the political unrest in Thailand that occurred around the Thai New Year in April 2009. Many demonstrators on the streets of Bangkok were injured and some killed. Due to armed military intervention.

*really love NZ. We left there when they were 6 and 8 years old. (KI 4, Indonesian (Chinese))*

He chose not to elaborate on the details of Indonesian Chinese history, but the tone which he told his story evidenced the depth of his decision to migrate to Aotearoa/New Zealand. Another informant described how a lot of migrants interpret disputes around the Treaty within the context of their own political experiences.

*Some people from Pakistan told me that it reminded them of their history during the partitioning of India from Pakistan; a lot of people migrated from India to Pakistan a long time ago but they are still called “migrants” – people aren’t happy with that kind of treatment. They struggled to understand why they should be called “migrants” after such a length of time (after 50-60 years). People like them bring their “cultural baggage” to their interpretation of Māori affairs and Treaty issues. They see it as “why do Māori need special rights? Why do they keep us in the “migrant category” while claiming special rights?” I do find it disturbing given my background, and do find most of what they say isn’t really true. (KI 2, Indian)*

In these countries, some civil protesters lost their lives during political protests. In the migrants’ experiences, freedom of speech was not well respected in their home countries. Experiencing attitudes counter to the dominant culture could be fatal. Another key-informant said some people switched in to a defensive mode of thinking after they perceived Treaty disputes as resembling political unrest in their home countries.

*Yes. And I think it’s also got to do with the history of their home countries. For example, like Fiji (where this key-informant came from), there were a lot of coups and ongoing oppression of ethnic peoples. People who have experienced that kind of political ordeal may well expect that they will get the same thing in New Zealand as well. Feeling of having déjà vu. ... (KI 3, Indian (Fijian))*

“Feeling of having déjà vu” in her words, is projected previously experienced political crisis onto events in Aotearoa/New Zealand. This is despite political activism rarely inflicting fatalities in Aotearoa/New Zealand and certainly not in the case of street demonstrations. The realities of key-informants’ home countries are very different from those of Aotearoa/New Zealand. Generally, most people interviewed refer to their knowledge and experience, even when it was irrelevant to the reality in Aotearoa/New Zealand, in order to maximise their own safety and benefit.

*Another reason that I can see for that perspective is, with all the activism, protesting happened in China, especially with the Tiananmen Square massacre, I think they were quite traumatised by that. They just don't want that sort of thing here. Every time I go back to China, my grandparents are really worried about me being involved with political activism, because of what happens over there. I guess another thing would be the communist China when Mao was still in power. ... it was safe to be conforming, if you stood out, you would be persecuted for that. (KI 10, Chinese)*

As she described it, some migrants to Aotearoa/New Zealand choose to conform politically to avoid being identified as politically risky individuals. In an effort to consciously escape possible persecution. To an outside observer, these people might be experiencing some type of paranoia, as there is no such risk or danger in Aotearoa/New Zealand. For those who have never had to go through political unrest or persecutions, such fears around the Treaty and indigenous affairs are simply paranoia based on an earlier reality. This theme, on the other hand, revealed that some Asian migrants from Asia did have valid reasons for their fear and concerns, even if they were the result of past trauma.

### ***Children as a reason to immigrate***

One of the most commonly stated motivations for migrating to Aotearoa/New Zealand was educational opportunities for their children. This theme subtly emerged during interviews, as “common sense” so that

participants assumed that as a researcher of Asian descent, I would recognise one of the primary reasons to immigrate.

Prior to conducting each interview, I included the information that introduced myself, giving part of my story that I was an international student pursuing a tertiary degree and that this was the primary reason I came to live here. In that context, my participants assumed “you know this, because you’ve been there and done it.” “You know the expectation behind this...”. Variations in such statements but several people made a supplementary statement for their stories to contextualise their narratives. One of them made a particular point regarding parental expectation over their children as the main impetus for their motive to migrate to Aotearoa/New Zealand.

*I think often when new immigrants come here, they come for particular reasons. ... they are working hard, incredibly hard, in family businesses, trying to earn a living, and trying to put their children through schools to give them a better future than they have. They want their children to be high achievers, having professional jobs so that they don't have or can't have in NZ because of their lack of their English language (proficiency). (KI 6, Chinese)*

As illustrated above, the value attached to quality education, originating in the influence of Confucianism and associated social norms widespread across Asia. Describing this theme without providing its cultural background would make my analysis without context.

*You got to have education, no education you got no weapons. You don't need a gun. Education is your gun, you gotta have that. Learn the knowledge, learn everything. ( KI 8, Indian)*

*At a young age, most Asians are taught education is the future. That mentality has not changed. ... and they're known for their loyalty, their constant-ness and their listening ability. (KI 9, Chinese)*

Much like how they talked about their immigration motivations in general, this sub-theme was also shared in a similar way amongst different informants. This context was always presented along other sub-themes to represent the complicated association of their immigration motives. There was no single reason or factor to solely construct or explain the cause-and-outcome relationship for their journey. In particular, the context of this subtheme re-emerged with other subthemes “post migration reality and tension” and “children and parenting traditions”. Because their children were referred to as one of the strong reasons to make a life changing commitment in their lives, this becomes the central locus of control to maintaining the meaning of their new lives. Tensions built amongst them if their children were not meeting academic and cultural expectations.

#### **Desire to retain their tradition**

While many key-informants talked about Asian immigrants stepping out of their comfort zones, they also talked about their desire to maintain their own traditions – customs, rituals, etc. In some interviews, this was described as a struggle to maintain their cultures and customs after migrating to Aotearoa/New Zealand. This subtheme emerged in parallel with the *psychological resilience* subtheme. However in some cases, these subthemes were in conflict. Immigrants knew the necessity of learning the host culture, language and practices (*psychological resilience*), but they also did not want to surrender their cultural identities just because they had come to a new country (*this subtheme*). Trying to attain an equilibrium between comfortably living in a completely different cultural environment and retaining their cultural identities required considerable effort, which could easily become a psychological burden for many people, because finding the right configuration for different situations was mentally exhausting.

Retaining traditions of cultural origin in a new country poses a significant challenge. For most people, social and cultural practices are taken for granted. People become much more aware of their cultural identities and associated customs when they are out of their comfort zone, particularly when people migrate to another country. Having a realisation that things that migrants took for granted are no longer there in their new lives in a

new country, their desire to retain their cultural traditions and customs may well be amplified further. Even if attempts result in negative outcomes for them, or are somewhat “impractical”, many people try anyway. Cultural identity is not something that people can revoke and subscribe to another set immediately. However, this type of psychological struggle is not easily visible to others – including those who are yet to migrate internationally – who have never been in a similar situation. Unless people go into a situation that forces them to experience cultural dissonance, it is very difficult for them to imagine themselves outside of their own cultural context.

Several key-informants told me that migrants of Asian descent put “extra” effort in to their attempts to retain some part of their customs. Migrants from these cultural backgrounds typically experienced that mainstream services in Aotearoa/New Zealand, such as schools (for knowledge) and supermarkets (for food), that did not always provide services or items which meet their cultural needs. In order to satisfy their cultural needs, they would have to start seeking these items from elsewhere.

*When they are more settled, then they have time for cultural stuff, like dance for girls, or language classes. My kids do 8 hours a week at Quran and Arabic classes. So that's the level of priority; the Treaty is way down the bottom (of the priority). It's all on top of normal school work, and other activities like music and sports. (KI 2, Indian)*

Cultural supplementary services that ethnic migrants can access via mainstream channels are more about facilitating their acquisition of “local” knowledge, rather than assisting them to attain the cultural identity equilibrium. In other words, it is up to each immigrant to manage their own cultural identity maintenance. This subtheme of identity negotiation, is addressed under the *assimilation pressure* theme described in a later section.

One-on-one interviews tended to focus more on the individual aspects of migrants’ experience in retaining their cultural practices. However, we

should not forget the societal aspect of cultural practice and how it plays an important role in communicating with others. A few informants mentioned the common attitude amongst Asian people that many of them prefer to not to appear radical within the group.

*I think it wasn't that long ago that they would look at Asian as typical stereotypes fit on you, whether good fit or not, doesn't matter, I would say that would stop them saying too much. ... they keep it to themselves, quite reserved, they don't want to make a stand, the thing of positioning in the centre, they find good things about a thing, they find some positive thing to balance, often do the balancing act, because they don't want to cause offence. Whereas it doesn't always help sitting on the fence, it doesn't always help, because you're always centre, as you're always modifying your thoughts, or justifying your thoughts, to make things work for everyone. (KI 9, Chinese)*

As per the above statement, this type of “fence-sitting” act may be seen as more about moderating different kinds of opinions without having an exchange of overtly directed discourses. Perhaps, it is an act of subtle and quiet negotiation below the surface, which many local people interpret as being mysteriously covert or “inscrutable”. However, overt and instantaneous expression of opinions – “shoot first before asking” – could come with a social cost, potentially resulting in social isolation.

*In lots of ways, it's much easier to do that than you head out and say something, because there are consequences for that. Whereas if you do what everyone else is doing, you're safe. I think it's also because if you're non-white, and speak out, people assume that you're speaking “on behalf of” your ethnicity. (KI 10, Chinese)*

These narratives show that just because Asian migrants are politically quiet does not necessarily mean they are political inert. Since migrant communities tend to be small, and closely woven – not to mention the

cultural values of the Doctrine of the Mean<sup>18</sup> – and must consider the complexity of the sociocultural dynamics within their communities, as well as each individual migrants constantly having intercultural encounter with the host society on daily basis. In particular, because Asian migrants are socially salient in Aotearoa/New Zealand, they are subject to overgeneralisation being made by the host society. This key-informant told of a typical situation where one Asian person can be treated as representing the entire group, hence people learn to be “diplomatic” and cautious about expressing their views, regardless of whom they talk to.

Otherwise, they may cause unintended provocation within a social circle. Being part of a small ethnic community in a new country requires extra attention as it is not easy to move onto another circle after an “accidental” provocation. For some people, given this potentially negative scenario, it would be far easier to choose not to share their stories and thoughts with others. Revealed under this theme, was the complexity involving “balancing” act to minimise potential disharmony with others who have different community affiliations and different political and social beliefs. The value of individual opinion is given minimal recognition, particularly for new arrivals, and concerns around further negative repercussions are real issues for them.

One informant described how living with multiple community membership was the reality of being an Asian migrant in Aotearoa/New Zealand, which reinforced keeping personal experience and thoughts to themselves.

*I think that's one of the reasons we are not consulted. There has been a lot of knowledge gaps. There is not a lot written about Asian New Zealanders from the 19<sup>th</sup> century, not a lot written about us. And also the nature of people are usually quiet, unless they are asked about it. Or they are more reserved. And they have to be a little bit careful, because they don't want to offend either parties. As a typical Asian person, migrant or New Zealanders, they*

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<sup>18</sup> Doctrine of the Mean (中庸) is one of the core values of Confucianism philosophy.

*see themselves as you need to treat people with care and you need to be honourable about it. And you mustn't show too much biases. That's probably why – even though there have been opportunities for Chinese people to tell their stories – they haven't, because I think some of those stories are quite “deep” (deeply personal). For the reason they immigrated, I mean, they don't necessarily immigrate for business reasons, or for study reasons... they immigrate for all sort of reasons. Some of them would not want to show the host country adopted them that they are rude about Māori Pākehā related issues. (KI 9, Chinese)*

The narratives quoted in this theme group show that Asian migrants are not “unthinking” or “politically inert”. Many Asian migrants choose to absent themselves from citizenship processes because they know they would have to deal with different types of people with different interests, and they do not feel social assured enough to share safely their views. I will elaborate further on this aspect from an externalised angle in a later section.

### ***Children and parenting traditions***

Confucianism, which is commonly shared across East Asia, was also an underlying factor for this theme. Parental expectations in attaining academic excellence and meeting such expectations are indeed a significant part of Confucianism and Islam. As mentioned earlier in *immigration motives* subthemes, the desire for educational attainment for their children is considerable. Without their children attaining educational success in Aotearoa/New Zealand, migrants' intentions for departure from their home countries defeated.

Aside from the socioeconomic merit of gaining a qualification, parents imposing such an expectation on their children are displaying an expected cultural practice. Amongst immigrant parents, there is a definite expectation that their children retain cultural norms, particularly those around respect for age and gender hierarchies within their families. For example, one informant explained the hierarchical nature of Asian learning

styles. Expecting migrant children to better influence their parents' acculturation to Aotearoa/New Zealand might be too optimistic, in his opinion.

*(In terms of Treaty knowledge coming from children to parents), you mean, they read together with parents... ? Those who come from Asia, it is not typical that you learn with your children. But in New Zealand, we would like to encourage parents to take participation (KI 4, Indonesian (Chinese))*

He elaborated further on the cultural differences that influence Asian intra family communication styles. For example, dinner time is not being commonly utilised to ask children about their learning progress at school, according to him.

*Parents from Asia have high expectations on their children's education. But we also found that they have their own things to do. It is good to have parents talk with their children about what they learnt when they eat... but you know when Asian families eat, they don't speak a lot, because that's not polite. But here (in New Zealand) dinner is considered one of the best times to approach children. (KI 4, Indonesian (Chinese))*

The above quote also illustrates an assumption that children are expected to strive at school, hence parents (who subscribe to this kind of idea) tend not to ask how their children spent their time at school. The boundary between parents and children is quite explicit, which is something many Asian migrant parents would strongly defend.

*It is not easy for parents of Asian background to accept the culture (in New Zealand), especially the boundary between parents and children. So parents have their own problems and I think that's triggering things that make communication not as smooth as we want. It takes time for them adjust in New Zealand. (KI 4, Indonesian (Chinese))*

He meant difficulties around migrant parents not realising they also have to learn, as much as their children do at school. He was also inferring that education systems in Asia tend to focus on children's academic (and sports) achievements, whereas their psychological development is not well considered. There is definitely a different set of expectations amongst Asian migrant parents.

Expectations embedded in Asian traditions vary across a wide spectrum, including securing positive employment prospects, starting a family, being faithful to elderly family members, and so on. Amongst these, expectations educational attainment was just a part but, nevertheless, comprised an integral part of migrants' expectations for their children.

Educational attainment performs a function akin to financial investment for the future among many Asian families. Given the fact that the cost of international migration is significant, it resembles a form of strategic investment. Considering the invested nature of the cultural expectation placed on education behind the theme, key-informants' stories were not told as examples of an unconditional love for their children to succeed in a new country. Knowing of this aspect is useful to understanding the entire shape of expectation-reality gap struggles that many migrants face in a new country.

Within this context, pursuing educational opportunities for children in a new country has another dimension to facilitate family establishment and growth.

*It's also got to do with a typical Asian mentality that people tend to be competitive and achievement-orientated. ...They tend to pursue education in professional areas, like engineering, law, accounting, medicine. They wouldn't get their children to pursue a qualification to become a social worker. Not in Asian families. A few might "go off the track" to study journalism or something else, but generally speaking, they don't encourage their children to do that. (KI 2, Indian)*

While a few informants identified this as more of a class-related issue, I classified such norms as they emerged in some of the interviews as a parental expectation subtheme. This particular theme is deeply associated with parental expectations of children in their post migration experience. As I mentioned earlier, having transferrable qualifications and employment history meant that many migrants from Asia were socioeconomically successful prior to migration to Aotearoa/New Zealand. Hence that migrants desire to retain a certain level of lifestyle for their families is a noteworthy point.

In summary, the emergence of these subthemes show the complex nature of immigration motives, revealing them to contain substantial levels of future-planning and contemplation of what they might achieve in a new country, beyond any desire for a “change of scenery”.

International migration is a significant commitment which involves very difficult decisions for any individual person, and is most likely the biggest decision in one’s life. My participants shared how they got to Aotearoa/New Zealand, before they began their stories of learning about the Treaty. In doing so, they described the phases of perceptual shift with detailed contextualization.

This section of findings presents the backgrounds to my key-informants’ migration journeys while also signifying the unforeseen expectation gaps many would suffer after arrival in Aotearoa/New Zealand.

## Causes – External factors

Ultimately, each individual immigrant determines how s/he views the Treaty of Waitangi. Hence their internal processes are of concern in this research. However, their narratives of immigrating to Aotearoa/New Zealand cannot be understood without considering wider social contexts. Some external influences could easily facilitate misunderstanding, creating superficial views of social affairs in a new country due to a lack of information. Suppose all different views and information are readily available and equally presented to newly arrived migrants, they could indeed make their own choice to which political views they would like to subscribe.

However, as many of my informants pointed out during their interviews, there is a definite lack of information available for immigrants to gain sufficient level of knowledge of the Treaty. Access seemed to be limited or inadequate. Some of them chose to learn about the Treaty for a variety of reasons. However, those who made their own effort to learn found it quite difficult to know where to begin. This could well be more like the chicken-or-egg paradox. It is quite difficult for new arrivals to fully understand the social environment they are living.

Being in a new country means migrants are in the first phase of establishing a network with other community members. At this point, the range and depth of understanding they have of their new community's historical journey would be unsubstantial. Moreover, the accessible information around the Treaty could easily be erroneous, particularly when their associates are not knowledgeable concerning social process and historical developments. This could be further reinforced if migrants live in an ethnically concentrated area among others of the same ethnicity, within a community that has little involvement with the indigenous people of Aotearoa/New Zealand.

In this theme group, informants identified these external factors and elaborated how some of them lead to impact on immigrants' lives and their perceptions of the Treaty. Before we discuss these changes in perception, it is important to identify what external factors influenced their worldviews

as new arrivals in Aotearoa/New Zealand. Some of the themes seem indirectly related to the Treaty of Waitangi. However, these themes emerged from several interviews in which they were articulated in various ways, while all pointing at the same core issue, namely institutional racism.

Unlike direct form of racism, such as overt insults and abusive remarks, the institutional racism my participants referred to was very subtle, and actually involved everyone in society. Racial victimisation, in the form of pressure to assimilate with mainstream values and views, encourage immigrants to become part of the covert racism directed against other subordinated groups. By successfully assimilating Asian immigrants earn the approval of mainstream Pākehā society, but in doing so, they become pawns in the rhetoric directed at Māori who refuse to assimilate, and to the extent that they collude with Pākehā in this, Asian migrants are implicated in the oppression of Māori.

#### **Lack of information and opportunities**

One of the most commonly told stories on learning about the Treaty is the absence of information and opportunities. Perhaps sources of quality information are there which almost anyone can access, but it is still like an expedition to discover such sources for newly arrived migrants.

*I don't really think that a lot of new Asians that are coming to NZ really understand the background or some of the historical context of the Treaty. I think their knowledge is a little bit like a jigsaw puzzle with a lot of parts missing. (KI 9, Chinese)*

The fact that demonstrating knowledge of the Treaty has never been required by the immigration authority when immigrants apply for, or are granted, permanent residency means there is no formalised approach to ensure immigrants learn about the Treaty<sup>19</sup>.

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<sup>19</sup> Unlike the requirement for English language proficiency on their application, which is compulsory for all non-principle applicants (i.e. family members of a permanent residency

*I never heard any migrants talking about the Treaty.*

*Translated materials should be made and distributed by the government. ... as far as I know, most of them don't know or understand (about the Treaty) due to the lack of information." [even if they have been living here for years?], yes exactly (KI 4, Indonesian (Chinese))*

*I'm not a recent migrant so I can only speak as an "outsider" but I do meet up with many recent migrants, particularly a lot of Chinese immigrants. I think people who are recent migrants have no backgrounds whatsoever, in terms of the history of NZ, the experience of Māori, what the Treaty is about. They wouldn't have a clue... it would be great if when you have new migrants, there was some sort of package that they all went through helped them to understand right from the beginning.( KI 6, Chinese)*

*Yes. They don't learn about the Treaty unless they're in specific positions, such as Academic positions. There is no place (in Hamilton) to specifically learn about the Treaty after their arrival. It is made migrants' individual responsibility to learn about the Treaty rather than the Crown taking responsibility. It's across the board and I don't think we can hold one individual person accountable for not knowing about the Treaty. (KI 3, Indian (Fijian))*

*So how could you expect new migrants, especially those who are from Asia to understand the Treaty? ... It's also not clear what we have to know about the Treaty. I'm not sure what we are expected to know about the Treaty. If I invite people from overseas to China/Hong Kong, I would tell them "welcome to China, I want to show you some of our culture, things that you should know", instead of*

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applicant). Otherwise prepaid English tuition is imposed by the immigration authority as a condition of their residency being granted.

*asking them “what part of our culture would you like to know?”; well, they wouldn’t know what they’re getting into because they just arrived. If you apply this example to immigrants, asking them about what they want to know about the Treaty wouldn’t be helpful. It would be far easier if they are told what to learn. (KI 1, HK Chinese)*

For adult migrants, learning about the Treaty is a voluntary learning engagement. To date the government has made minimal effort to produce comprehensive Treaty materials specifically for migrants. Since the government declines to provide Treaty education of reasonable quality, the responsibility is transferred to each individual migrant to find out what the Treaty means. However, just reading the Treaty text itself would not be helpful as it requires contextual interpretation and historical background which are difficult to navigate without exploratory notes.

*Some of them hear about it, but maybe are not interested enough. But you have to remember their English isn’t that great. Many publications on the Treaty are written in difficult language. Migrant children may have a better chance to learn about the Treaty because they get to learn about the Treaty at school. (KI 4, Indonesian (Chinese))*

In terms of this “policy gap”, immigrant children technically receive Treaty education via the education system, but as school texts are in the English language only, it can be expected that their understanding is limited. Primary and secondary education policy, which values and aims to teach the Treaty in school curricula, is not referenced in immigration settlement strategy. Such a gap is created because the integral policy direction by the Cabinet for Treaty education is not comprehensive across government areas. As a result, the age of migrants can increase or decrease the likelihood of accessing publically produced Treaty educational materials.

Aside from policy gaps combined, with the legalistic nature of the Treaty, some of the terms may easily become learning obstacles. It is not that easy to access learning materials written in non-expert language. Some

legal concepts may not be familiar to some migrants hence translation may also help, filling this gap as well.

*Obviously you have to be careful with what is put together by whom... And obviously there is an issue with the language; new immigrants don't have good English. You'd have to consider the language of the people you're addressing. ... For quite a lot of them, they probably don't care, to be honest, because nobody has actually spoken to them about these things in a way that they can actually understand (KI 6, Chinese)*

*Language barrier would be the biggest obstacle which limits their opportunities to learn about it. It has to start with simplified English. Many migrants do understand English. And then translate to various other languages (KI 4, Indonesian (Chinese))*

I emphasise that translation is not only about producing one-off multi-lingual materials. The most important aspect is about being aware of the learners and their backgrounds, in order to encourage them to learn and explore further themselves. Informants who expressed concerns around language related issues negatively affecting Treaty education did not just talk about language proficiency amongst migrants, but also emphasised the need for learner friendly materials, in which translation was only a part of it.

One informant said the conventional approach to Treaty education was difficult for Asian people in Aotearoa/New Zealand because Pākehā-Māori issues predominated, with little consideration of the Treaty's implications for non-Pākehā or Māori.

*I think my attitude towards the Treaty was developed over time. When I was much younger, I really didn't understand those things at all. The issues for people in NZ - non-Māori non white – sometimes it can seem that other ethnic groups are lost in the cracks. We almost didn't exist. It*

*was always about Māori and Pākehā, and biculturalism. I think there is a lot of confusion for people who are not Māori or Pākehā where they would fit in. because it is always focusing on Māori and Pākehā. And I know there were –at least in the past– some people who were non-Māori non-Pākehā felt they were left out, some sort of injustice in a way. They wondered “where is multiculturalism”? I think one of the problems is lack of education. I think that is improving a lot, but it is easy for a lot of people in NZ who are not politically aware who have “narrow lives” never come into a situation where they actually learn about Māori point of views.” (KI 6, Chinese)*

She was speaking as a Chinese person born in Aotearoa/New Zealand, not as a recent migrant to this country. The feeling of “being left out” in the discussions around the Treaty was not directed at Māori or the Treaty not considering Asian people. Her words were concerning the construction of Treaty advocacy discourses in earlier days which Pākehā dominated. Ironically Tangata Tiriti (people of the Treaty) tended to be quite monoculturally Pākehā, even in the context of advocating the Treaty. While agitating for social justice, and despite a racial equality ethos, Treaty activists placed Asian people at the peripheral edge of the movement.

Sharing the same concerns, another informant articulated further how the Treaty terms were defined within the paradigm of public policies. Biculturalism was interpreted for the convenience of the state to minimise any structural overhaul. Regardless of intention, migrant communities were not well considered during Treaty debates as the state/government represented majority Pākehā interests, rather than representing the entirety of the non-Māori population as the Crown Treaty partner.

*(do you feel excluded from the whole debates?), yes, I still feel I’m excluded because a lot of the conversations happening around the Treaty or “New Zealanders” or what it means to be kiwi kind of things, usually happens with binary or Pākehā-Māori thing. So, for me, where does*

*everyone else fit in?? and also the language around biculturalism and multiculturalism, for me, hearing biculturalism is alienating to me. “this is a bicultural society” and then “where do I fit in?” I guess the way those terms are said are, I see them as policy terms. I see them as government terms. It’s the state language that has the least to do with multi-ethnic demographics in NZ, but more about the state policies. That language is exclusive in a sense that biculturalism doesn’t encompass a lot of things. I think it’s also less about cultural-ness, maybe bipartisanism or bilateral agreement, and then while acknowledging multiculturalism, is also a state policy to erode and to diminish indigenous rights as well. (KI 7, Chinese)*

The failure to include Asians and other minority ethnicities alongside of New Zealand Europeans as inclusive Crown Treaty partners, is a consequence of majority hegemony, rather than a shortcoming of biculturalism, the Treaty framework, or Māori politics.

From a slightly different angle, Asians are generally isolated from social contact with Māori. Asian migrants could easily ignore the Treaty and Māori when they migrate to Aotearoa/New Zealand. As this informant pointed out, many Māori and migrants often inhabit different social space, so that Māori and Asians have a small likelihood of interacting.

*There is no meeting space for Māori and Asians which make us to have continuous dialogue between us. If you’re talking about space, I think something lacking, there is a gap. Asians don’t have to come into contact with Māori or Māori don’t have to contact with Asians on a daily basis. But if there is a space, then we can confront the tension (amongst us) and we can start making sense to each other. Right now, there is a big gap and we can pretend it’s not an important issue. ... There is no context for Asians to establish contact with Māori. What is the*

*context? (the fact that the researcher locates within the institutional space have got to think about the issues that others have not) I don't think there is enough opportunities for Asians to be in Māori space or for Māori to be in Asian space, social, geographical or political. You cannot think about those political issues without that sort of meeting point... It is a vicious cycle (KI 5, Indian).*

As described above, living in community-level segregation from each other does not support mutual understanding, and so Asian people tend to rely on institutionalised workshops or seminars to gain knowledge of the Treaty and Māori cultural protocols. Considering this point, as other informants have described, in the earlier part of this section, the lack of easily accessible information for migrants was merely the tip of the problem. If there is no or little bridging space at community level, it would not be easy for individual migrants to overcome such gaps of understanding. In a way, it is like crossing a river in the dark; you might be fine, but there is always a fear that something could go wrong; perhaps it is easier for people to avoid each other altogether, or at least, most people would prefer to cross a bridge once it is fully built, rather than when it is still under construction.

Kanohi ki te kanohi, meeting people face to face to gain a better mutual understanding, is an integral part of tikanga Māori. One informant said this approach really worked for her in developing knowledge of the issues surrounding the Treaty. Having a real opportunity to engage with Māori made her realise what she had missed out in the past. Relying on third party source of information did not help her to gain quality information regarding the Treaty.

*I went to a conference a couple of years ago, which was a real get together of many ethnic groups and Māori, including Moana Jackson and Margaret Mutu, which was really giving everyone an overview, backgrounds, and points of views to show where Māori are coming from. What the issues are. You know, I think for the general population, they don't get to hear those sorts of views, not*

*often. Things are not well explained to them. ... I must admit I found it all of those interactions incredibly helpful. I think we need more like that. It is a matter of how you can do that in many different ways to reach many sectors of communities, and there are so many different kinds of them. You cannot reach everyone by only one way. (KI 6, Chinese)*

Her comment was not to promote institutional conferences, but to validate face to face meetings with experienced senior persons to facilitate mutual clarification of issues between Māori and non-Māori communities.

Reaching out to different communities is no easy task. This kind of approach is not a magic wand, delivering an instant solution, however, the process could guide us in how different groups of people could be led to understand each other better. Committing to such engagements would require considerable effort, but it is through such engagements that ethnic communities begin to become part of Treaty conversations.

Overall, several informants talked extensively about the lack of Treaty information and learning opportunities. The reason I have focused on this factor is, my research has let me to conclude that there would be a considerable number of Asian migrants who would take up suitable Treaty learning opportunities were they able to access them.

*But they are willing to learn about the system and community if they have opportunities.(KI 4, Indonesian (Chinese))*

Similar sentiments were echoed across different interviews, with some key-informants explicitly mentioned the Treaty workshops (with limited numbers in place) run by some local bodies in Aotearoa/New Zealand, as offering valuable learning opportunities.

### **Assimilation pressure**

Institutional racism was described in various forms throughout the interviews. An overall theme emerged that institutional discrimination did exist and is well entrenched in social processes where it is manifested in different ways, both explicitly and implicitly. However, some of my

informants took some length of time to realise the circuit of racism and assimilation pressure.

In everyday life, societal pressure to assimilate does not come like huge waves with lengthy intervals, but in between more like a strong current that is difficult to swim against. It is continuous yet overwhelmingly strong. It is not that easy to see it coming in a predictable fashion. In their stories assimilation pressure was like water flow in that it was not easy to isolate one particular stream to represent the whole. Those who go against the current eventually become exhausted and may choose to go with the flow. Articulating their struggles, in juxtaposition to the national cover story of Aotearoa/New Zealand sovereignty being marked by positive race relations acts of resisting assimilation pressure; since to speak in contradiction to dominant discourse is to invite reaction from those in power.

*And the issues of racism; from outside, NZ has no racism but full of harmony. But when they arrive, especially for Asians, people whose first language isn't English, they get a lot of discrimination. (KI 3, Indian (Fijian))*

A few informants talked about overt forms of discrimination. Because migrants from Asia are salient with different skin colours, religion and associated customs, and in the languages they speak, they talked about being, on a regular basis easy targets for harassment.

*I was born here, it's still hard, even now. I'm 54. I see people come to me saying "fucking Asian" or "fucking Hindu". That's it, doesn't matter how old you are or whatever, it's the stereotype. (KI 8, Indian)*

Some rejection behaviours directed towards them as Asian people were described as quite overt and without the harassment perpetrators having any awareness of their conduct. While there was no conscious intention to be "racist", such verbal behaviours still generated an overt pressure on Asian migrants to assimilate. For example, informants were aware of non-Asians being uncomfortable when they expressed aspects of their native culture. Cultural expressions subject to discomfort and subsequent

disapproval and/or harassment varied across a wide spectrum, including speaking in a non-English language, consuming exotic food, preference for types of sport, gambling addiction, (heavy) consumption of alcohol, and so on.

For these migrants typically described as living the same lifestyle as “ordinary New Zealanders” monolingualism could emerge in a non-aggressive form. One informant recalled numerous encounters with her friends reacting with when she spoke Mandarin.

*[[you know, some people said to me “oh I forgot you speak Japanese]] yeah yeah, a lot of my friends said that to me a lot! Like when I call my mum, “wow, I forgot you speak Mandarin”. (KI 10, Chinese)*

Her friends “forgot” that she speaks Mandarin as a way of tacitly communicating to her that she was attracting negative attention from a number of “locals”<sup>20</sup> who dislike hearing foreign languages. The extent of assimilation pressure in Aotearoa/New Zealand is prevalent because being monolingual is the social norm for almost everyone born in this country. Although, there is supposedly no wilful intention to discriminate against non-English languages being spoken in public, my key-informant’s Mandarin was obviously only heard under limited circumstances, which indicates that speaking languages other than English should be segregated to migrants’ domestic spheres, in the opinion of many locals.

The construction of standardised customs and lifestyles – and making a direct reference to them which everyone is expected to follow – is a clear indication of cultural intolerance in Aotearoa/New Zealand. In many instances, my informants experienced some degree of negative response from “locals” when they expressed “non-standard” cultures. As a result, Asian migrants, particularly Chinese before the 1990s policy change, chose to be discreet about any activities which might attract attention to their ethnicity. It might be said this was a voluntary assimilation, yet the

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<sup>20</sup> Unspecified ethnicity of New Zealand born people. Most pointing Pākehā/Europeans, but I will discuss more on the complication of discrimination between subordinated groups.

assimilation pressure was the driving factor motivating them to completely modify their social behaviours.

*Those who have been here for generations, have come through a background where a lot of racism and lots of difficulties, in terms of being Chinese in this country. They are quite likely to be quieter in their approach to things, like it used to be, for generations. That was not a good thing to stick out. I mean, New Zealand culture, generally, has a tendency of not wanting to stick out. Some people talk about the tall poppy syndrome. It used to be so monocultural (KI 6, Chinese).*

Before landmark immigration policy change in the early 90s, the number and the proportion of Asian people in Aotearoa/New Zealand was marginal, due to the strict limitations on migration from Asia. Another key factor in assimilation pressure is the placement of subordinate groups in vulnerable positions. Identity maintenance requires social space. As another informant described, maintaining cultural and ethnic identities is exceptionally difficult without the critical mass to form a community. Outnumbered and without peers to exercise their own cultural customs with, the likelihood of assimilation was increased considerably.

*That largely depends on how strong their cultural identities are, how strongly they desire to maintain their culture, language, rituals, etc. It's also got to do with the number of people; these days people migrate in a group. Back in those days, there were only a few people from the same background. They were so isolated. They had to let go of a lot of things. I've been here for 36 years so I identify myself as Kiwi, New Zealander. (KI 2, Indian)*

Her experience is one of having her identity diluted within mainstream society. Because the Asian population had been disproportionately small for decades, and the assimilation pressure was so intense, many chose to be quiet about their cultural identity, knowing that being ethnically visible in

Aotearoa/New Zealand would draw too much negative attention, which they thought would undermine their social advancement.

*You would find that it is more likely with older Chinese who are here for generations, they are used to with the idea that you've got to be careful that you don't stick out too much, you are not too vocal, otherwise, you are gonna get shot down. ... You're gonna be criticised, you never know when people might turn on you, with some of them would feel real injustice as well, because for a long time when people knew in New Zealand if you're Chinese, you've been here for a long time and you grew up here, because there weren't many of us here. (KI 6, Chinese)*

Her story shows that after capping the number of Asian people in the country, as well as driving them to fully assimilate, some level of social accreditation was granted. At least, superficial racial harmony was successfully constructed and maintained at this point of history. However, this artificial racial harmony came to an end after the 1990s policy change, which also exposed the true face of institutional racism in Aotearoa/New Zealand.

*When we had the huge influx of new Chinese and Asian immigrants, which outnumbered the older Chinese settlers, other people in New Zealand often couldn't distinguish and often just thought any Asian looking face was a new immigrant who didn't understand this country and they don't belong here. (KI 6, Chinese)*

Once the influx of Asian migration began, many people – mainly Pākehā/Europeans – exposed their ignorance and racism. Their descendants from generations based in Aotearoa/New Zealand, was ignored as a kneejerk reaction on the part of the majority culture to mass Asian migration took hold.

*I'm talking about the more redneck element here. But there are much more subtle prejudices that can be very much inherent without them knowing, very subconscious.*

*On assumption that because you look “different”, you’re not a New Zealander, and you come from somewhere else, which would be very common. ... For those of us been here for a long time, it’s probably a bit of a shock when we got such a huge influx of Asian migrants and suddenly for the first time – but there was always racism – we were getting people yelling at us and swearing at us to go home. And we were like, we didn’t have any other home to go to, this is our home. So that was a bit of a shock. (KI 6, Chinese)*

As she described it, Pākehā felt a superior proprietorial right to Aotearoa/New Zealand, rooted in the white British history of the nation, which negated the claims of other New Zealanders whose heritage lay elsewhere, and also resisted immigration from those assumed to be culturally dissimilar. Her experience living in Aotearoa/New Zealand pre- and-post 1990s immigration policy change, is that these attitudes intensified in response to influx of confident Asians, and she is disinclined to adopt the self-effacement of previous generations of immigrants.

Previously, subtle social sanctions were enough to pressure Asian immigrants to assimilate, but with more immigrants, the threat of social isolation was not enough to enforce conformity, and New Zealand society revealed deeply entrenched racism in a backlash against its Asian communities.

The gradual assimilation process works slightly differently from the overt racist mechanisms which exclude certain kinds of people. The main point of difference is the expected outcome from the modification of immigrants’ social behaviours. Assimilation pressure works with a carrot and stick approach to compel Asian migrants to modify their behaviours and ultimately, their identity. Some may wonder about the “carrot” part of assimilation pressure on Asian migrants, since assimilation has negative connotations in academic research. Two of my informants talked about the sense of inclusion that came with gaining a social membership by becoming the same as others.

*I think it's natural for migrants to want to assimilate, because that gains a sense of inclusion, more so if you're different to other people. And that's definitely a part of my childhood as well, growing up, I really felt the pressure to assimilate. Definitely, there have been times in intermediate, high school, some said "you're not really Asian. You speak good English. Those people over there...". (KI 10, Chinese)*

“You're not really Asian” was intended as a compliment to congratulate her on speaking just like ordinary “kiwis”. This phrase signifies success in assimilating with mainstream society. This was the underlying attitude of her friends who were awkwardly surprised when she spoke in Mandarin.

Supposedly, adolescents of migrant parents are free to choose to assimilate, as part of their age development stage in learning social behaviour. But another informant elaborated further on identity exploration amongst Asian youths, claiming that identity struggles were quite common amongst Asian youths who were born and raised in Aotearoa/New Zealand.

*Of course, the next generation will be quite different. And probably have more difficulties with their identities. Because they all feel cool with everything around them as well as the expectations of their parents, that is the generation that will struggle most in a way, in terms of being able to feel comfortable. You know, children and adolescents want to belong, they don't want to be different, they go through these stages.(KI 6, Chinese)*

To be able to feel comfortable with their (parental) ethnic identities, a simplistic and superficial endorsement of their own cultural roots would not work, but a life long journey with different stages of development, probably would. She was saying many would struggle to define their sociocultural affiliation, even after being fully assimilated. In a later section of this chapter, I will provide more findings on their internalised journey to redefine identity under pressure to assimilate from numerous factors.

### Post migration reality and tension

This theme seemed internally manifested, however, due to the fact that externally inflicted grievances were caused by the immense assimilation pressure and institutional racism, I classify this theme as an external cause. Because many migrants from Asia are under constant and concurrent societal pressure to be a “good citizens” (as previously described under the *Assimilation pressure* theme) and some witnessed others who are in similar circumstances to themselves being victimised, they became concerned for their own welfare.

As described under the *immigration motives* theme group, many participants told me that considerations for the welfare of their family, especially their children, emerged as the primary motive for migration to Aotearoa/New Zealand. However, some of them told me that the likelihood of fully attaining goals was not as strong as they had expected prior to their migration.

*Well, it's not that easy to get a job. ... Language is the main reason, and the second reason is their (work) experience. ... Some people ask for New Zealand work experience but new arrivals do not have that. Employers don't give them chance to “prove” themselves. It is very difficult. ... They don't get it. It is too hard to get a high rank job. Don't expect the government to help them either. Perhaps the language barrier, but maybe they don't want to hear the harsh reality before they come here. (KI 4, Indonesian (Chinese))*

Some informants talked about how difficult it is to secure sustainable employment after they arrived, especially middle-aged males without New Zealand qualifications or employment histories. In some instances, they had to abandon the migration journey that they had planned. Some chose to return to work in their home countries while their spouses and children continued their lives in Aotearoa/New Zealand to retain educational opportunities for their children. Some may have had employment opportunities that did not meet their anticipated financial/social goals.

*Well, I have noticed that some people who came to New Zealand could not reach their expectation lost their self-esteem, they don't want to meet people, well, I saw that too... if you were a director in your home country expecting to become a director (in NZ)... it's a dream, it's far from the reality. You have to start from zero again. You have to sell yourself now. That's why a lot of people returned to their home country, or in some cases, fathers stay in their home country while mothers and children live in New Zealand. I know a lot of them like this. For families, it is not good. It is hard, it is not easy. (KI 4, Indonesian (Chinese))*

In any of the scenarios – either being unemployed, under-employed, or becoming an astronaut family<sup>21</sup> – the burdens on families are oppressive, and the subsequent psychological impact severe, especially since many decided to migrate seeking a better life for their own family members.

Despite strong assimilation pressure, many of them still try to align themselves with the sociocultural expectation that they were nurtured in their home countries. Again, in this view, this theme might be psychological and thus internally oriented, as described in the *desire to retain their traditions* theme. However, my view regarding this research is that Asian immigrants are “juggling” with two (or even more, depending on their circumstances) sociocultural expectations. Such “juggling” causes psychological struggle, which negatively impacts on their family living in a new country.

*Finding a job can be difficult as well. For most migrant families, employment is the first thing, then education for*

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<sup>21</sup> “Astronaut family” is a term for families who live separately across a border, mainly because of economic reasons. Typically fathers remain in their home countries to maintain the income level while to secure educational opportunities mothers and children live in English speaking countries. South Koreans call these fathers “goose fathers” (기러기 아빠, *Gireogi appa*) – metaphor for migrating birds.

*their children, and around their homes. When they are more settled, then they have time for cultural stuff, like dance for girls, or language classes. ...Parents are busy putting food on the table, and kids are busy learning at school and after school. It's a very hectic lifestyle. Especially since both parents are working. (KI 2, Indian)*

The previously described employment difficulties also meant the likelihood of low income. This is especially so when migrant parents end up doing low-paid jobs for which they are overqualified, stress from job mismatch, long hours (to maximise their income) and other factors such as working in a unfamiliar environment, must be taken into account. Discrimination from the host society against newly arrived Asian migrants has real consequences in not being able to fully integrate with the host society and to attain financial and social goals. Ultimately such failures impact on the welfare of families, particularly children. Moreover, there was also abstract form of externally influenced difficulties identified by some informants. This theme emerged in the form of a holistic identification of the sources of their stress.

Racist discrimination gave them a new dimension of life challenge. Their lives became busier as they sought to meet pre-migration expectations, financial and social success, children's education, and so on. There is no doubt that anti-immigrant discrimination plays a major role in worsening their lives, however, it is equally important to acknowledge that their struggles occur at different levels.

As I briefly mentioned earlier in this section, Asian migrants tend to work for longer hours, making extra commitments for their children to retain their first language, and participating in religious activities. The context of this theme derives from internal desire, as described in the *desire to retain their traditions* theme. However, the most significant finding from this theme is of them being exhausted by numerous externally involved activities, before they start thinking about learning about the Treaty.

*I know people the Treaty principles are often discussed regarding public work. When Migrants/refugees arrive in*

*New Zealand, they first try to find a place to live, and then sort out transport (e.g. for taking their kids to school, going to work), sort out a telephone account, IRD, find the nearest supermarket etc. It's fair to say the Treaty is bottom of the list as it's not essential to their new lives in New Zealand. It's in a low priority. Our orientation programmes do talk about it, but other than that, we seldom talk specifically about the Treaty (KI 1, HK Chinese).*

*And also a lack of time. Resettlement is a major thing. There is a lot to learn once they arrive here. They don't have the same level of support from other family members that they had in their home country. That'd contribute to lack of time and energy as they get exhausted. ... For the adult generation who migrated to New Zealand, having spare time is a luxury. (KI 2, Indian)*

*There is a sense of complacency that many of them don't even think about politics. They are settling into the society through cultural and social events, and saving for the future, retirement plan, sending children to schools, and how to make sense to home so far away, life over there... I wonder how people think about the Treaty of Waitangi... a few people would think about it, but beyond that point, I don't know. people commit to their individual lives. (KI 5, Indian)*

*Often they are so focused, especially Chinese, and some other Asians, very focused on achievements, on making something of their lives, like education, when I say education, I mean academic education. Making money, security, and all of those things, family. And there is little time or energy left for anything else. They are very busy and so focused. Another issue is they don't think these things are important. They don't come into contact with*

*anyone or organizations that actually help them understand these issues. (KI 6, Chinese)*

It is expected that migrants are to go through difficult times in a new country, yet my informants were telling me that it is worse than difficult. We might dismiss this by saying different families have different circumstances. However, the emergence of this theme certainly tells us that this is not “one of those things that they can get over”. Certainly they would not have enough space, time and energy to think about the Treaty, let alone the deficiency of such opportunities to learn about it in the first place. These quoted statements also indicate that their extremely stressful life situations may narrow their focus on issues around the Treaty. If they begin to think of their plight in a new country without realising the institutional racism is victimising them, they might become vulnerable to projecting their resentment on to Māori.

### **Negative influences**

Several informants elaborated on commonly shared sentiments amongst their communities, when they described how post migration experience played the major role in forging their perception of the Treaty. External influences from outside sources were identified during the exploration of how Asian immigrants perceive the Treaty. The complexity that emerged in this study was identified through two subthemes, which were about having limited sources of information after their migration. The sources were predominantly the mainstream media and being in precarious situations that distorted their views. As I argued in the earlier part of this chapter, “*lack of information and opportunities*” theme, reaching out to a quality source of information about the Treaty and associated social issues poses considerably difficult. With the limited exposure to life in Aotearoa/New Zealand, the mainstream media became one of their main sources of information. Considering the fact that most mainstream media reporting is overwhelmingly negative, many migrants tend to subscribe to stereotypical views of the Treaty. The emergence of this theme coincided with another theme, “*pre-migration experience*”, in relation to the political situations of their home countries. The combination of migrants’ traumatic

experiences with the strong bias in the media and certain sectors of the community did not help migrants to learn about the Treaty.

### ***Negative media influences***

Unlike the pre-migration experience theme, this theme emerged with learning from secondary sources, namely the mainstream media. Moreover, despite the lack of reporting in Aotearoa/New Zealand on local ethnic media, most migrants eventually began watching mainstream television news.

*I would say a lot. Even I started to watch more Chinese programmes since the free-to-air Chinese channel started. Many of them would also be watching programmes via the internet from their home countries. It's very normal. But that would only be first generation migrants. Second generation onwards would be watching the mainstream media because they wouldn't know much about what's going on in their parents' home countries. Hence their source of influence would shift eventually.*

*That channel on Free to Air is "a bit of everything"; it's a compilation of different Chinese stations. It doesn't report a lot about NZ unless it's "world news" – rugby 7's, Prime minister. I have never seen any reporting on the Chinese channel regarding the Treaty or any relevant issues. I think it's largely depends on reporters (their view, knowledge, etc). (KI 1, HK Chinese)*

This theme emerged as the commonly shared impression amongst key-informants, from various ethnic backgrounds, was that Māori affairs and Treaty issues were generally reported in negative tones.

*I think that is a real problem because with the media, they are much more interested in sensationalism, more interesting news rather than true, education, dialogue, for coming together. So you are more likely to get them reporting very extreme activists, confrontation, you know*

*all sort of things, rather than sound bites and lots of actions, reasons, arguments, explanation, which promote much more compassionate, reasoned, explanation for what's going on. (KI 6, Chinese)*

Not only being negative, but also totally lacking any provision for establishing constructive discussion or understanding over the issues. Similarly, another informant agreed that the media was a poor source for gaining any understanding of the issues.

*They often pick up those negative stereotypes from the mainstream media, other Pākehā peers, etc. You see a lot of negative images of Māori on the media without knowing their side of the story; if a Pākehā commits a crime, the media rarely mention his/her race or religion in particular, but if that was a Māori or Muslim, they sensationalise and add those factors negatively. I'm sure it affects people's perceptions. Say, if you're a newcomer to this country, trying to get some idea what's it's like by watching TV news, reading the papers, and listening to the radio, that will become your impression of Māori. (KI 2, Indian)*

Typically the mainstream media report political protests at Waitangi itself with violent images. Sometimes, they reuse video footage from the past, which do not necessarily accurately show the current situation. This inflicted a certain degree of fear amongst Asian migrants who had no or little political knowledge about Aotearoa/New Zealand.

*There are various forms of misunderstanding within the community, because of extreme views, and as well as extreme Māori views. Because of that, migrants get a distorted idea of what the Treaty is about. They also see violent protests at Waitangi day events. When they hear activist speech, they feel that they have no space in the Treaty. Those people don't get the right information. ... They don't frequently have conversations about the Treaty within their community, so they end up getting*

*sensationalised mainstream media reports, like “violent protests at Waitangi” or “Tame Iti’s views” on the national TV. Even talking to three people, say one of them has been here for 10 years, and for people who just migrated, it becomes their main source of information and it eventually becomes “their reality”. (KI 3, Indian (Fijian))*

The media sensationalise Treaty issues while conveying negativity. This key-informant also made an interesting point on the chain reaction effect of low quality information about the Treaty amongst immigrants being transmitted to newly arrived migrants. The length of time an Asian migrants living in Aotearoa/New Zealand does not automatically indicate that they are knowledgeable in Treaty issues. This is particularly so if the primary source of information is the mainstream media, as they are much less likely to gain a meaningful insight on the Treaty, its history or culture. However, as she said, newly arrived migrants may regard their longer settled peers of the same ethnicity as a reliable source of information.

In some respects, fellow migrants’ experience would be useful to quickly understanding the essential parts of surviving in a new country. In saying this, the likelihood is of newly arrived immigrants subscribing to unverified information with incorrect details. In theory, regardless of the political inclinations of “experienced” fellow migrants, newly arrived migrants will need more reliable sources of information as they spend more time in Aotearoa/New Zealand.

Information depletion worsens when the sender and/or the recipient already have certain political learning. In such cases, hearing distorted stories about the Treaty only encourage their ignorance and prejudice. Most typically, such political discourses singularly blame Māori for their socioeconomic status.

*Opinions and attitudes toward the Treaty vary a lot, I guess that is influenced by their political leanings. But I suspect that the problem is ignorance. People who don’t understand fully, so they don’t understand what the issues are for Māori. (KI 6, Chinese)*

She did not completely dismiss the media as negatively-inclined in its dominant influence on migrants' perceptions of Māori and the Treaty. However, she also said that for some migrants the media amplified their ignorance, by reinforcing the stereotypical views of Māori and the Treaty.

Two other informants elaborated further on the nature of the media as a Pākehā constructed institution. The media carries the legacy of colonisation and still promotes the idea of a racially monolithic nationhood. The media functions as a vehicle reinforcing assimilation pressure on Asian migrants, as well as other subordinate groups in Aotearoa/New Zealand, through its reinforcement of their minority status.

*I think most forms of the media are Pākehā dominated, so it's coming from Pākehā perspectives. How the colonial government feels grumpy about the Treaty, and they put a bias over the Treaty and spin on it. And of course, any information that you get about the Treaty is going to be from that perspective. Definitely that's where information about the Treaty that Chinese or Asian people comes from that perspective. (KI 7, Chinese)*

The media, by its nature, sells bad news. This key-informant went on further that Māori, Polynesian and Asians are targeted for negative stories, which reproduce the same cycle of stories about problematic racial minorities causing social problems.

*I sometimes see them on the news, and they all got to come together, that's the only way to survive. They got to be more aware of Māori issues. The only time that Asians ever see things or hear about Māori/Polynesian issues is on TV. Like Hone Harawira's remarks, Māori gangs, Māori protesting. They never see positive things. Because the media never show positive things. That's the same as the early days, they used to have, they always wrote about Polynesian gangs and Māori gangs clashing, but nothing ever positive, never write anything positive. That's the same as for Asians, they don't want to write anything*

*positive. All they see on TV and read in the papers, what's Māori on the news, 90% of them were negative. Nothing very positive. (KI 8, Indian)*

He recognised how the media problematized Polynesian migrants in the past, in a very similar way to how it also treat Māori. He now considers Asians are being problematized by the media as well. He said he always sensed covert racism in reportage. He also identified how the media sensationalised negative news stories to create stereotypical images to increase envy and interethnic resentments.

*All we hear about Asians coming to New Zealand is, "oh they're bringing money", next minute they've got a house, next minute they've got a car, and next minute they got a shop. Because they've got money. "What have we got? My father is working and digging holes or cleaning toilets, and lives in a house that has nothing. That's where the resentment comes in too. They (media audience) see what they cannot have, and resent that. The media straight away portrays that way. (KI 8, Indian)*

He was aware of the way in which the media consciously manipulate their target audience, in order to create maximum impact. The more reaction the media can generate from viewers/readers, the higher their profile and profit. "They see what they cannot have" from the media side is "Showing what most audiences cannot have" which precisely identified the method of sensationalising reporting.

Yet when the media reports positively on Asian people, the reports are normally superficial and trivial. This key-informant gave examples such as festival reporting which is mostly lightweight. No symbolism or relevance are explained or discussed, but only the spectacle of colourful dress and dance.

*The only positive things about Asian (in the media) are Indian movies like Slum Dog Millionaire. Diwali festival, "what a great festival, and bang", but next day, they don't want to know about them. Chinese festival, that's the only*

*time they're put in the news. "oh they got lantern and dragons" but they don't tell the meaning, what's it all about. But those festivals are also good because they actually involve everyone in the community, like Māori, Polynesians, and the whole lot to come together. "hey, we are not aliens coming out of the space ship. Come and join us, and try to get to know us." But all they do is, after one or two days festival, just go back to "bloody Asians" ( KI 8, Indian)*

The analogy he used of "Aliens coming out of the space ship" illustrated the exoticisation by media reporting of Asian people, which he insinuated treated Asian people as if they were not members of society in Aotearoa/New Zealand, but as foreign, objectified visitors from another planet.

#### **Conflicts between subordinated groups**

Aside from the media influence, some informants talked about their negative experiences with Māori, which they believed were due to a lack of mutual understanding, but were still quite hurtful and disheartening for many of them. One informant expressed her bemusement over Māori-Chinese relationships having developed a widespread hostility in the last decade or so.

*And another interesting thing, in my experience, as well as others like my family members and friends, it didn't used to be like this when I was young, over the last, at least ten, 15 years, it could be longer. The thing that I find strange is, that the sort of racism that I'm getting on in the streets every once in a while, people yelling and swearing at me and so on, or telling me to go home etc, making fun out of me just because I look different. The thing that I find strange is more recently, for me at least, it's almost invariably a Māori person. Which I find interesting and I also find it distressing, actually. Because in the early days, my impression is that Māori were very positive toward*

*Chinese. Because they could see we were all suffering from white racism. (KI 6, Chinese)*

She struggled to understand the antagonism beneath the racial taunt and struggled to comprehend the change in social climate breeding hostility against Asians, which she believed was much less frequent in the past. As described under the *assimilation pressure* theme, she reiterated that there was always been racism against Asian people in Aotearoa/New Zealand, of a covert sort. She recalled her grandfather established good relationships with Māori, and she inherited his understanding of Māori.

*My grandfather, he found that he got on incredibly well with Māori. His English wasn't great, but he found it easier to communicate with Māori than with Pākehā, and he deliberately chose to move to Wairoa because there was a large Māori population out there. That's where my father grew up. I do feel that in those early days, the relationship between Māori and Chinese was better. I mean, there is always racism, ... but in terms of working together, being friendly, cooperating, I think things generally worked well, it's seems to be more difficult now than it used to be, because there is a lack of understanding. (KI 6, Chinese)*

She really struggled to comprehend now the rupture in interethnic relations between Māori and Asians became wider and deeper in such a short space of time. She believed that it was mainly due to a lack of understanding, as another informant mentioned in the *negative media influences* theme. Resentment seems to be particularly prevalent among those of low socioeconomic status due to the depiction of the mass arrival of “rich” Asian migrants with plenty of assets portrayed by the media.

Another informant said such sensationalised public images of Asian people were examples of the divide and conquer method frequently used in the era of colonisation. He perceived Asians were being used as pawns in a fight against Māori, by feeding distorted information around the Treaty a form of “special privilege” for Māori which excludes Asians creating resentment and hostility.

*Thinking about racism, I guess it's the making of my identity, under and in the dominant white culture, the internal racism has been the racism that I've been experiencing, feeling angry, but now knowing that it has a history, it has a context in, to see how I and we collectively fit to those power dynamics, of those racial hierarchies. I guess I feel "used" as a pawn, like "get the Chinese and Māori to fight against each other!" (KI 7, Chinese)*

He reflected that such interethnic conflict was fostered by the dominant social group, which distorted representations of both Māori and Asians to each other. He recognised both Māori and Asians had their anger misdirected, and realised they had been manipulated by the power structure. On the same point, another Chinese informant said both multiculturalism and biculturalism were defined by the dominant social group.

*Immigrants' rights and multiculturalism can be used against Māori. That's definitely been the discourse used by the government that is either biculturalism or multiculturalism. And both of them are managed by Pākehā. ... I definitely think that Māori should have a say in what kind of migration and extension of migrations are allowed on the immigration policy. (KI 10, Chinese)*

My informants made these remarks based on their own life experience, which should not be easily dismissed, when we think about interethnic relations between Māori and Asians. There are definitely contexts behind, mostly people being ill-informed. Still, their narratives were shared with hurt feelings.

### **Starting point for learning about the Treaty**

Different people had different opportunities to learn about the Treaty. Some informants got involved with social justice movements, where their peers taught them the history and injustice, inflicted upon. Ngā Tamatoa and the Polynesian Panthers were youth led radical political organisations

in the 1970s which forged the pathways to legal redress of the numerous breaches made against the Treaty.

*And we got to learn from the Panthers and Ngā Tamatoa; they started teaching us that the land was the sold off from Māori, Tūrangawaewae, that's where they stand proud, on their own land, stand on their own marae, to be proud. That's how I started to know about the Treaty. How they were conned. Because they signed on it, they told they'd look after you, fisheries, forest, and all of that. The chiefs signed on it. And next minute, the missionaries come through, they teach Christianity, and the solders come through, taking land (KI 8, Indian)*

They were the frontline for educating and advocating for Māori and Polynesian people, and advocacy of the Treaty was one of their main achievements. Much later in history – 1990s to 2000's – one informant described that the Treaty was discussed in a “binary” context, which he felt compelled to know more about.

*(in his early 20s, he encountered flatmates who were mostly activists. Met with Pākehā-run Treaty advocacy group, and questioned) “As Pākehā, we are allowed to be in NZ Aotearoa because ‘we’ signed the Treaty. So that means that we have to honour it. So I thought that makes sense. That made me think I'm not Pākehā, we didn't sign the Treaty. So am I allowed to be here? For me, doing any social justice work in Aotearoa/NZ means for the Treaty, and therefore the context of colonisation and justice, grievances that happened are cornerstones or foundations or grounding for any of the work (social justice) that I do. I guess that's where the Treaty fits in my brain. The relevance in the work I do in my life. (KI 7, Chinese)*

His statement indicated that Treaty advocacy was entering a new era. Not to mention the Asian population began to increase, and using Asians as

political leverage against Māori started to emerge. Yet the opposing discourse was still under much needed development.

Other informants encountered the Treaty in vocational context, rather than in the political arena. One noted that her other migrant friends were in a similar situation where they needed to gain knowledge of the Treaty to enter the job market in Aotearoa/New Zealand.

*When I was seeking a job, I was doing my own research to get answers. The point of integration for migrants starts from when they find a job. To get a job they need to learn about the Treaty of Waitangi. So people would be interested that way. There are so many misconceptions around the Treaty and Māori culture. So it would be good to begin their integration process by learning about the Treaty. (KI 3, Indian (Fijian))*

The timeline of exposure varied considerably, because there has been an increasing awareness of the Treaty. Aside from primary and secondary school curricula, the different contexts of being exposed to the Treaty seemed to vary depending on when informants began to work as adults. It seems that particularly in recent years, being aware of the Treaty is becoming a lot more common. Although the government had an initiative to encourage the public sector to employ people who could demonstrate a knowledge of the Treaty, it still remains a voluntary requirement.

*From migrants' point of views, it's not something they have to learn urgently. However, those migrants will encounter Treaty issues and want to know about the Treaty as they spend more time in NZ; for example when they talk to their neighbours who are Māori, they get more interested. So in a way, their learning initiation is more community based, rather than government-initiative. (KI 3, Indian (Fijian))*

As she said, the spontaneous initiation of learning about the Treaty indicates that community involvement plays some role encouraging migrants to learn about the Treaty. However, it is still ad hoc, and almost

by accident for migrants to encounter the historical “facts” of their new country. This may increase the vulnerability of migrants to being influenced by negative media, as described previously under the “*negative media influence*” theme.

## Outcomes – Internal factors

Previously presented themes and sub-themes have elaborated how Asian migrants determined to come to Aotearoa/New Zealand from completely different cultural backgrounds, while opting out of the financial advantages that they potentially had in other countries. There were other themes which emerged to highlight how their psychological processes generated various responses to their new reality in Aotearoa/New Zealand.

Classifying internally focused themes as *outcomes* is an attempt to isolate informants' psychological processes from external influences, so as to clarify how they disengaged/engaged themselves with learning about the Treaty. Learning something new, regardless of the subject, ultimately means modification of one's perception. Once informants started to learn about the Treaty, their worldviews definitely changed permanently. Many of my informants said that learning about the Treaty was more like a journey than a one-off event. Their learning experience was not an isolated event of landscaping. Hence I categorised these as internal themes as they describe perception changes as outcomes.

### Fear and negativity

When immigrants came to Aotearoa/New Zealand, most of them were motivated and enthusiastic about living in a new environment. They held high expectations for a better life in exchange for the challenges of leaving their home countries. They obviously had idealised images before they migrated to Aotearoa/New Zealand. However, the impact of facing a new reality significantly altered their view of the world, including how they viewed indigenous issues in Aotearoa/New Zealand.

*But once they're in the country and watch TV news, they start seeing "violent" images. So their perception definitely changes before and after they come. It's like the Clean and Green image. But as soon as you come here to live, say for 5 years, you'd know it's not that clean and green! That's how their fantasised images disappear and they get disappointed. (KI 3, Indian (Fijian))*

As described in the *assimilation pressure* and *post migration reality and tension* themes, they found maintaining their rituals and customs not easy. Despite the hardships, their main goals in life – financial security, wellbeing of family, education and so on – remained the same. They realised those principles are much more difficult to achieve than they had initially anticipated. Some informants talked about commonly shared sentiments such as “having an ordinary life is hard”, because of the number of commitments in their lives. This was particularly difficult for those who desired to maintain their language and culture while successfully integrating with mainstream culture in Aotearoa/New Zealand.

At the same time, informants elaborated how difficult it was to spare time to learn about the Treaty, which was often seen as a non-urgent or non-essential matter. This was because acculturation was a much higher priority with which they struggled. The priority for learning about the Treaty was therefore reduced. In some instances, combined with ill-informed stereotypes and prejudice as described under the *negative influences* themes, some people do not bother to learn about the Treaty.

*I think that the lies that we get told, and the myths that we get fed, can also be internalised. I've heard Chinese saying 'when we came here we didn't have anything', therefore, because of the level of playing field, egalitarianism, it must mean that Māori and Pacific islanders are lazy. So the same racist, biased, stereotypes. ... The whole model minority myths stuff is being used to continue the crappy stuff. But it makes me feel like "not in my name" (KI 7, Chinese)*

Once such stereotypes become deny entrenched, Māori and Asians start avoiding each other. From one Asian's perspective, Māori and Polynesians are perceived as troublemakers.

*Young ones at school like the ones who are doing engineering degrees and so on don't have to worry about what Māori or Polynesians are doing. You just go to school to learn. Make sure you behave yourself, oh, don't*

*associate with them (Māori and Polynesians) or you might get into trouble. “Don’t you go with them to drink, smoke or do anything, you gonna get into trouble.” It’s a stereotype. (KI 8, Indian)*

In addition, it was difficult to find an appropriate source of information to assist their learning process, which led to a perception that the Treaty was confusing, too difficult to learn about, and irrelevant to government policy direction. As described under the *lack of information and opportunities* theme, immigrants are left in a vacuum without direction or guidance on how to learn about the Treaty.

*There are a lot of New Zealanders who don’t fully understand the Treaty. This is the environment. Of course there are a number of Treaty education resources available to everyone, but it’s fair to say it’s not easy to comprehend what the Treaty is actually about. I’m not 100% confident I fully understand the principles even after I went through so many times. (KI 1, HK Chinese)*

If they put the Treaty into the too-hard-basket, they became prone to distorted sources of information, particularly from the mainstream media sensationalising the negative aspects of Māori issues without reporting the historical injustice.

There was also the emergence of a theme where they began to see the Treaty as a source of problems which threatened their new life in Aotearoa/New Zealand. Based on their pre-migration experience – political unrest leading to civilian deaths – and inappropriate portrayal in the mainstream media, they revisited their internal scope of being in Aotearoa/New Zealand; questioning why they decided to migrate, why they decided leave their home countries to pursue more peace in life. According to many informants, there was an intention of reducing the risk to their own safety amongst many Asian migrants. Once they perceived the Treaty as a risk factor, they acted to reduce the chance of being harmed by avoiding any involvement with Treaty matters.

*The Treaty is promoted as protection of indigenous rights, but how some people put their messages out creates threatening feeling to other ethnic groups, as if the Treaty is an exclusive document, which isn't really true. It's really inclusive if you look at it properly. But it's promoted really negatively. That's some people's view of the Treaty like, "we ran away from our home country for the sake of protecting our human rights, what the hell am I doing here about the Treaty? We might face abuse here". Yeah some people see it that way. (KI 3, Indian (Fijian))*

Their view of the Treaty was based on perceived risk with a limited amount and quality of information. This self-imposed fear led them to withdraw from learning about indigenous politics. It is a defence mechanism to minimise involvement with anything they perceived as potentially harmful to them and their family members. Such reaction is based on their understanding of the political processes in their home countries, which they applied to Aotearoa/New Zealand to estimate the "potential" outcome of political involvement. Of course, as previously described, the political climates existing in their home countries and Aotearoa/New Zealand are incomparably different. However, it is also human nature to attempt to predict an unknown future based on what we already know. The emergence of this theme confirmed psychological scheme functioned in negative reaction amongst some migrants from Asia. More detailed description of the process of how external and internal themes construct perception will be described in a later section.

The *assimilation pressure* theme detailed the immense pressure on Asian migrants to become politically conforming. This informant talked about how his elders chose to assimilate, by not teaching Cantonese and living like other "kiwis". Raising children without speaking their first language would have been considerably painful and humiliating. But at the same time, their choice was centred on their children's future in Aotearoa/New Zealand.

*I guess I can understand that... if you have been discriminated against, and you experience racism, your life is made easier if you assimilate. That's the truth and the reality. If you try to fit in and play the game, life is easier for you. I guess we can't forget that as well. It's not an unweight choice. My parents didn't teach us to speak Cantonese, they figured out it'd be easier if we didn't. To a certain point, they were probably right. I think people make their choices to make their lives better. There are always good reasons to it. But the consequences are not well thought out. (KI 7, Chinese)*

He recognised the magnitude of the decision, and he believes it must have been quite agonising for his parents. Either way, it must have been a no-win situation. Retaining the language and culture would have intensified racial abuse. The alternative was to assimilate without the language and only speak English without expressing their cultural values. The fear of intensified persecution is unimaginable to us in the current context. He still bears the consequences of not acquiring the language of his ancestors so as to forge his ethnic identity.

Another aspect of migrants' fear is the potential loss of what they have gained in Aotearoa/New Zealand. As described under the *immigration motives* themes, many immigrants from Asia had strong reasons to migrate, despite knowing of the language and cultural differences they would encounter. Committing to Treaty advocacy is perceived to be risky behaviour which might result in losing their current status in this country.

*I think another thing is migrants tend to think compared how lots more human rights and freedom are here (in NZ) and a lot less in where they came from. Hence they're tend to be quiet, appreciative of what they get here, and don't really give that up. But I definitely think it's more to do with their education, not being exposed to the history in a holistic form. (KI 10, Chinese)*

Again, people made interpretations based on inaccurate information. Yet, because of the trauma and fear, it is easier for them to feel safe by withdrawing from any “political” activities. Their narratives revealed less an accurate understanding of Treaty issues, but more of an insight into Asian migrants’ defensive thinking patterns.

### **Gaining resilience with knowledge**

Despite the number of obstacles for migrants to gain knowledge about the Treaty, there were also a number of stories about how they learned about the Treaty gathered through the interviews. Informants’ stories were also about resilience because they were determined to achieve a better life in a new environment. People had different reasons to learn about the Treaty, but once they made a firm learning engagement, their perception turned positive. This theme emerged after learning about the Treaty and how they began to make it relevant to themselves through a process of internalisation.

Many informants, particularly those who were from former British colonies, quickly formed a link between the colonial history of their home countries and that of Aotearoa/New Zealand which led them to positive perceptions of the Treaty, after an informal learning engagement. Many described finally understanding why Māori people tend to be in low socio-economic status, and why Treaty claims are still being lodged and discussed. Informants from former British colonies said they saw parallels between Aotearoa and their home countries under British jurisdiction. How this theme emerged through the interviews was overwhelming, as they used strong terms to describe the before and after experience of changing their perception.

*I think how people view the Treaty largely depends on where they came from. For example, I’m from Hong Kong and I have a strong feeling about the Treaty of Waitangi because of the history of Hong Kong that Britain colonised from 1842. We had the Treaty of Nanking (ToN), East and West trading companies, and the Opium war in which eventually Hong Kong was ceded to the British. So, to me,*

*the Treaty of Nanking and the Treaty of Waitangi, Māori people and their experience of being colonised by the British, have a lot of similarities. So in my case, I would be interested to know more about the Treaty so that I can compare it with the Treaty of Nanking. One thing I would like to look at is the translation issue; I struggle to understand how they made such mistakes in translating the most important document in such a short space of time.*

*ToN was signed after the opium war; after China lost to the British Empire. The return of Hong Kong was “assured” by the emergence of China as a nation. The most significant similarity between those two treaties is that sovereignty was ceded to Britain. However, the processes were different; Hong Kong had wars prior to signing, whereas New Zealand had the treaty signed, but disputes resulted in land wars. During the colonial period, Hong Kong was under the British law. After the return of Hong Kong, there is an agreement to ensure Hong Kong to be under the same law for another 50 years. (KI 1, HK Chinese)*

Similarly, another informant from India described how she established a link between the history of Aotearoa/New Zealand and India under the British rule. As shown in these interview extracts, the Treaty of Waitangi has parallels with the colonisation processes in their home countries.

*In terms of the Treaty, I don't know about other countries, but as you know, India was colonised by the British; the whole government, administration, the court system, everything was run by the British. And we had freedom fighters and following struggles with independence. So we have a strong historical context in our mind. Even when I was a teenager, it was always in my mind when I thought*

*about the Treaty, I always identify Māori issues with colonialism in India.*

*... It's the same process of having a foreign power coming in and imposing laws, rules, and so on. We live in the Waikato, where a lot of Māori land was confiscated by the Crown. Most of the lands here are confiscated from Māori. Schools and the University are all on confiscated land, and I can feel the significant injustice. It's not just loss of lands but also loss of culture and language as well. We also studied other British colonisation, which Indians and Chinese were treated without dignity, based on prejudice that those people were not as civilized as British. It's based on a notion that local people are less than human. I can also identify a lot of similarities between Māori and Indian people regarding how the British neglected culture and language; their cultures are worthless, their languages have no use, etc. I understand how Māori people were made to feel that way (feeling negative about their own culture) as well. (KI 2, Indian)*

This globalising colonial process is illustrated by the following incident. One informant referred to the Queen Victoria statue in central Auckland as prompting a moment of perception change. When she noticed on its base, the inscription is: “**Victoria, Queen of Great Britain, Ireland, and the Empress of India**” (see Figure 4). The impact of having a reminder of the colonial history of her home country, especially after arriving and settling in a new country, was enormous and she was lost for words.



Figure 4. Picture of Queen Victoria in Auckland CBD

*It is still there... oh my god, she was the Empress of India... and that was the reality, actually... India was a commonwealth country at that time. This is how I could relate to the Treaty of Waitangi in the New Zealand context... I got really really surprised... oh my god... that was the history... how do I explain this... I can't really... I really felt bad about this. We were not free at that time... [were you shocked?] Yes. I was born after 1947, I was born in "free" India after gaining independence. (KI 16, Indian)*

Becoming fully aware of the colonial history in Aotearoa/New Zealand led to some degree of shock experience. At the same time, it also altered their perception to seriously look at what Māori have gone through up until today. They eventually started their own journey to gain further knowledge and many of them reconsidered the history of their home countries, which enhanced their learning experience even further.

*If you ask me about the Treaty itself, and talking about the historical part, it angers me. There is a great sense of injustice that was written into the text, and the whole historical processes behind it. The "two" Treaties, one in English and one in Māori, how people were made to believe it, how the loss of lands came after the Treaty. It is*

*the history of colonialism that can anger anyone who feel for the local people against the colonists who came in. So that's anger and needs support to reinstitute what was lost. (KI 5, Indian)*

Anger was the most common type of reaction that informants shared with me during interviews. They became very emotional when they started to know more about the Treaty and the historical injustice. This was not like in discovering empathy with the plight of Māori, they discovered a lot of pain still inside themselves. This process was far from making them feel good about anything. Rather, they realised the extent they had been misinformed about the “nationhood” of Aotearoa/New Zealand. Quite naturally, their subsequent desire was to know more about the truth without fabricated social landscapes.

Informants realised than other important aspect of learning about the Treaty, was to learn about Māori cultural protocols. The signing of the Treaty occurred within a cultural context when Māori chiefs were presented with the Treaty. Mana whenua, mana moana, whanaungatanga, wairuatanga, and manaakitanga are the fundamental cultural underlying understanding Māori worldview. Learning these cultural concepts came as enlightenment to informants, Tikanga Māori is explicitly concerned with self-identity, requiring extensive identification of one's genealogical roots, as well as one's ties to specific geographical references.

*[[whakapapa, pepeha in te reo training]]I really found that (affirming) when I was doing Māori, I was asked to talk about my whakapapa and so on, things that I had never thought about using to introduce myself. I thought it was really rebounding. Being a migrant going through the school system here, I was quite ashamed of my heritage. I stopped going to the Chinese school, I felt embarrassed to speak in Chinese in public with my parents. I changed that now obviously. ... I think it's me feeling alienated and willing to be more accepted and included socially. To do that, I feel that I had to give that up. School is quite a*

*judgemental place, especially primary to high school, kids can be real bullies. ... [[so you were assimilated?]] yeah I guess so, I wasn't going back to China, I didn't really see the importance of culture because I was here, not there. But engaging with Māori culture and te reo, it really made me think about my history, and tried to understand why I reacted in such a way. It definitely helped me see the bigger picture. [[so are you more comfortable with your Chinese heritage now?]] yeah, but I can see my sister going through the same thing that I went through, because she was born here, she has more connection here than China. (KI 10, Chinese)*

The biggest point of difference between learning Tikanga Māori and conventional assimilation was the recognition and value accorded one's own origin. Through learning whole process, people realised the journeys of their elders before them, the pathways that they went through. Their family history is valued, without being denied or belittled by others. They find themselves validating their migration journey through their cultural learning experiences. Assimilation, on the other hand, forces people to abandon their cultural and ethnic identities via demeaning process that destroys their self-esteem.

Their initial cultural learning experience inspired them to more cultural awareness. Another informant said she had developed an appreciation of the fine nature of Māori arts after an in-depth learning engagement. Involved in the arts in Aotearoa/New Zealand, she did not look into Māori arts in detail initially, but when she became engaged, she was fascinated.

*I was really aware then, of the designs on tukutuku panels and taniko. And some of the weavings on korowai were of indigenous design and always part of their heritage too, work with feathers, to work with leads, they were very fine, cut them down with flax and tie them and put them on the panel. The panels all represent their stories. The patiki, the fish, the flounder panel, the stars. That's what I was*

*interested in. I think from an Asian point of view, there are certain Asian motifs that Asian people recognise straight away. Perhaps, the crane, Chrysanthemum, there are certain things like bamboo that you'd identify as cultural motif or cultural decoration. That's what I identified with. I enjoyed studying how they were made, like korowai, I was fascinated by fine weaving and plaiting. And with tukutuku panels, how they were made, from flax that is very very fine, and no joins that you can see. And of course, we visited museums, and we saw beautiful canoes that were carved by hand from wood that had been dragged out of a forest, miles and miles away. So when you start looking at things like that, and you recognise certain motifs, you start getting a fascination with the people who put the motifs together. I guess a good push for my learning experience in my development came from things that I had an appreciation for. It came from symbols, design, and after a while when you start looking at certain patterns like how it often appears, in ancient and new carvings, it still appears. That's where I get my first interest from. (KI 9, Chinese)*

Art is not just about the production technique but the meaning behind each work is equally important. She gained further appreciation by knowing the motifs better. Her (re)encounter with Māori arts and culture gained meaningfulness from her background and learning experience. At the same time, she also valued her own culture in arts, when she encountered Māori arts. Her cultural values were re-enhanced with these encounters.

Learning about the Treaty was not just about knowledge acquisition, but through their cultural learning experience, they reflected on their own identity and how they value themselves in Aotearoa/New Zealand.

*You have to embrace your whakapapa, where you came from. Don't be ashamed about yourself. (KI 4, Indonesian (Chinese))*



## Outcomes – External factors

In their stories of post-migration experiences, the way their perceptions were affected by external influences also affected the way of engaging with the host community. The key influences that have been previously described under the *cause* themes facilitated certain outcomes in their external activities. These themes emerged as they talked about how they or their peers chose to act since their perceptions were unchallenged. Several informants elaborated these chosen behaviours based on their observations in their communities. It is important to note that these outcomes were not a product of random events, and differed from certain causes explained in the previous sections.

### Lack of social engagement

Lack of social engagement in their post-migration life emerged as a theme. However, the processes of non-engagement varied in key-informants' stories. It largely depended on what aspect of non-engagement was discussed. In many cases, immigrants found it difficult to integrate with the host society for a variety of reasons.

Such difficulties often resulted in the creation of a closed circuit of immigrants, who did not interact with people from other ethnic groups. For these people, integrating with the host community became a secondary priority as they often struggled to cope with their new life in a new country.

Even when complete isolation did not occur, a certain degree of clustering within their own ethnic groups prevailed. Any matter outside of their circles was not seen as important. Immigrants who kept themselves in these types of circles tended to pay little attention to the Treaty.

*Well, I see myself on the Pākehā (Tau Iwi) side, represented by the Crown. This is an interesting part; when Kevin Rudd apologised to Aborigines, some migrants said they had nothing to do with stealing the land etc, they weren't part of colonisation, so they didn't relate themselves to it. They didn't think they should be part of redress which comes from "their" taxes. Similarly, some*

*communities here had a similar sentiment about the Treaty; they didn't see they were responsible for colonisation which was a "long time ago", and they said they are discriminated against in the same way Māori are discriminated against. They feel that they never had any privilege but were discriminated against as badly as Māori people. They think that their history had no part in colonising Māori land. That's how they disconnect themselves; it's not our business. (KI 2, Indian)*

Another aspect of the isolation identified by several informants was institutional racism, which was primarily caused by external influences/pressure. Many migrants simply disengaged or somewhat distanced themselves from anything to do with the Treaty. Internal pressures focused them on making an idealised, successful migration. The influence of institutional racism, coupled with past political experiences produced a highly complicated effect on their behaviours as they sought to distance themselves.

*... Migrants tend to sit peripheral to the politics rather than jumping into the political arena. And of course, because of the political situations in their home countries, the baggage that they are still carrying, they believe that they should make "a fresh start" by not worrying anything political. Being involved with political controversy would get them into trouble. If they had a bad (political) experience, they just wouldn't want to repeat the cycle again.*

*Like the Foreshore and Seabed debate, we saw a huge turnout for the hikoi, and that's a big statement. Migrants who watched the hikoi on TV saw it as a threat to them. They were terrified. A lot of negative stuff shown on TV- crime rates, ethnic migrants being targeted for taunts and hate crimes, etc – are all combined to form a negative*

*stereotypes of Treaty issues. That's why they feel being threatened. (KI 3, Indian (Fijian))*

The above remarks were consistent with the *fear and negativity* theme, in which informants identified that fears and negativity amongst Asian migrants were internally generated. The result of having such negative sentiment is social disengagement. As mentioned earlier, total withdrawal is the easiest approach to maximise their safety. However, by withdrawing, they isolate themselves from local communities in Aotearoa/New Zealand.

Such withdrawal behaviour became an obstacle to facilitating intercultural communication. With the deepening socioeconomic disparity suffered by Asian migrants as well as Māori and Pasifika communities, fabricated media sensationalism damaged all parties. It also prohibited any dialogue to better understand each other's issues and situations.

*(in south Auckland, there are cultural tensions) As an ethnic and Asian person, I don't want to be forced into one camp or another. There must be a position from which we can start to think about how Māori and other ethnic people have a place. The hardest part is, in bicultural NZ, only two groups are represented: Māori and Pākehā. There is no room for anyone else, we have not been able to introduce Asian ethnic communities and Pacific communities etc into the debate. It's almost like bicultural debates happen on one side, and we have multicultural and diversity debates on the other side. And we haven't come to a point to bring it together. The Treaty needs to be made more relevant to our lives (KI 5, Indian)*

In addition to socioeconomic disparities, multiculturalism may widen the gap between migrants and indigenous. There remains the natural desire for everyone to be treated fairly. Multiculturalism intervention distracts from the real cause of the problems, while its superficial logic compels people to consider their positions.

*[in terms of Auckland Super city and multiculturalism] To be accorded with the same status as everyone else, it is*

*valuable. On one hand, I'd like to jump up and say yes, this is exactly what we need, everybody needs to be treated the same, multiculturalism!! But if I say no, Māori need to be treated differently, perhaps I am working against an ethnic and multicultural view of New Zealand. And this is where the contradiction lies. And I don't have an answer for this now. It is a position of dialogue now, I think.( KI 5, Indian)*

Dialogue does not happen, if either of the parties chooses to withdraw. This easily creates the chicken-or-egg paradox.

### **Immigration is about being part of the community**

On the other hand, other key-informants described the ultimate good of immigration as being part of a community. Particularly towards the end of the interviews, many of them made this remark as their wrap-up consideration, which were shared by other informants. Many of them did not see immigration as “parachuting themselves to get a job and a house somewhere”, but strongly emphasized that immigration is synonymous with being part of the host community.

As previously described under the *internal cause* themes, these immigrants from Asia knew they needed to learn a number of new things, and clearly they were resilient enough to move out of their comfort zones. Based on this remark, these informants said they also had a commitment to actively take part in community development. Following their own in-depth internalization and reflection on their own identities, after learning about the Treaty, they had new perceptions of Māori culture.

*Migrants who are coming to this country, they are to respect Māori culture, it's a way of understanding Māori culture. It's a way to see the needed space for indigenous rights. Not only protecting indigenous rights but it's also about human rights protected under the Crown's jurisdiction under the second and the third articles. It is also important to ensure that those resources are protected otherwise they will be “abused”. There are*

*cheap imitations of Māori taonga being sold as tourist souvenirs with no respect. (KI 3, Indian (Fijian))*

Community engagement varied amongst these key-informants; some suggested art-cultural activities, some said participating in any form of activity that people are comfortable with, some said just being a good neighbour, and so on, were valuable ways to integrate into host communities. The key element of this emerging theme was that almost all key-informants actively discussed the importance of community integration and engagement. One informant said “immigrants should ask themselves what part they want to play”. Another informant said the importance lies in their journey to redefine their belongingness in a new country.

*But when I move my position to start thinking about Asians, not just researching but also as ethnic position, then I have to start to ask myself what does that mean to be an ethnic or migrant person in relation to the Treaty? And then I have to take a different position, I still have to work around how that relationship could be. (KI 5, Indian)*

As described in the *gaining resilience with knowledge* theme, this became way beyond one’s knowledge of the Treaty. This informant said the Treaty was more like a trigger to initiate his soul searching journey. Looking back the journey of his ancestors before he was born, and the process of his family migrating to Aotearoa/New Zealand, he had more thoughts on what makes him who he is.

*(his peer reaction, etc) for me, whenever I bring up the Treaty with anything, it becomes less about the Treaty but more about people. Personal identities or sense of belongings to this country. So that’s how often conversation moves to. So it’s less about what the Treaty says in article 1,2,3... and it becomes more of a conversation about rights, responsibility, or who are we? Who am I? ... when I come into the conversation, I’ve never lived in China, I don’t speak Chinese, my grandparents have never been to China. Sometimes I feel*

*that category or term, Asian, is a lumping term, at the same time, for me, it fits in a sense that my ancestry history is throughout the continent of Asia. It's not solely in one place. When you talk about the Treaty, it triggers, it's a triggering term for people about 'are we allowed to be here, do we belong here, what makes us kiwi, or what prefixes New Zealanders' 'who gets to be just New Zealanders' ... if you talk about the Treaty, all other stuff comes out. I think that's why it's such a contentious issue, for Pākehā at least! Because it points out colonisation saying that 'you aren't from here', there is a context and stuff went down. I think they don't like to be reminded of that. (KI 7, Chinese)*

Another informant said learning about the Treaty is good for everyone. Like other informants, she recognised the uncomfortable and confronting nature of self-inquiry initiated learning about the Treaty and Māori culture. It is ultimately about reclaiming their own cultural identity, rather than pretending “everyone is equal” and forcing other socially weaker people to abandon their cultural and ethnic identities.

*It is interesting that we are submitted to be included... what is the trade off? Does it benefit other ethnic groups to disempower and dispossess Māori, in order to bring migrants and other ethnic groups up... in the longer term, it's not beneficial to both groups. Māori being dispossessed, but in the long run, tarnishing everyone that we are all equal...? Is that going to work for all of us? We are not equal, and rather than pretend we are all equal and everyone is being equally represented, we need to find a way which can represent diversity. (KI 5, Indian)*

Participants recognised the uniqueness of individual people came from their enhanced notion of cultural awareness, which was not achieved with their assimilation experience, but attained with their cultural learning experience of Tikanga Māori. “He aha te mea nui o te ao? He tangata! He

tangata! He tangata! (What is the most important thing in the world? It is people! It is people! It is people!)” was realised within themselves.

My informants’ stories were not just about being “aware” of the Treaty for “better race relations”. After gaining knowledge of the Treaty, the ultimate question they asked themselves was how they defined their social space in a new country. This informant emphasised the key is in active participation with the host community.

*(for migrants coming to Aotearoa,) ask them what part/role they want to play ... The Treaty allows them to come here to participate in the life of New Zealand. (KI 13, Chinese)*

The statements above make it perfect sense to further consider the real meaning of social development and how migrants integrate with local communities in Aotearoa. Perhaps many migrants were caught up with thinking about what type of jobs they could get after arriving in Aotearoa/New Zealand, and to a larger extent, immigration policies were heavily focused on employability. The above quote succinctly questions the whole meaning of migrating to another country. It is certainly not an easy question for any individual to think about what part/role they can and want to play in a community. However, thinking this way would bring some clarity to new members of a community, as well as those who are already here.

## Co-construction of the outcome themes

I have provided an overview by describing emergent themes in the sections above. These research findings showed the complicated interactions between different classifications of themes, which revealed how some themes constructed the framework migrants' perceptions. There is no single theme to construct or describe a sole pattern of perceptions of the Treaty of Waitangi or post-immigration life in general. Analysis of such co-construction is presented in this section.

### Unable to adapt

This theme was formed with several cause themes from both internal and external categories. Internal causes themes described what migrants had in their minds before they came to Aotearoa/New Zealand; they wanted a better lifestyle in a new country while retaining their culture and customs. However, the external causes, represented by the *assimilation pressure* theme, and *negative influences* themes, seemed to have overwhelmed their motivations.

Throughout the data collection process, I realised that it was rather inappropriate to identify each individual immigrant being unable to adapt. As previously presented in the external themes, those factors were overwhelming to many migrants from Asia, and they felt that they were inundated by various life commitments on a daily basis.

These themes also described how much they suffered from institutional racism and discrimination. These factors only made their life more difficult. It also impacted on the way they established communication with other community members. Aside from their language proficiency in English, other socio-cultural factors also slowed the process of integration. Some people felt that they were mistreated by the host community after they came to Aotearoa/New Zealand.

While many informants shared stories of migration hardship of their own, one of them said that because of the complications of these factors, there were a considerable number of people who chose to leave Aotearoa/New

Zealand<sup>22</sup>. These themes clearly indicate many migrants from Asia experience some form of struggle, hardship, or disappointment after they came here.

Another key issue was the social isolation of Asian migrants, not just on an individual level, but also on a community level.

*You know not everyone goes to ethnic community group gathering to mingle. Often they have other things to do. Not to mention the political things. A lot of community groups are based on their religions, language, etc. Hence you have to be proactive to reach out to those communities (KI 4, Indonesian (Chinese)).*

As this informant described, the fragmentation of different ethnic communities commonly occurs because there are a number of different interests amongst the communities. Being of the same ethnic origin does not necessarily mean the ethnic communities are homogeneous.

*And there are so many different kinds of groups, even within the same ethnic group. Like, there is no one Chinese group, there are so many. It's quite diverse and often there is no interaction between them, like new Chinese settlers and older Chinese settlers, that kind of stuff. I think there is a big difference too, depending on the education of the people you're talking about. (KI 6, Chinese)*

The diversity of interests and preferences existing amongst a single ethnicity are not well considered, but this is the reality. This also indicates that no single entity of ethnic organization provides one-stop support and help. In a way, such fragmentation represents the complexity of migrants' lives.

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<sup>22</sup> 577,983 migrants arrived between 1998 and 2011. Of those, 121,848 (21%) permanently left NZ (The Labour and Immigration Research Centre, 2012). (See p.44)

### Double hull stereotypes

Several informants raised unanticipated points regarding how Asian migrants perceive the Treaty and its relevant issues. Migrants' pre and post migration experiences and expectations construct a double-hull structure stereotypes of the Treaty. As described under the *negative influences* theme, despite their diverse countries of origin, there was a common tendency amongst various migrants from Asia to draw hasty conclusions about the Treaty as a dangerous issue, due to their pre-migration experiences. Considering the factors that emerged under the *pre-migration experiences* theme, migrants' perceptions were set to reject any potential risk factors to their new lives in Aotearoa/New Zealand. As emerged under the *lack of information and opportunities* theme, they had no opportunity to gain mutual understanding with Māori.

*I think it'd be really useful if there is an understanding of the history, Māori culture, the issues of the Treaty, the controversies, misunderstanding. So that they would understand what this is all about. It's too easy to get people who don't really know very much making a lot of noise, and the noise is what is heard, rather than quieter, more reasoned voices that actually have a lot more depth.*  
(KI 6, Chinese)

The media play the major role in negatively influencing migrants' perceptions. First, they described the fact that most ethnic media in Aotearoa/New Zealand does not provide adequate reporting on the Treaty, which is not helping migrants to understand the issues because of the language barrier. Second, because of the lack of reporting in their first language, many migrants watch TV news footage as it provides an easier means of interpreting domestic issues. This theme concerns the process of misinterpretation of Treaty issues, particularly when negative and violent images are presented on the mainstream TV news. Because migrants' experiences of political turmoil back in their home countries were chaotic, where a number of citizens were killed in violent clashes between civil protesters and the riot police, they have a strong tendency to connect the negative images of Treaty of Waitangi protests with what happened in

their countries of origin. Fear and self-preservation come to the fore. These perceptions were described in strong terms.

### **Moving forward to be empowered**

The research findings show a number of issues concerning immigrants from Asia who had experienced negative consequences. There was a rather overwhelming theme which revealed a blighted integration process, which ultimately reduced opportunities to learn about the Treaty and thus become part of host communities.

Despite the hardship themes apparent in interviews, all of the key-informants gave concluding remarks to end their stories. In various ways, learning about the Treaty and knowing the history behind it, paves pathways to re-establishing their identities in Aotearoa/New Zealand. A combination of the *resilience* theme (*internal outcome*) and *Immigration is being part of the community* theme (*external outcome*), and the *empowerment* theme emerged as a positive model of immigration to Aotearoa/New Zealand. Ultimately immigration is about taking part in community development, and to achieve this, immigrants also had to make a breakthrough to learn new things in a new environment. Successful immigration is about empowerment.

In terms of repositioning Asian immigrants after learning about the Treaty, several informants saw the Treaty as an empowerment tool; they said without knowing about the history of the Treaty, it is impossible to understand why we have multiple layers of social injustice in Aotearoa/New Zealand. This also significantly impacts on immigrants from Asia. One informant further articulated this point that knowing about the Treaty for socially mistreated immigrants is a part of their healing process; knowing about the Treaty does not directly benefit a person, but it certainly helped many people to put their grief in a clearer context, and enabled them to move forward.

A few informants said they felt they were on a journey searching for an answer. This was consistent with other informants who stated that community level integration was the key, and knowing about the Treaty certainly helped them to stabilise their fear of not settling in Aotearoa/New

Zealand. One informant reiterated the difficulties around promoting the Treaty to Asian migrants. Not everyone agreed with his view that the Treaty is the founding document that all citizens must know about.

*I get a lot of exposure to the Treaty because of my work. At a personal level I'm not sure how it's benefiting me; I'm kinda working through. For many migrants, it might be difficult to see a clear benefit of learning about the Treaty. It's not as direct as tax issues or Kiwi Saver. One reason to learn about the Treaty is it's because we are New Zealand citizens; we have to know because it's the founding document. But on the other side, there are other people who argue that "we are one people". (KI 1, HK Chinese)*

While such obstacles are acknowledged, another informant stated it is a life-long journey. As previously presented themes described, this is not just about gaining knowledge of the Treaty, but it is ultimately about the soul-searching of one's identity and social spaces.

*Nothing that is worthwhile is instantaneous, really. Everything requires patience and dedication. You could say that about everything in our lives. ... you know, this is kinda life-long, generation after generation project or some sort, whatever you call it. And it's something that you can't slack off, because you can make so much progress, and you can find if you don't actually keep it up, the next generation can be quite difficult, like lacking the knowledge etc. There has to be a continual renewal. ... There has to be a common understanding that we all belong here, and we all need to work together, like one people, however, respecting our differences, and also respecting Māori unique identity and their rights within New Zealand, and cooperating together, for the good of all, really. But I know this is such a utopian ideal, but that's what you have to aim for, and you've got to look at how*

*we can achieve it. You can't achieve everything, but you've got to work toward it. And think how we can do this most effectively. (KI 6, Chinese)*

She emphasized the value of undertaking this process with gaining mutual understanding through dialogue. Based on her family experience, she said there would have to be a continual renewal in such a journey. This is not attained by a grandparent or parent and then inherited by their descendants as tangible assets. Each person would have to go through his/her own personal journey.

She said she was talking a lot of “idealistic ideas” with migrants learning about the Treaty and Tikanga Māori. However she made valid points about making a more formalised structure to facilitate cultural learning engagement when migrants arrive in Aotearoa/New Zealand.

*The Treaty has to be seen as a positive thing, embracing immigrants, and welcoming them to New Zealand, not in a position that “you don't belong here” or “if you don't become exactly like us, go home”. But it needs to be more like “welcome to this land, this is your land too now. Let's work together as a team, lets understand each other, this is our way of introducing you to this land so that you understand what you're coming to, and understand what the values are here, the way of life here, we still respect your culture as well, and lets respect each other, let us show you our way so that you will have your own way, you're welcome to share your culture with us as well. ... just like having Pōwhiri, ... there needs to be an opportunity for the new groups to also offer something that they can contribute something cultural, to give their own expression. To make it a mutual thing. (KI 6, Chinese)*

Clearly, she was not talking about policy level implementation or such. Her passion was more around how we could establish a pathway for mutual understanding without holding on to or nurturing resentments. Ultimately, it comes to treating people as people.

*Identity changes, over time, as you grow and develop your confidence, and you learn, it's not a stagnant thing, it changes all the time. ... It does come down to a person, all people understand warmth, and welcoming attitudes, and always get the best out of it. Even if initially antagonistic, over time, you will win people over, or if you take the wrong approach, you will antagonise people. Even people who are incredibly racist, can be won over as a person. (KI 6, Chinese)*

Respecting person's dignity was echoed in the narratives of other informants. This is about honouring every citizen of Aotearoa/New Zealand. Without respecting the Treaty, this cannot be realised.

*The Treaty of Waitangi mustn't be lost, the Treaty of Waitangi is a lesson, it's a living lesson for us to remind us that we need to honour things, but we don't give things away either, when we honour things, we make sure we are dignified and they're dignified, and they're part of us. Still in the New Zealand culture, that is not accepted. ... People don't respect the Treaty. ... I respect it because it's about growing up, and an injustice being done. ... (KI 9, Chinese)*

Mana tangata became the key concept in the minds of informants who made an engagement to learn what the Treaty is about. Social space, a person's origin, identity, family roots, languages, spirituality are all validated and respected without denying any part of humanity.

*I can see so many interrelations. For me, as a queer person, we learn to love ourselves despite all sorts of negative messages about GLTB. And I see the same dynamics with internal racism as well. Some Asian people who were born here struggle with that. I have even heard people who have been here for generations saying "I hate that there are so many Asians" "well what do you think you are!" "we are not Chinese, we're kiwi, we speak*

*proper English. ” it’s a weird hierarchy. As a queer person I know how damaging it is, to your spirits, emotions, and mental wellbeing that you have to deny a part of yourself or make up something else. They are struggling. (KI 7, Chinese)*

Understanding the Treaty is ultimately about being who we are, who we want to be, who we think we are here in Aotearoa/New Zealand. Migrants’ encounters with the Treaty were indeed a significant personal journey through which they made a meaningful reflection on their own identity.

## Chapter 4: Findings – Focus groups

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Focus group participants in this study were affiliated with Asian immigrant communities in Hamilton and Auckland. For all focus groups, community programme coordinators kindly assisted me to recruit participants. All potential participants had already had some type of educational opportunity to learn about the Treaty, however, their level of comprehension varied, as there were a wide range of immigrants who were from different backgrounds.

I facilitated each focus group as a naturally clustered group. Prior to focus group discussion, they were friends with each other and felt comfortable about sharing their views of the Treaty of Waitangi. They were reasonably well prepared to express their views and share their own experiences with their peer groups.

In contrast with the key informant interviews, my primary aim in conducting focus groups was to observe commonly shared views and perceptions around the Treaty amongst Asian migrants who were at the early stage of learning about the Treaty and trying to explore their new identities in Aotearoa/New Zealand. We must also acknowledge that the people who participated in the focus groups were undertaking a community training scheme, which may explain why their confidence levels were not high or consistent across the groups.

Throughout the interviews and focus groups, I tried not to make any assumptions. However, in hindsight, I cannot deny the fact that I had general and vague expectations that I would hear some prejudice, misunderstanding or superficial interpretations of the Treaty. Indeed some of the remarks made during focus groups revealed that participants lacked a deep understanding of the issues. However, they revealed a wide range of observations and thoughts on the Treaty. They also validated the emergent themes from key informant interviews. Focus group themes did not conflict with the key informant themes.

The dominant theme that emerged from the focus groups was that many participants either were not confident with their Treaty knowledge or found it very difficult to access a comprehensive source of information on the Treaty. Many of them felt confused about the constitution of the new country that they had migrated to. They voiced their feelings when they told of conflicting views of the Treaty, and Waitangi day experiences, which were far from their expectations of a national day as observed in their home countries.

They shared both negative and positive views of the Treaty, as well as their confusion around the Treaty. However, no focus group experienced polarisation in their discussions, as most of them were keen to listen to each other's views.

It is also important to acknowledge *silent responses* in focus groups which were difficult to fully record with an audio recorder: in some cases, it was a form of agreement that they did not see any more need to add to others' remarks; in another case, there were moments of accumulation – reading the timing of saying something without being impolite. Typically these kinds of behaviours are classified as shyness, which other researchers may see as culturally driven hesitation. In order to clarify them, I provide further description of such group dynamics in a later section on focus group dynamics.

In this section, I decided against including direct quotations from focus group discussions because participants' English language proficiency was not equivalent with that of key informants, although many participants did confirm the themes that emerged from the previous section. Nevertheless it is still noteworthy to document themes that came up from focus group discussions.

### Neutral themes

The dominant theme of the focus group findings is *neutral*. What I observed, through these focus groups, was a definite notion across all groups that many Asian migrants have not reached firm conclusions about the Treaty because they felt they did not have enough information. Despite

this, they shared what they had heard or knew about the Treaty during the group discussions. There was a shared notion of being hesitant to claim any authentic knowledge about the Treaty.

### **Lack of confidence**

The way some participants expressed their perception of the Treaty was “*don’t know much about the Treaty*”. Such a lack of confidence was typically shared at the beginning of each focus group. Although this theme first appeared dominant, other themes gradually emerged as group discussions got underway. During their discussions, the *neutral* theme did not quite disappear or get overshadowed by other emerging themes but remained in their discussion covertly. This theme occasionally re-emerged when someone in a group made a statement based on his or her secondary information about the Treaty.

To isolate the *neutral* theme from general politeness which is commonly practiced in Asian cultures, I observed how they expressed their views on the Treaty, by setting a baseline to distinguish whether they were trying to be polite to others by seeing how others would react in a group discussion, or whether they lacked confidence of their knowledge about the Treaty.

This theme emerged even when they were not hesitant to share their views, despite some of them not feeling fully confident about their knowledge. There was an aspect of maintaining politeness but not in the form of shyness in expressing their views throughout the entire sessions. Thus I identified this theme as *lack of confidence*, distinguishing it from being reserved, or courteous.

### **Confusion**

Another associated theme of the neutral thematic group is *confusion*. Many participants said they knew the Treaty as a document central to the national constitution, but they also expressed confusion around how the Treaty actually applied to them or how they positioned themselves as immigrants from Asia. For some participants, because they had engaged in learning activities, this concern had already been resolved.

The emergence of this theme was somewhat similar to the *lack of confidence* theme. This theme emerged in the early part of their discussions, but became covert as they shared more thoughts and views. However it re-emerged when an uncertain remark was made, as other participants often reinforced their peer's confusion by contributing additional statements offering similar sentiment.

They also frequently mentioned how they were confused about Waitangi Day as a National Day, in comparison with their experience of National Day events in their home countries. They thought Waitangi day did not seem like a National Day because the entire nation did not participate in the annual celebrations. Instead, they shared their experience of feeling it was peculiar to see people who would rather not discuss the national day and the airing of a lot of grievance issues in public. They did not see displays of national pride, spectacle and excitement witnessed in their countries of origin.

### **Post-learning engagement**

While many participants were unable to gain sufficient knowledge about the Treaty, some had engaged themselves to learn about the Treaty in detail. Of these, some were passively initiated to learn, typically through their children's school homework<sup>23</sup>, post migration training, and some other forms of workshops for increasing job opportunities. Despite the variety of reasons to start learning about the Treaty, participants related learning similar things regarding the Treaty, such as the background to land grievances, social issues related the status of Māori in Aotearoa/New Zealand and so on.

Those who managed to access quality sources of information and gain adequate knowledge also said that delivery of social justice for Māori

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<sup>23</sup> Interestingly, "*coming across the Treaty via children's homework*" was only mentioned by migrant mothers. Reflecting on the children and parenting traditions theme from key informant interviews, migrant mothers might have been in a slightly different position from migrant fathers. Gender roles amongst Asian migrant parents would be a fascinating topic of research, especially regarding the power dynamics and their acculturative experiences.

would take a long time to achieve. There were some slightly negative sentiments expressed amongst the focus groups that Māori were getting unfair privilege, but other sentiments were also expressed which were empathetic regarding the historical background. A number of participants compared the history of colonising Aotearoa with their home countries, which prompted them to say that past injustice should be taken into consideration to understand the present situation. Similarly, these themes also emerged in key informant interviews, in particular, the *starting point of learning about the Treaty* and *gaining resilience with knowledge* themes. Participants from former British colonies in Asia based their understanding on their previous knowledge of the history of their home countries. In addition, those who were from Taiwan reflected on indigenous issues in Taiwan after they learnt about issues surrounding Māori.

By and large, they said learning about the Treaty gave them insights into social justice in Aotearoa/New Zealand. However, they indicated that they were yet to deepen their understanding of the Treaty.

The most notable difference between the key informants and the focus group participants was that many focus group participants indicated they were still at an early stage of learning the history of Aotearoa/New Zealand. They had not yet reached a settlement stage where they were able to define their social space and to express their identities in a new country.

## Negative views

Negative views of the Treaty and associated Māori affairs issues did not comprise a dominant theme. However, a few participants did express some concern. There were two themes which emerged under the *negative views* theme: *lack of information* and *carbon-copied standard stories*. The main feature of these themes is that when people failed to gain accurate information about the Treaty, they simply relied on negative speculation. There was also a significant tendency to rely on secondary source information when forming their perceptions.

### Lack of information

Unlike *lack of confidence* or *confusion* themes in the *neutral* theme group, some participants did view the Treaty negatively, without gaining an adequate level of information. Not having enough information did not discourage them from forming negative perceptions. For their own reasons, these participants seemed satisfied with their conclusions and decided not to explore the Treaty philosophy any further.

Lack of information was not identified as an issue by participants, but through my observations of these focus groups, participants clearly indicated insufficient knowledge, but they were not significantly concerned. Hence this theme emerged as self-denial of their lack of knowledge or information.

### Carbon-copied standard stories

In addition to lack of information about the Treaty, a pattern of obtaining inaccurate and inadequate information emerged. While focus groups were largely autonomously driven by participants, I noted the type of information they shared during discussions. A few vocal participants had heard stereotypical views about the Treaty from other non-Māori peers without verifying the information by consulting reputable sources. In fact, biased commentary from non-Māori were perceived as reliable sources of information. It quickly became obvious to me that participants were simply echoing standard stories which they had heard informally.

Without exception, those participants who gave voice to this theme did not show any trace of learning engagement with Māori or any other substantial level of learning engagement. Unlike what we saw under the *neutral* themes, their learning experience remained superficial, yet they still felt able to make negative conclusions about the Treaty, and to adhere to these opinions.

## Co-construction of the themes

*Lack of information* and *carbon-copied standard stories* themes construct the shape of typically misguided perceptions about the Treaty of Waitangi. These two themes seemed almost inseparable and constructed particularly negative views of the Treaty based on unverified secondary sources of information, without seeking anything further to balance their initial impressions. I observed the notion of guessing what they did not know in some focus groups; they were missing the most important element in the centre.

### The torus shape

The whole notion of constructing their negative perceptions of the Treaty seemed to me like a torus shape; the central shape was determined, or estimated by the external object's shape. With regard to some themes from focus groups, some people seemed to have unverified secondary knowledge about the Treaty to estimate the shape of the central element, without filling it with primary source of information, which would require their active learning engagement.

The central part of a torus is empty; there is no visible object. Perhaps we could define it as a hole within the surrounding material. However the shape is not about the central part, but only defined as an absence of existence – nothing in the middle but people still attempted to define the shape of the central element of Treaty issues.

Another way to look at this analogy to delineate the theme construction is the process of forging a certain shape of perception by moulding; with the standardised stereotypes of the Treaty in the middle instead of having adequate knowledge of the Treaty, they filled the surrounding part with negatively attributed remarks. After forming the torus shape, no solid perception of the Treaty would exist; instead there is an absence of existence.

### “Not solid yet”

On the other hand, co-construction of neutral themes centred on a first-hand knowledge of the Treaty rather than solely relying on secondary-

sourced stereotypes. This was not as solid as other themes. Despite the *post-learning engagement* theme emerging, it still concerns the *lack of confidence* and *confusion* themes. These two themes seem to lack any substance to construct any theoretical emergence. However, I note that this was the nature of their honest feelings about themselves understanding the Treaty and their social spaces.

In other words, their perception was still being formed; in regard to these themes, they indicated that they were very confused by what they had heard about the Treaty and relevant issues, and they did not have enough confidence to claim that they were satisfied with what they had learnt. Even after they had engaged to learn about the Treaty, they still felt they needed to learn further.

### Group dynamics

Group dynamics were not specifically hypothesised in this study prior to commencing the data collection process. However, other themes emerged in focus groups, which may have future implications for conducting research projects with Asian people. These themes were not as significant as other main theme groups, but I decided to report them because these themes as a group are noteworthy.

In general, group dynamics was a covert but important feature in the focus groups in this study. All groups were recruited through a community-based education initiative, in which participants were already friends with other participants. They were in fact quite comfortable to share their views of the Treaty with their friends as it was normalized through their education programmes. There was a definite sense of security because they knew they would discuss a common topic with known faces who would probably not provoke or belittle them.

Such a relaxed atmosphere, however, did not fully remove their conversational protocols in which they would carefully observe others before telling their views. There was silent communication to see “who is having the next turn?” to avoid rudely interrupting their peers. At the same time, most of them were aware that their participation in the focus groups

– not only themselves but their peers’ – revealed they had something to share about the Treaty.

### **Gender and age**

Since I conducted focus groups for the purpose of gathering and analysing their voices by thematic analysis, it is difficult to quantify their behavioural patterns. However, there was a definite sense of easiness in discussion when I had female only focus groups, compared with mixed gender groups. One noteworthy point in respect to the female only groups was that they were more autonomous in directing their discussions about the Treaty. As the facilitator, I was barely required to maintain the discussion momentum.

Males, on the other hand, showed a slight tendency to lead or dominate the group discussion. I had no male-only group, but I had one group in which females were significantly outnumbered by males, who were around the same age group (middle age), and another group had a tendency of male-led orientation with a dominant speaker. Comparing these two groups showed an intriguing behaviour. Older males were in mutually assured control when there were other males around the same age. There were a subtle gestures amongst the group to avoid “over-taking” other male’s space in discussion.

However, another group without such peer-moderation showed a more overt leading tendency. One participant treated it as “his group” – and his constant repetition of the same statement, “Waitangi Day is just a holiday” did put off others from contributing more openly.

The age factor was inseparable from the gender factor, particularly when there was a strong association between being male and being beyond middle-age. It is also noteworthy that age did not seem to be a significant factor for female participants.

## **Chapter 5: Reflections on my research findings**

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The previous chapters of research findings were based on material strictly sourced from the interview records collected through this study. My main objectives in producing research findings and analyses were based on my attempt to understand what my participants were trying to tell me, their stories, narratives and insights of their lives. Throughout the data collection – key-informant interviews and focus groups – and analyses of the collected data, I had placed a particular emphasis on retaining the integrity of their stories to fully understand their views and perceptions of the Treaty of Waitangi.

Traditionally in social psychology, researchers tend to isolate themselves from any involvement with the collected data. This approach endeavours to maintain the scholastic rigor in their findings. However, particularly in qualitative research methods, the process of understanding the collected data may not be as transparent as firmly established statistical methods. The latter methods are commonly examined and shared with mathematical formulae. Qualitative approaches, on the other hand, do not have mathematical equations or formulae to represent the methods of processing the data. Instead, succinct summaries to disclose the process of understanding the data may be used to improve the transparency in data analyses.

Therefore, based on the following reasons, I decided to report my own reflections on these research findings: 1. As a researcher and an interviewer, it was inevitable for me to have some level of researcher bias; 2. In order to minimise the effects of such biases, reporting my own views and reflections would provide sufficient information for the readers to know how I understood the collected information; and 3. Before being a researcher or an interviewer, I am an immigrant of Japanese descent.

I came to Aotearoa/New Zealand before turning 20. My initial aim at that time was to pursue a tertiary qualification, hence I became a student

sojourner. The biggest turning point was my Masters' thesis, in which I encountered cultural issues largely neglected in the mainstream health sector, and I concluded that the health sector was out of touch with non-European communities in Aotearoa/New Zealand. By then, it was seven years since my first arrival in this country. I decided to look for employment to gain a permanent residence visa, and the first job I had was with people of Ngā Puhī descent. Around the same time, I also initiated my working relationship with the Māori and Psychology Research Unit (MPRU) and Kaupapa Māori Student Advisor (KMSA) at Waikato University. Toward the end of 2006, I chose the present research topic for a PhD project I had held numerous conversations with Māori students and colleagues who expressed their frustration and concerns over migrants not getting enough opportunity to learn about the Treaty and Māori culture. I then thought that this would be an area in which I can contribute back to these people who had become good friends of mine.

While there were concerns around the researcher's bias, many parts of participants' stories also had to be put in context. These participants' narratives were shared based on an assumption that I as an interviewer would understand the socio-cultural background. In this regard, this chapter provides my auto-ethnographic observations.

Hence this chapter not only provides my own reflections but explains how I processed the stories compiled in this study.

### **Immigration motives**

When my participants started telling me their impetus for migrating to Aotearoa/New Zealand, I had thought that goal-orientation was quite common amongst Asian people. The expectation of producing tangible outcomes is usually strong in their values, including that of my home culture. Their immigration motives had to be strong enough to make them determined to remove themselves from their comfort zone; the notion of goal-orientation was definitely behind their immigration impetus.

The perceived benefit of migrating to a Western country is substantially strong amongst people in Asia, the most attractive benefit being education

for children to secure or improve their social status. I too, came to Aotearoa/New Zealand for a tertiary education to improve my chances of better employment. Aside from the direct benefit of employment opportunities, being well-educated has an aspect of intellectual property, which is not easily transferable to others. I still remember my father telling me that unlike financial interests, knowledge in our heads cannot be stolen, and even in the event of losing significant financial interests, knowing the process or methods of acquiring such wealth remains with you. This knowledge to regenerate financial and social capital still has great value.

A few years back, Amy Chua (2011) made a controversially justified psychologically tormenting parenting practices to drive her children to academically excel in the U.S. There was a huge outcry from Asian Americans (e.g. J. Yang, 2011) criticising Chua on her attitudes and taking an overt publicity stunt to promote her book on parenting experience. I was in fact, not surprised to hear how someone like Chua publicly justified punitive parenting practices for the sake of an “A+” on the gradebook. For my friends back home and myself, this belief amongst parents was the norm, and it was acceptable for them to exercise their power to forcibly impose their values on their children. At the same time, hearing this type of discourse recalled painful memories of my own childhood. The wide spread social norm of the use of negative reinforcement in education and parenting certainly left a shadow over our lives. When I catch up with my friends from secondary school, we still talk about such things from when we were teenagers. All of us clearly remember the pathological aspect of those negative reinforcements after nearly 20 years, and we tell each other that we will not be like them when we become parents.

Conversely without such socio-cultural incentives as those described above, it would be difficult for people from Asia to live with a number of other disincentives as a consequence of migrating to Aotearoa/New Zealand. The language barrier, significant cultural differences, being victims of discrimination, and losing the support of family and friends do become a significant burden, and a challenge.

## Desire to retain tradition

My experience of immigration, much like others also experienced, involved a substantial process of acculturation. The most difficult part of acculturation was realising the difference between assimilation and integration.

As I described previously, there are a number of immigrants who made their decision to immigrate based on their own cultural values to opt for better social and intellectual opportunities. Since their cultural values played a significant role in decision making, cultural assimilation with the host culture would not be easy, as at some stage it would involve a form of denying or rejecting their original cultural identities.

This difficulty might be resolved with a simple educational solution to teach immigrants to help them learn to integrate; however, in my experience, assimilation and integration are not two separate categories of psychological experience, but more like different points on the same spectrum. Both assimilation and integration involve thorough learning processes, but the real difference is how they commit themselves to whether people choose to retain or replace their cultural identities. However because of the “shared” directions in terms of their cultural learning process, people often become confused and experience struggles and disorientation.

Balancing the equilibrium of their identities demands a constant interrogation of who they are, who they were. Perhaps, exploration of one’s individual identity after migration is not as complicated as for those who came with their family members. Families involve a considerable level of group dynamics, as they are heavily influenced by larger collectivities, particularly the communities surrounding them. The biggest difference for immigrant families is that while they maintain their *unit* as a family, groups of people with whom they have to establish connections are most likely very different from what they are used to. They must put their trust in strangers.

When I spoke with my participants during key-informant interviews, some of them placed a particular emphasis on parenting practice after they came to Aotearoa/New Zealand/New Zealand. Initially I paid minimal attention to this theme, but as I observed more immigrants of Asian descent experiencing psychological uncertainty over their identities and space in our society, I began to consider that the gravity of this theme was a lot greater than I had thought. Then I realised that I had subconsciously *individualised* their stories, in which I failed to estimate how immigrant family dynamics change due to peer influences in a new country.

In hindsight, individualization of immigrants' stories was a part of my analysis process, particularly coding the themes. While the coding process itself did not dilute the significance of their stories, it had taken me some time to realise my own way of viewing issues.

Immigration to another country is not like a motor vehicle import, which most people would expect to be able to fully function on the day of arrival. On the other hand, experience of immigrants, particularly from non-Western cultural backgrounds, cannot be treated like a simple transfer process of an individual *unit* to a new suburb. The whole process actually involves establishing a social network with new friends, neighbours, people who provide support etc. in a new country.

The dilemma – or mismatch – which Asian immigrant families often face is not only about “adjusting” themselves as individuals with the new environment, but also about families of foreign cultural origin trying to continue their lives within new surroundings, which eventually influences their behaviours. Children and adults have different speeds of adjustment, which become more apparent when brought into the family home. On a daily basis, immigrant families are going in and out of two different cultural zones. Family is not like an interest group, but an association of people with shared intrinsic values. Experiencing different family members acculturating at different speeds would cause considerable emotional difficulties; some forms of acculturation – particularly assimilation – may be perceived as one's family members becoming “foreign”, and it may also be

judged as a betrayal. As a critical intergenerational issue, this deserves closer scrutiny.

### **Assimilation pressure**

Earlier in this chapter, I wrote about assimilation being on the same spectrum as one's acculturative experience. In my personal experience, I have gone through both (assimilation and integration) phases. The acquisition of language proficiency involved a particularly significant level of learning engagement and anxiety. In my case, I went through a full immersion learning process with the language and culture when I was young, and prior to commencing my tertiary study.

While the benefit of the full immersion approach enabled me to start tertiary studies in Aotearoa/New Zealand, I soon began to experience assimilation fatigue; at some stage, I felt that I could "never win the game" or "someone's shifting the goalposts all the time". It was almost impossible to find out what criteria should be satisfied to become "kiwi"; in the end, I started to feel it was like going through an endless examination.

There was a definite absence of recognition of cultural values in general when I started my tertiary study in Aotearoa/New Zealand. The institutional norm was "colour-blind", which was actually an institutional avoidance of talking about culture as part of the core teaching subjects. People in general either had no knowledge and experience to understand that there were people in the room perceiving things in a different way, if not being ignorant about non-mainstream cultures. Prior to coming to this point of realising the level of ignorance, I was taught and then believed that as long as I logically constructed my arguments in accordance with their (mainstream) protocols, my points would be validated and recognised. What I eventually realised was that an overwhelming number of people were very uncomfortable and unfamiliar with the discourse of cultural identities, and they were threatened by it.

Social sciences purported to "study" cultures, beliefs and values, but the core cultural values of academia were rarely challenged as the vast majority of students (at that time) were also from the same cultural

background. For students who had just begun studying social sciences with a minimal level of discussion skills and confidence, it was almost impossible to read between the lines.

Reading between the lines was the hardest part of my acculturation process. Over the years, sometime after I completed the initial stage of language acquisition, I had developed a view that people were easily offended and often disengaged themselves from communicating with people from cultural backgrounds other than their own. In hindsight, it was a process of internalisation to facilitate my learning process to prevent such disengagements; I was aware that if I isolated myself from the host society, it would result in psychological departure from the host society, leading to my physical departure from Aotearoa/New Zealand – a very undesirable outcome for me.

Like many other migrants, I had needed a level of resilience to remove myself from my country of origin. I did not want to defeat the purpose of my journey by simply denying or refusing to learn. Hence internalisation was one way to maintain my focus from any external factors.

Throughout this research project, my view started to change as I had opportunities to speak with people from different ethnic communities, specifically around their migration experiences. The main research question, which asked them how they view the Treaty of Waitangi, shaped their narratives, but also raised issue of institutional discrimination that migrants are experiencing on a regular basis.

### **Negative influences**

The process of recognising the significance of negative influences on participants' perceptions of the Treaty had to go through some turning points in my mind. This theme was one of the biggest parts of my research findings that I had not expected prior to interviews and analyses. Listening to migrants' stories, particularly in maintaining participant-centred focus, was the most challenging part of this project.

In terms of considering the impact of negative influences – both pre and post migration experiences – which affected participants' perceptions of

the Treaty, I initially started with “seeing” some negative attributes about the Treaty and unrelated information. After reviewing the material a few times, I then realised that pre-migration experience, which had nothing to do with the Treaty of Waitangi, actually made a considerable impact on their perceptions. During each interview, I was trying to let them tell me their stories; but somehow realization of the significance of some parts of their stories came very late.

The complexity of building a schema that led to misunderstanding of the Treaty initially seemed shallow and, confirming a negative stereotype. If I treated these negative influences at a superficial level, the participants’ socio-political backgrounds and experience before migrating to Aotearoa/New Zealand would not be considered. Such themes emerged during interviews, but understanding the process of their perceptions shaped by external influences was a different story. Understanding their narratives in context was the biggest gain I had in this project. People from politically unstable countries already have a firm psychological schema.

Eventually, it became clear to me that stereotypical views of the Treaty were generally built on pre-migration experience. My initial research plan did not consider this part but only looked at their post-migration experience and perceptions. It was fair to say that not only had I failed to holistically understand migrants’ life journeys but I had also isolated their pre and post migration experiences. Perhaps, I overemphasised their post-migration stories at the risk of losing what came before<sup>24</sup>.

### **Post migration reality and tension**

The most difficult part of my personal reflections on their narratives was family orientations. As I am a sole migrant who has no family members in Aotearoa/New Zealand, some parts of my migration experience were atypical to other migrants. My own experience is only on the other end of family dynamics as a child having various conflicts with my parents, due to changes in my cultural behaviour and values since I migrated to

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<sup>24</sup> Later, I came across a famous quote from Werner Heisenberg, “The more closely you look at one thing, the less closely can you see something else.”

Aotearoa/New Zealand. Having said that, even if I were a migrant father, I would not be able to fully understand what it is like to be a mother in a foreign country without close family support.

In terms of the occupational commitment which was frequently mentioned by my participants, I was in a private commercial sector that often attracted migrants of Asian origins for a considerable length of time. This type of work does not come in a sustainable form of employment – often, the hourly rates were reasonably attractive but the total amount was insufficient as an annual income, because those jobs were usually seasonal, and subject to the foreign exchange rate.

Applying for a position with more financial security was always challenging, despite being qualified with a New Zealand tertiary degree. Some of my friends (some were studying Human Resource Management) told me some anecdotes about the rejection of resume bearing non-English names. There were some media reports supporting their anecdotes (e.g. Tan, 2010), as well as a peer reviewed study by Ward & Masgoret (2007) in which they sent two equivalent resumes with different names (Chinese and English) to more than 20 recruitment agencies in Aotearoa/New Zealand. There could be variety of reasons for rejecting resumes with “foreign” names, but certainly egalitarian equal opportunities are some kind of a fiction. What is not fictional is that there are a number of migrants who are suffering from this type of prejudice in their job applications. It is the norm for ethnic migrants to experience this kind of prejudice, which was why so many participants talked about post migration hardship during interviews, despite my only having asked them about their views of the Treaty.

Life security was way out of the spectrum, and I was eventually exhausted due to the accumulation of ongoing stress. Hajat, Blakely, Dayal and Jatrana (2010) presented statistical evidence of ethnic migrants becoming unhealthier as they spent more time in Aotearoa/New Zealand. From the stories that my participants shared in this project, as well as my own experience, this is no surprise at all. I find it quite cynical because migrants must go through rigorous health assessments to minimise their

potential burden on the public health system. Yet several years after their arrival, many of them become stressed, exhausted, and are living in poor conditions, which all contributes to depleting their health status.

In terms of making myself learn te reo Māori, I was unable to commit to taking night classes for te Ara Reo Māori while working because of possible after-hour standby duties. Hence I was able to reflect on my own experience when my participants told me that the majority of immigrants would not have time to commit themselves to learning Māori language and culture.

Even though I was a sole migrant, I went through considerable difficulties before I was able to commit myself to learn Māori language and culture. Had I been a migrant with dependants, it would have been far more difficult for me to make such a commitment; perhaps, permanently impossible to do so.

I also recall the absence of strong encouragement and substantial reasons to support people with a level of interest in the Treaty. My first few years of living in Aotearoa/New Zealand coincided with the emerging phase of the internet being utilised by the general public. It was not that easy to gain information through the web; there was no Wikipedia or Google search engine at that time, not to mention library book databases which were not as sophisticated as we have today. Gaining knowledge largely depended on spending a considerable amount of time searching and reading publications, or knowing particular individuals with access to such knowledge bases. As a complete outsider, I did not know anybody who was knowledgeable about the Treaty at that time. In fact, there was no “trigger point” for me to initiate my learning process to make a start.

### **Starting point of learning about the Treaty**

The spontaneous aspect of encountering the Treaty was fascinating. Like my participants, my encounter was not planned at all, at least at public policy level. I remember that knowing people to talk to or ask about the Treaty was the key to understanding the Treaty. Because my social activities occurred within a mainstream tertiary institution without

personally knowing people from the local communities, I was naturally isolated from localised social issues. However, in hindsight, it would not have been easy to engage in a conversation without hearing much of the standard stories. There would have been a considerable level of exposure to stereotypical stories of the Treaty, even though I had some social networks with the locals. Previously, I mentioned the lack of a sophisticated search engine on the internet a decade ago. Compared to those times, searching the internet has become a lot easier, but this does not necessarily mean that knowing about the Treaty has equally become easier, because we also see a significant amount of texts written with the notion of hatred and prejudice against Māori and the Treaty. Technological advancement also reflects the unchanged misunderstandings about the Treaty amongst the general public.

The desperation to learn about the Treaty for the purpose of a job interview was interesting to me. I remember I was quite anxious about a job interview so I asked my friend who was knowledgeable in personnel selection procedure and prerequisites which included the Treaty. Oddly enough, talking about the three principles (partnership, protection and participation) of the Treaty was deemed to be sufficient in my case (without going into the details). In retrospect, I was just someone who managed to “tick the boxes” without an in-depth knowledge.

Around that time, I thought I had a basic knowledge about the Treaty but was definitely not able to relate it to my life in Aotearoa/New Zealand. It did not quite come to me until I started to work for the Māori and Psychology Research Unit (MPRU) and Kaupapa Māori student support which got me to think more seriously about my social space and how someone like me fits within the Treaty framework. I was constantly hearing from students and their whānau that they were hoping migrants coming to Aotearoa/New Zealand would want to know about the Treaty, and learn (even some of) Māori language and culture. Among some people there is a superficial view that Māori are anti-migrants (Ip, 2003; New Zealand National Commission for UNESCO, 2009; Tan, 2007b). My work experience within the unit was a starting point for me to think about undertaking this topic for my research project. At that time, it did not look

like a starting point, but it was indeed a starting point, as I did not have adequate cultural understanding to theoretically articulate my position<sup>25</sup>.

## **Fear and negativity**

My encounters with overt racism in Aotearoa/New Zealand occurred over a few years. I do not recall a specific starting point, because it was more like a gradual change in the political climate after my arrival as an international student. It coincided with the period when the New Zealand First political party gained a number of parliamentary seats. Anti-immigration was synonymous with anti-Asian. Day and night, racial taunting directed at people like me in the street occurred so frequently that I stopped counting quite early on. We still witness “locals” swearing at Asian people in town, but the long sustained, wide-scale, abusive taunting in the late 1990s was a lot more threatening.

Eventually such notions got “deflated” sometime after the Asian financial crisis in 1997 and 1998, and toward the 1999 general election, coinciding with a significant drop in the South East Asian population (particularly international students) in Aotearoa/New Zealand due to the Asian financial crisis (Gendall, Spoonley, & Butcher, 2013). My experience of this period made a substantial impact on my perception of mainstream society in Aotearoa/New Zealand and race relations. Being the target of racial hatred and associated victim blaming created a lot of confusion in my mind. It became more difficult to trust people as I now attempted to assess whether they were being genuinely nice to me or were perhaps wearing a layer of deception.

Most difficult, I found that there were no opportunities to safely engage in conversations regarding race relations in Aotearoa/New Zealand at that time. There may have been a few but they certainly did not impact on my day to day life. It is fair to say that Asians were less visible after the Asian Financial Crisis. Instead of exploring the issues and causes for more inter-

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<sup>25</sup> I would not say I do have substantial cultural knowledge. However, retrospectively, I can now see that I simply did not know so many cultural elements of tikanga Māori. I am still in a process of learning more, but I was at much earlier stage of learning in this context.

ethnic understanding any acknowledgement of the situation got swept under the carpet.

Indeed, when there was a surge of mainland Chinese students studying in Aotearoa/New Zealand in the early 2000s, people reacted negatively; though not as extremely as in the mid-late 1990s. However, the “invitation” extended to those students was more financially focused, without a reasonable level of expectation of hospitality. What I witnessed was a more covert form of negative reaction and racism, for example, citing health concerns, such as abortion statistics for young Asian females (“Abortion rate for Asians high,” 12 June 2002; “Asian abortions rocket,” 3 April 2002) and sensationalized media reporting on Asian crimes (“Number of Chinese kidnapping cases alarms judge,” 2003). In the local media, “*Bro town*”, first broadcasted in 2004, had a reverse discourse (in a provocative manner) against covert racism in Aotearoa/New Zealand (Bannister, 2008).

I am not sure if “unpleasant” is a sufficient term to describe what I (and other people) went through in those times. The most frustrating part is that discrimination in Aotearoa/New Zealand is often treated as a “past” issue. Throughout the interviews, the negative post migration experience – a very polite form of labelling their ordeal – occurred so often that it can be described as very common. Just realising how difficult it is to live as a migrant was paramount to understanding the scale of their psychological burden.

What I also realised through the interviews – as well as in my reflections after that – is that to have some understanding of different groups of people certainly helped to overcome the fear and negativity that many migrants (including myself in the past) typically experience. Superficial understanding would create negative perceptions based on insufficient information. Lack of information would create uncertainty. Sustained uncertainty would create fear. Ultimately, gaining more insight removed their (and my) fear and negative sentiments.

## **Gaining resilience with knowledge**

I still feel overwhelmed and humbled by my participants' stories of their journeys where they removed themselves from the environment they were used to and then got themselves into a new learning experience and new life. I was reflecting on my own experience while I was "young and willing to take a risk", to make a bold decision to migrate. The older I become the more I realise how much energy it takes to generate enough velocity to reach a destination. It almost sounds like immigration is rocket science, but this analogy might help non-migrant readers to understand how difficult it is to migrate. Another reason I use this analogy is that gaining velocity alone does not guarantee a successful outcome; the potential for undesirable outcomes is reasonably high.

A guided journey would certainly improve the chance of having positive experiences throughout their post-migration life. In my case, it was a well-guided process as I was in a homestay as a student for the first year or so. However, I definitely missed out on learning about the Treaty for several years after my first arrival. As previously mentioned, there was no guidance available for me to initiate and continue learning about the Treaty.

I used to dismiss there being any value in learning about the Treaty in my early days. Perhaps this was because I did not appreciate what I was missing out on. In hindsight, this negation was not just about the Treaty, but was largely due to the absence of valuing ethnic identities in a much wider context. Consideration of the Treaty and maintenance of ethnic identity as two separate issues had been confusing me for a long time. It was more like missing one side of an equation, making it illogical.

Like my participants, I also filled the missing part of the equation by learning about the Treaty in order to explore where I came from, why I am here and how I position myself in Aotearoa/New Zealand. As far as I am concerned, I am still in an early stage of learning. My friend, Hiromi Sakamoto (currently completing his PhD at Auckland University), has been researching kapa haka for a similar length of time. Talking to him and reading his papers (H. Sakamoto, 2012a, 2012b) made me think there are

a lot of things that we have in common, as tauiwi researchers studying Māori culture; and at the same time, his study reminds me I am yet to explore many other different aspects of Māori culture.

### **Lack of social engagement**

Previously I discussed guidance and induction as a meaningful part of immigration. However, most importantly, the quality of induction processes determines immigrants' experience. What I realised through this research is that social engagement plays a significant role in their learning experience after their arrival. I became a little sceptical regarding the efficacy of solely relying on a text-book (or guidebook) based approach to the ethos of the Treaty.

I found a number of common experiences among my participants' narratives on the lack of understanding of the Treaty and relevant issues being largely due to a lack of engagement. Having no contact with Māori did not help them to initiate their learning process on the Treaty and exploring deeply entrenched institutional issues in Aotearoa/New Zealand. I personally feel disappointed that some migrants would not consider learning about the Treaty, because of the lack of tangible financial incentives. While I understand that migrants have freedom to pursue their goals, I am quite sceptical of the notion of only pursuing financial success in a new country without respecting the people of the land. Perceiving the Treaty as a Māori problem also kept migrants distant from any learning engagement as well. I personally went through a very similar process in my early days, therefore found their narratives familiar – almost some kind of a carbon copy in some cases. It is very easy to judge migrants for being not interested or ignorant about the Treaty; had I not gone through the same experience, I might perhaps find their stories a little irritating. It is indeed irritating because there is a significant absence of a point to engage.

One of the most fascinating parts of my research findings, which reflected my own personal experience, was hearing how many participants experienced confusion and not gaining traction with local communities in their post-migration lives. It really sounded like walking in a deep and thick

fog, then wading through a swamp, not only feeling lost but also on a very unsafe and uncomfortable journey.

At a superficial level, we could observe that immigrants were confused and feeling they have been left in the lurch. It might be as simple as not knowing about the Treaty but the reality is more paradoxical; they are victims of racism, but at the same time, unintended perpetrators of racism as well. This is how the cycle of reproducing institutional racism operates.

### **Immigration as being part of a community**

Toward the third phase of the key-informant interviews, I began to realise that my research was moving beyond just learning about the Treaty from a textbook. People who shared their stories with me had all gone through a journey constantly asking themselves “why am I here? why do I choose to live here? what am I doing here?”: Migrants are at significant psychological risk because of their substantial isolation from their cultural and ethnic origins, as well as their isolation from the host society and Māori communities.

What their narratives showed was that learning about the Treaty provided a key to integrating with the host community. After completing key-informant interviews, I reassessed the research questions that I initially set out in the beginning of my journey. I must admit I placed excessive focus on migrants’ perceptions at a superficial level. Halfway through the second phase of key-informant interviews, I began to ask myself about the whole purpose of understanding how migrants of Asian descent perceived the Treaty – asking myself what I or they would gain from this study. Perhaps it is not appropriate to use the Treaty as a key or some kind of apparatus, I wondered. However as I did more interviews and I reviewed previously conducted interview records as well, I realised that the process of learning about the Treaty itself actually helped migrants. The Treaty lessons offered them the chance to remove themselves from confusion and to guide them to value their ethnic origin, before considering what part of community life they could participate in.

The most rewarding part of my study is gaining an answer to the fundamental question on immigration; it is about being part of a community. The Treaty is not about assimilation, marginalisation or isolation, but it can guide people to peacefully integrate. I felt the last piece of the puzzle was found when I realised that getting people into the process of understanding the Treaty – particularly when people look at their origins and their societal positions. It was an enlightening experience when I thought about it.

At the same time, I also realised that while one-off Treaty seminars have the merit of providing a good starting point, tick-box style learning about the Treaty does not quite fit with the “shape” of the narratives shared in this research. Learning about the Treaty is not some kind of silver bullet, but it is more like a strategy to redefine the purpose of their life journey. I was more convinced of the importance of going through the process rather than solely valuing measurable knowledge of the Treaty after I conducted more focus groups.

### **Unable to adapt**

Theoretically this is classified as either marginalisation or isolation. In my case, because I went through the assimilation phase first, I did not experience so much of a failure to adapt. However, I had witnessed this in a number of people, particularly in the first few years of my life in Aotearoa/New Zealand. In hindsight, it was an interesting observation; my main network at that time was predominantly fee-paying students. They were not living in poverty or significant life hardship, and they were not visitors but also not quite immigrants yet – they were sojourners in a life transition. Some proceeded to tertiary studies, many did not, and some of them chose to settle after a few years. They were meant to be here to learn the English language and culture while they studied specific subjects of their own interest. Yet, the fact that many of them could not culturally immerse shows how difficult it is to actually learn a different culture and language.

Eventually it became difficult for me to continue associating with a certain cluster of fee-paying students who almost refused to adapt themselves to

foreign soil. At that time (and a long time after that), I only saw the issue as some kind of “being non-compliant”, or “being lazy after losing the plot”, or “self-imposed victimization”, and so on. Perhaps it was because I was mainly looking at that student cohort in terms of observing cultural adaptation. Perhaps I was far too driven to assimilate and was practicing a “model minority” type of discourse. I felt that I was “held back” with some people who did not share the same values at that time. I just did not understand why some people obviously had strong reasons to get out of their home countries, yet ended up isolating themselves in a cultural and linguistic bubble, when they got here. It could be as simple as my lacking empathy or concentrating on my own achievements.

My turning point was when I completed my Masters’ degree and decided to apply for a New Zealand permanent residence visa. First, I was struck with the difficulties of obtaining a (skilled) job offer to make myself eligible. It seemed semi-impossible for a while. Eventually I managed to gain a New Zealand Permanent Residency (NZPR). Then I realised that it was just the beginning of a series of things that many migrants would experience. Prior to that point, because I gained a post graduate degree in New Zealand, I had reasonable confidence that I would be able to step up my career once NZPR status was granted. It turned out that I was wrong. Gradually I started to learn how difficult it is to “fully settle” as an immigrant. Despite not having any issue with cultural adaptation after NZPR had been granted, I still endured a “career detour” which put me behind others who had completed the same level qualifications. However, somewhere in my mind, I had constantly thought that I did not work hard enough and this would just be a “short-term temporary setback”. Being in this kind of situation made me realise the huge extent to which those external factors can easily suffocate and maim an immigrant’s life.

### **Double-hull stereotypes**

Double-hull stereotypes could well be described as an acquisition of stereotypes. However, I was trying to avoid using this particular term, despite the core mechanism remaining the same. When I think about how my participants described the process of misunderstanding the Treaty,

based on their past political experience, as opposed to simply gathering wrong information (such as “the standard stories”), I realised how difficult – or seemingly semi-impossible – it is to raise awareness of the Treaty amongst immigrants. It is still a stereotype, with a clear double-hull structure based on pre and post migration conceptualisations; people who retain that stereotype would take the common behaviour of avoidance, and persist in their prejudice.

This part of my research findings struck me the hardest through the journey. Not to mention that it was tricky (as opposed to difficult), it was such an eye-opening theme. And then I had thought how I would write the conclusion. Because of the double-hull paradox, it would not be sensible to write a simplified future recommendation, such as “more educational opportunities for new immigrants are required.”

In hindsight, had I been more conscious of the double-hull stereotype amongst immigrants when I conducted my Masters’ research on Asian males’ values on their health, I could have written a very different conclusion. Problems did not begin after their arrival, but way before their departure. It was easy for me to oversimplify the cause of the issues by solely focusing on the post-migration processes. The complicated nature of their withdrawnness was a lot more deeply rooted.

I also think it is rather irresponsible to make an incomplete recommendation as a researcher, by not only failing to present the research findings in a full shape, but also failing members of ethnic communities and those who support them. In a way, I felt like I was offering an incomplete set of tools for people who are in real need; perhaps it is better than nothing, but working with missing tools often creates another problem itself. I titled this theme as “double-hull stereotypes” to primarily delineate the outcome of the misconceptions around the Treaty. However, it also reminds me not to draw any hasty conclusion from the findings for the above reasons.

## **Moving forward to be empowered**

One of the most common misconceptions around the Treaty is “it has nothing to do with immigrants”. The perceived notion of excluding immigrants, particularly these from non-Western countries of origin, typically generates a sense of loss after arriving in Aotearoa/New Zealand. Not being assimilated with the dominant Western population while feeling distant from the indigenous people often confuses many migrants from Asia. That was the process I went through, as well as most of my participants.

What struck me throughout this research is that learning about the Treaty provided an opportunity to learn more about their origins as part of the process. Prior to interviews, I did not quite expect to hear stories of “healing” a post-migration sense of loss. It was primarily because my initial research focus was on their perception at a superficial level. I had been feeling overwhelmed with the significance of their narratives on their journeys. Integration with the host society remained incomplete before committing to learn about the Treaty; I had sensed that there would be a number of immigrants who were doing “fine” but not feeling they were fully settled. New Zealand (mainstream identification, as opposed to Aotearoa/New Zealand) is a country of immigrants; however, there is always an uncertainty around whether immigrants are actually welcomed to be part of society. It seemed to me that there were a lot of people who were somewhat uncomfortable with their societal position; without exceptions, they avoided talking about the Treaty. It is the missing piece of the puzzle, but often treated like a spider web hanging over one’s head.

Perhaps the biggest gain that my participants had was a sense of being enlightened: Revisiting where they came from to realise we are all products of the past; Knowing ourselves better, before knowing others to become more mutually harmonious; Respecting others with dignity; and to become fully part of the community. Identifying a definitive key factor for successful integration by migrants remains one of the most difficult questions in cross cultural psychology. The Treaty of Waitangi itself is quite abstract, however, the process of guided learning led a number of

people to reaffirm their identities – both old and new. This value is represented by a whakataukī: Me hoki whakamuri, kia ahu whakamua, ka neke (In order to improve, evolve, and move forward, we must reflect back to what has been).

## **Group dynamics**

I had not expected any findings in terms of group dynamics, prior to commencing focus groups. Coincidentally I had two self-selected female-only groups; one each in Hamilton and Auckland. They were both ethnically mixed groups but were good friends to each other. Other groups of mixed gender and ethnicity were also friends to each other, having formed at least four weeks prior to their sessions. The level of harmonised group dynamics amongst these two particular female groups was noteworthy; I did not have to intervene as these groups were autonomously running group discussions on the main research question, which I consider an ideal form of focus group. I was fascinated to witness that males, particularly older men, did not quite meet this expectation, but often showed their inclination to become the leaders, constantly trying to dominate the discussions.

The notion of age awareness definitely existed amongst focus groups with older males. I was there to facilitate each group, but I was not fully confident to handle the age hierarchy commonly existing amongst Asian communities. I am not young, but not quite old enough to undertake a senior role.

Because of these cultural elements, I could not quite remove myself from experiencing an observer effect. Things could have been different if some of the focus groups had been facilitated by an experienced older male. Admirably none of the personalities were significantly aggressive enough to destroy the group discussions, but nonetheless they could inhibit a more spontaneous exchange of different views and experiences.

## **Further theme note**

Throughout my observations in focus groups, the ambient notion of lacking confidence was definitely there, but it was difficult to pin down. It was more

ether-like than a physical object. The hardest part of identifying this theme was to consider where it was coming from. I had to revisit the voice records repeatedly to articulate its true shape.

In hindsight, it was interesting that many of participants, to protect their backs, were non-judgemental over Treaty issues. I was expecting some of them to say “I don’t know much about the Treaty, but it’s unfair.” It was mostly “I’m still learning about the Treaty because I haven’t done this before. But I can tell you why I don’t know about it.”

It reminded me of my own experience of not knowing about the Treaty for years after I arrived in Aotearoa/New Zealand. I was aware of its existence but unable to produce any tangible link between the Treaty and my life in Aotearoa/New Zealand.

In a similar sense to the above, many of them were also confused about the Treaty. It is fair to say that lack of confidence and confusion were paired up. These two were some sort of vapour or ether as well. I felt rather strange throughout those focus groups because it never disappeared. I guess I was witnessing those whose journeys to learn about the Treaty were at an early stage. Nonetheless, their narratives were aligned with key-informants’ narratives. I had also thought that these types of feelings eventually generated some motives to learn about something they did not know. Perhaps because of the type of groups I interviewed, it was interesting to feel the sentiment from focus groups that people in general prefer to “clear out the fog before their eyes”.

Perhaps I could describe this part as being enlightened. My participants shared stories of their frustration at not understanding what the Treaty is about, as well as being unable to access quality information. I felt that the level of interest and motives for learning about the Treaty were reasonably high amongst my participants. Perhaps being confused and disorientated were not that bad after all; if we see that as part of a process or journey to reaffirm their own identities, being struck with “unknown” clouds of mystery would remove their anxiety over the entire life. Perhaps such clouds were perceived as stone walls, without realizing they are free to move around.

I also encountered a small number of people who gained different insights into the Treaty, which were predominantly negative. They were satisfied with a small amount of one-sided stories and stereotypes I remember that I went through the same in my early days.

Looking back from now, I was overly excited with the fact that I got out to experience new things. I took that as a great privilege and it was natural for me to try maintain it. It was a “funny” misunderstanding that I used to see learning about the Treaty as a potential threat to my “gained” privilege in a new “home”. I could blame the media and mainstream society in a larger sense, as they often painted the Treaty as a source of all the social problems we have in this country.

I must admit I was naïve at that time. Questioning media reports was out of my norm, and I was happy to just follow mainstream media reports. I suppose it was an inherited habit from my days of learning to speak English as a second language; mainstream media articles were commonly used as reading exercise materials. Casting doubt over textbook materials seemed inappropriate at that time, and I used those articles as benchmarks for academic reading and writing to become eligible for a tertiary education in Aotearoa/New Zealand. It took me several years before I finally realised how “my way of thinking” was moulded. While I was studying as an ESOL and undergraduate student, those articles were something I would use as references.

It would be easier for immigrants to simply assimilate; it would remove the process of questioning the body of knowledge. Following their elder or master (i.e. teacher) would not be foreign to immigrants of Asian descent. It would be a perfect replacement or transference of value systems, as in my case.

### **Carbon copied standard stories**

I have previously described how I started on the assimilation task before unlearning and then exploring the issues more holistically. Assimilation did have some attraction for me and I was quite happy to take it. Because it was a replacement of the main driver of the rather paternalistic vehicle, I

literally carbon copied the standard stories (e.g. R. G. Nairn & McCreanor, 1991; Tuffin, 2008) around the Treaty myths<sup>26</sup>.

Hence, when I witnessed some participants demonstrating that they had learned only the standard stories, it felt familiar to my own experience. In focus groups, I was just there to facilitate by throwing participants a few questions to ask them to elaborate their points. When the standard stories emerged, presented in a rather judgemental manner, I politely acknowledged the input – but I could not resist asking where and whom the stories came from. I was relieved that I was not alone in my experience, but that they were consistent with those of my participants.

Along with apathetic attitudes over indigenous affairs, I sensed there were some judgemental attitudes from people presenting such views. Long after the focus groups were completed, I thought over the possibility of push-pull factor interactions and how participants formed negative views on the Treaty. My initial thought was people with certain attitudes would negatively perceive the Treaty. Admittedly this was a very superficial observation. However, considering the process that I went through, it is difficult to ignore the extent of being fully immersed in a community where prejudice against Māori is widespread.

Based on the thoughts I had above, I was contemplating whether I should continue using the analogy of carbon copying; I did not want to give the wrong impression that it was done like a superficial photocopying of someone's ideas after coming to Aotearoa/New Zealand.

### **The torus shape**

I previously described the ambient nature of focus groups as like ether or vapour, as opposed to objective phenomena. I could not feel the shape because I kept hearing many of them saying they did not know much about the Treaty, or had not spent a lot of time, or were simply not fully

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<sup>26</sup> It was not until I was studying third year Psychology at Waikato at the end of the 1990s. I often describe this as “sometime in the last century” inserting a little humour.

confident to provide tangible reference to their lives in Aotearoa/New Zealand.

Then, I decided to take a reverse approach to analyse their perceptions; obviously they had been exposed to some learning materials about the Treaty through the community based programme that they were taking. I had initially tried focusing on their firm knowledge of the Treaty. I then realised that they were still in an early stage of their journey. Therefore I made a comparison between my key-informants' narrative and my own experience to establish estimate.

I had thought about the potential risk of making an assumption that the long process of understanding the Treaty would be reasonably homogeneous. Different people have different trigger points and experiences before and after coming to Aotearoa/New Zealand. However, I also saw a lot of consistency across key-informants and focus groups, particularly regarding similarities between the history of Māori and colonial impact on their home countries. I had also thought that key-informants and focus group participants were not isolated community groups; the selection criteria differed based on their acculturation experience and English language proficiency, rather than based on their social class, income levels, or membership with a particular institution.

When I designed the research methods and procedures, I did not think such a separation would have such a weight on my observations. The themes extracted from key-informants and focus groups demonstrated processes of acculturating and immigrants' journeys of understanding the Treaty are closely attached. It was obviously derived from my own acculturation experience and been enhanced further through interviews and my own reflections to present an evidence-based understanding.

Had my assumptions been wrong, I would have come up with a number of inconsistent themes. Instead, I encountered themes that were beyond my presumption but only reinforced my initial framework.

## “Not solid yet”

I used vapour or ether as analogies because participants’ narratives constantly reminded of fuzziness, ambiguity, or some kind of indefinite or inconclusive form. However, I did not think it was appropriate to use any term that suggested incompleteness. Incomplete is also used for something abandoned without completion, but I saw their journey as still ongoing. Hence I thought it may be fairer to describe them as ***not solid yet***.

I had also realised that my participants started their journeys in some way to find out about the Treaty; different people take different pathways. Likewise, the length of their journeys also differ. It would be wrong to judge their journeys because their patterns of progress did not match others.

There may well be a criticism that I have assumed everyone is of the same purpose, on the same journey. Perhaps, such criticism is correct, however, I am quite firmly convinced every migrant – no matter where they came from – will face some type of identity shake-up at some stage. Migration is a dynamic and psychologically significant experience. The Treaty irrefutably originated as a response to immigration issues. It is still a live document, reminding everyone in Aotearoa/New Zealand to value and respect the lineage of each of us. Immigration is such a life turning event that people inevitably question why they made such a decision, and where they would like to be. It is therefore a lengthy and complicated process to draw some answers.

## Overall observation

The most intriguing aspect of researching this topic was meeting with likeminded people who were going through journeys which I constantly felt were familiar – they were talking about my experience too. Their stories had a number of incidents and events that negatively impacted on their worldviews, yet learning about the Treaty gave us a different viewpoint to contextualise struggles. The feeling of being enlightened was the most significant part of this research, when we think about their journeys.

In terms of my knowledge of the Treaty, this research certainly contributed to my cultural learning. It was more of the opportunities that I have participated in as I have been working in a Māori institution during my PhD years. I have had tremendous working experience providing technical support to the Tangihanga Research Project which is led by two of my supervisors (Prof. Ngahuia Te Awekotuku and Assoc. Prof. Linda Waimarie Nikora). MPRU is still providing me with a series of great working experiences, such as research and hosting several symposia over the past few years. I have also been working as a support staff member for the School of Māori and Pacific Development, mainly for computer support and other statistical services. This work experience is, strictly speaking, outside of my PhD research project. Nevertheless, through it, I have met a number of key people in indigenous research and community sectors, and I have participated in a number of cultural events which have improved my knowledge of tikanga and other associated knowledge. The tangihanga of someone I personally knew was emotionally difficult. However, at the same time, their tangi gave me opportunities to learn further of their history and culture. They were teaching me their values even at the last phase of their life.

Another meaningful engagement was at Te Matatini o Te Ra 2013 in Rotorua (February 2013). Te Matatini is a national performing arts event for kapa haka, in which I assisted Prof. Ngahuia Te Awekotuku and Assoc. Prof. Linda Waimarie Nikora with the Taonga (prize trophies for the competition) exhibition. The intensity of the working schedule was phenomenal. However, in the end, we achieved a successful exhibition. A few weeks later, I managed to catch up with Mr. Selwyn (Herewini) Parata, the chairperson of Te Matatini Society Incorporated at a tangi at Terere marae in Opotiki. He congratulated our effort and success, and then said to me, *“Everyone has a role to play, and when each one of us does our job, events like this become successful”*. This instantly recalled the most memorable statement that one of my key-informants said during an interview. *“Ask them what part/role they want to play ... The Treaty allows them to come here to participate life of New Zealand.”* These research findings were pointing at migrants actively participating in their new lives in

Aotearoa/New Zealand. Mr Parata's remark strongly supported this notion and the core implication of this research.

## Chapter 6: Discussion

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In this chapter, I will discuss how my research aims were achieved, the integral parts of the findings, and how my findings do or do not support previous studies. I will also discuss some associated issues, as well as notable shortcomings and limitations that became apparent throughout the data collection and subsequent data analyses. The aim in this chapter is to further address issues for future study in the subject of researching non-European or ethnic immigrants' acculturation in Aotearoa.

Research findings in this study changed the shape of my understanding of the issues of how Asian people perceive the Treaty of Waitangi. My initial focus was to raise the issues, but eventually it shifted to addressing them. As this project progressed, anticipated findings emerged, as well as some rather unexpected findings. Despite this project only having one principal question, participants' narratives of migration journeys expanded further, making the research question a transitional point rather than an end result merely focusing on "what they learned about the Treaty".

It revealed that we need to understand the common as well as unique backgrounds of immigrants from Asian regions. We should seriously consider their backgrounds and narratives in order to design any forms of induction and ongoing resettlement programmes. I will also discuss how resettlement programmes for migrants should be integrated with, or rather built upon, the Treaty framework to facilitate the internal process of acculturation. The Treaty framework tends to be regarded as a community/society issue, but my findings also show that it has psychological and social empowerment aspects.

### Revisiting the research aims

In order to examine whether the main objectives of this research were achieved, the initial aims must be revisited to clarify what I hoped to attain through this project. I completed a background literature review prior to commencing the project, and I set out the following aims to construct a

research-based theoretical framework to understand how Asian people view the Treaty of Waitangi.

1. Identify how Asian people in Aotearoa perceive the Treaty, with considerations of their social and cultural affiliations, particularly their ethnic communities, their countries of origin, and their relationship with Aotearoa/New Zealand.
2. Analyse sentiments and relevant experiences that Asian people have in Aotearoa/New Zealand, including the process of how they developed their thoughts of the Treaty, with a particular focus on the emotional aspect of their thoughts and experience.
3. Understand the process of acculturation experience of Asian people in Aotearoa/New Zealand, how their internal views of identity began to change. This question may not be relevant to Asian people who were born in Aotearoa, but focusing on their identity development provided me some comparative analysis with the immigrant cohort to understand the process of assimilation.

These aims above were made to show a clear direction in my research proposal and maintain my focus on the inquiry.

#### **Issues explored in detail**

Leading into drafting the research aims, I also had a set of questions to explore the issues in detail. While reviewing the literature, four main areas emerged which needed to be explored with my participants. This was largely because these concerns were raised as issues but had yet to be addressed with evidence-based discussions.

- A. Potential absence of Treaty awareness and the obvious lack of implementing Treaty education and principles in immigration policies
- B. The notion of assimilative pressure placed on immigrants in Aotearoa/New Zealand
- C. Potentially failing to recognise the Treaty as relevant to immigrants coming to Aotearoa/New Zealand

- D. Potential resentment of Māori amongst Asian people, due to a lack of understanding of Treaty issues.

My initial goal focused sharply on politically compelling aspects of the Treaty, which placed a significant weight on an ideological reasoning for the Treaty to be taught to all immigrants. This included a wider policy implication for immigration. I must admit there was an underlying notion of over-simplifying the research questions to a cause and outcome relationship, as if the only problem amongst Asian people in Aotearoa/New Zealand was a common absence of Treaty knowledge, which had to be “rectified” through compulsory education.

However, as I progressed my research, the educational outcome no longer comprised a major part of my research findings and discussion. There is no doubt all immigrants should learn about the Treaty, but it became apparent that learning about the Treaty was simply one milestone on their various journeys. Moreover, their learning experience became deeply associated with redefining their identities, and because of that, placing a sole focus on the knowledge acquisition aspect of learning about the Treaty risked dismissing a larger context of cultural identity resettlement.

### **Responding to the research aims and questions**

Responding to the above research aims and questions, my findings are sufficient to address each one of them.

First, my participants’ narratives on their experience of learning about the Treaty were closely associated with how they compared historical events for Māori and for their home country. Despite their initial learning engagement being sporadic rather than formalised, many of them chose to deepen their understanding, and to reflect on themselves. From the very beginning, the entire process of awakening and further learning commitments cannot be ascribed to their pre-migration knowledge and experience. This is no surprise to some of us, considering many countries were once colonised by the Britain and other Empires in the last century. Nonetheless, it was critical to understand how Asian migrants processed

their learning about the Treaty. Their learning experience eventually became an important part of their post-migration journey and some of my participants saw it as an essential part of becoming part of the community in Aotearoa/New Zealand, which was essentially a process of redefinition of their relationship with society.

Second, the most commonly shared emotional reactions in their narratives were significant shock and the subsequent challenging of their worldviews. Most of them, particularly key-informants, experienced acute discomfort when they acquired new knowledge of the Treaty. At the same time, they felt that their unresolved doubts around mixed messages of being welcome here and then not were finally answered. Their emotional reactions seemed to have driven their following process of internalisation of their new identity and reaffirmation of their cultural and ethnic identities. Having such an emotional transition signified their journey, and also highlighted the depth of the migrants' problems in Aotearoa/New Zealand, and that these would never be fully addressed without understanding what happened to Māori people and the Treaty.

Third, in their narratives, learning about the Treaty significantly impacted on their worldviews. Although many of them had emotional reactions when they learned about the Treaty, it also helped them to better contextualise their post-migration struggles. While it did not make them feel any better, it drove them to redefine how they position themselves in regard to the Treaty, instead of dealing with ambiguously defined settlers' national identities. In a way, learning about the Treaty gave them a firm platform to redefine their social identities in a new country.

### **Realigning the Treaty and immigrants**

These findings in my research show a return pathway to reconsider the original intentions and expectations of the Treaty, which was to reduce migrant-related turmoil and to maintain peace and social order in Aotearoa/New Zealand, in accordance with Tikanga Māori.

The breach of the Treaty agreements through the process of colonization resulted in the overriding of equitable governance in Aotearoa. Soon after the signing of the Treaty, the philosophy and intentions behind the Treaty

were forgotten or abandoned. The re-emergence of Māoridom with the series of historical grievances that were lodged with the Waitangi Tribunal for settlement is still a relatively recent part of the history of Aotearoa. Because the settlement processes have been going on for less than 40 years, it is no surprise to witness that many people still regard the Treaty as “only for historical land ownership dispute”. Indeed, the Treaty of Waitangi Act of 1975 and its amendment in 1985 have a strong intention to deliver legal resolution for unsettled land disputes.

The much needed legal processes somewhat reinforced another misunderstanding that the Treaty is only between Pākehā and Māori. Indeed, in terms of resolving Treaty related grievances, the Crown is responsible as the Treaty partner. At some point, Crown and Māori was misinterpreted as ‘race relations’ affecting just Pākehā and Māori. Regardless of whether such misinterpretation was deliberate or not, limiting the scope of the Treaty philosophy to Pākehā and Māori race relations effectively removed immigrants from the Treaty framework. With the increasing number of Asian immigrants to Aotearoa/New Zealand, converting the Treaty to a race issue effectively neutralises kaitiakitanga and rangatiratanga in the Treaty framework. This eventually leads to limiting the scope of the Treaty down to retrospective recovery work, and does not deal with a growing demographic and social reality.

While such a misunderstanding is still common place amongst the general public, the Treaty itself maintains its integrity. To be more precise, the nature of concerns relating to immigration to Aotearoa/New Zealand has not significantly changed in the last 180 years. However, the Crown’s breach of the Treaty agreements resulted in the social paradox of immigrants rejecting other immigrants. This affects the entire nation. The historical denials by Pākehā of their European ancestry so as to claim an indigenous status in Aotearoa were their attempt to redefine their national identity without the Treaty of Waitangi. The most commonly used discourse is a naïve form of millennial nativism. This notion involves claiming a pioneering settler identity, or otherwise simply claiming a local birth origin instead. However, such attempts have been somewhat

unsuccessful, especially in recent decades due to intense confrontations with Māori.

My participants eventually identified the above paradox, as they engaged to learn about the Treaty. They came to a realisation that the Treaty provides better protection than superficial multiculturalism. Ultimately, their learning experience of the Treaty was not about gaining a historical knowledge of a new country, but more about triggering self-reflection upon their social position in a new country, and reaffirming their ethnic and cultural identities without being forcibly assimilated with any other group. The Treaty is for everyone in Aotearoa/New Zealand, but especially for those who come from overseas to live and settle here.

## Discussion of the findings and literature

As mentioned earlier in this chapter, there were some findings that were unanticipated, yet they comprised one of the most significant parts of my participants' narratives. Their narratives were typically marked by themes that emerge from migration backgrounds: lack of awareness, discrimination, sense of loss, Treaty learning experience, and reaffirmation of their identity and space in Aotearoa. Everyone who took part in this study had different experiences with the Treaty, but there was some commonality amongst their narratives. I will describe these themes and how these aligned to form shared narratives.

### Post migration reality and migrants' struggles

One of the most commonly shared experiences that emerged in my research was the aspect of migrants becoming socially vulnerable in their post-migration lives in Aotearoa. Although all of my participants were fully aware of the fact that this research was primarily on their views of the Treaty, many of them chose to discuss the reality of their post migration lives. Instead, my interpretation placed a significant focus on their narratives to contextualise how their views started to change before and after learning about the Treaty.

Their immigration motive factors were seldom discussed explicitly. At least, not in the same way that Yuen (2008) described Chinese migrants' motives by quoting an old proverb, "The moon in foreign countries is particularly round and bright". Nevertheless, the fact that they chose to remain in Aotearoa in spite of the numerous challenges shared in this study, suggests that they had significant reasons to continue living in Aotearoa.

Another strong motive to migrate is improvement of living standards, such as housing and education for their children (P. Q. Yang, 2010). My findings partially support the argument presented by Prud'homme and Baron (1988) that some migrants do arrive with high expectations prior to their arrival. Indeed, a sub-theme that emerged in my study, was the extent to which migrants had believed the external image of New Zealand, as highly regarded on numerous international rankings, such as being the

most transparent in its public sector (Transparency International, 2011), one of the most peaceful nations (Vision of Humanity, 2010, 2011), one of the best in degree of freedom of its press (Reporters Without Borders, 2010), one of the most sustainable states (The Fund for Peace, 2011), and one of the best countries for mothers (Save the Children, 2012). Most importantly, their pre-migration expectations were contrasted with their experiences of hardship, expressed by *assimilation pressure* and *post migration reality and tensions*, themes that suggest they did not fully benefit from being in a fair, equal and clean society. Rather, these factors, externally displayed to other countries, obviously created an optimistic misconception of Aotearoa/New Zealand, which resulted in heavy disappointment that was often devastating for many of them.

Their grievances shared throughout this research are consistent with the findings of other statistical literature. In particular, the *assimilation pressure* theme group and *post migration reality and tension* theme that emerged in interviews largely support the points raised by Nana, Sanderson and Hodgson (2009) who argued there is a mismatch between policy and labour market demands, and Badkar and Tuya (2010) who discussed how Asian migrants in Aotearoa tended to be overqualified and more likely to be underpaid compared to average New Zealanders (Statistics New Zealand, 2009). Furthermore, they are more likely to be unemployed than the average New Zealand population (Statistics New Zealand, 2010a). The same theme group also supports the examination of the housing market between 1962 and 2006 by Coleman and Landon-Lane (2007) which suggests that the migrant population has a limited effect on the New Zealand housing market. If migrants, particularly the increasing number of Asian migrants, pushed up the housing market after the 1990s “*inv-asian*”<sup>27</sup>(Spoonley, 2009; Spoonley & Trlin, 2004), there would have been a lot more statistically significant changes in various economic indicators which would show Asian migrants having the least life struggles. My research

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<sup>27</sup> The first appearance of the term “*inv-Asian*” was in the Auckland community newspapers in 1993, emphasizing the negative connotation of having increasing numbers of Asian migrants to the area at that time.

findings, in support of the above statistical examinations by other researchers, clearly indicate this was not the case.

The *assimilation pressure* theme group also pointed out the psychological aspects, namely Asian migrants being victims of discrimination in Aotearoa/New Zealand, as well as suffering from the gap between their expectation and the reality. In particular, my findings on discrimination support previous work by the New Zealand Human Rights Commission (2012) on the widespread nature of discrimination which targeted Asian people. Similarly the *assimilation pressure* theme group endorsed the findings of a study of Indian migrants' economic integration in the Auckland region by Lewin et al (2011) which revealed that significant proportion of discrimination and harassment being reported, not only in Auckland, but also in other parts of the country.

My findings reaffirmed the same social responses toward Asian migrants as McIntyre, Ramasamy and Sturrock (2003)'s study that reported the subtle notion of negative attitudes across the country toward Asian migrants. Such an ambient form of racism and discrimination emerged as a sub-theme in both key-informant and focus groups, in particular, the *negative media influences* theme, which supports the notion that McGregor (2007) discussed on how the New Zealand mainstream media portray the image of Māori and Asian people negatively.

However, my research did not confirm exactly the same type of socially-forcible modification of identities that local media reported for Asian migrants (Gregory, 2005; Tan, 2010), mainly due to the fact that interviews were not specifically focused on Anglicisation issues. Having said that, experiences with unemployment in general were commonly shared by most of my participants. My research findings considered the notion of monolingualism, as some informants said speaking a non-English language was (still) not well accepted in Aotearoa/New Zealand. This resulted in being discouraged from conversing in their ancestral languages.

In terms of the general wellbeing of migrants, my findings support Anderson's (2007) study on the socio-political aspects of tuberculosis

epidemiology among Indian, Korean and Chinese migrants in Aotearoa/New Zealand. Their low socio-economic status was aggravated by discrimination which was harming their health, as further confirmed by Harris et al (2006)'s examination of the negative correlation between health, including mental health and discrimination.

Overall, my research findings mostly supported the findings of earlier studies on discrimination against Asian migrants in Aotearoa, significantly affecting their social and psychological wellbeing. To a large extent, my findings simply reflected the normalised discrimination against migrants in Aotearoa/New Zealand, which causes them to explore and thus redefine their identities.

My main aim in this study was to investigate Asian migrants' perceptions of the Treaty, which eventually evolved to look further into how their worldviews started to change after their experience of learning about the Treaty. Their stories were shared in a context of acculturation after their arrival in Aotearoa/New Zealand, and an analysis of their narratives revealed how their experiences superseded concerns of coping and adaptation. This had a definite impact on their worldviews, which were shaken by many unexpected and unsettling processes, which in turn became a leading theme.

Technically speaking, Asian migrants, in general, managed to cope with a different environment, especially since the English language proficiency requirement, implemented since the mid-1990s, was largely complied with (Farmer, 1997). Along with a number of multilingual service provisions in both public and private sectors, barriers on a day-to-day basis have been lowered. However, my research findings had valuable insights from key-informants who seemed to have overcome the commonly argued social barriers on English language and demand for vocational skills. My discussion in this section moves beyond commonly discussed future implications on the socio-economic integration of Asian migrants – such as assisting migrants to speak English fluently or provide vocational training for better settlement strategies – in order to address the psycho-social dimension of integration of migrants. Isolating socio-economic integration

is important to addressing covert assimilation beneath the superficial layer of social integration. In that regard, my findings extends to the New Zealand context, Bowskill, Lyons and Coyle's (2007) critical analysis of the hegemonic nature of integration discourse in British print media.

As previously discussed in this chapter, the assimilation pressure theme and busy life theme clearly show how the level of struggle affected migrants' lives in Aotearoa/New Zealand, leaving them in a vulnerable position, instead of benefiting from financial advantage in a new country after setting. They discovered their skills, qualifications and social knowledge (the norms and values that they grew up with) were not easily transferable to a new country. Acculturation struggles were highlighted by multiple themes in my findings, namely the *immigration motives* theme, *desires to retain their traditions* theme, *assimilation pressure* theme, and *busy life* theme. Not only contextual representation by these themes, but also the gap between their motives, desire and the reality, seemed to have exhausted the acculturation buffer that Koltko-Rivera (2004) described in his critical examinations of various worldview theories. The way these themes emerge and construct combined phenomena also supports Koltko-Rivera's (2004) differentiating description of psychological schema and worldviews. He asserts that dissimilar peoples' psychological schema, in which worldviews are challenged generally, produce significant psychological unsettlement.

Considering the level of psychological transformation process in my findings, conventional acculturation theories are deemed to be insufficient to examine the journey of Asian migrants redefining their identities after their encounter with the Treaty and Māori culture: especially in regard to culture shock, coping, and adaptation (James, 1997; C. L. Park & Folkman, 1997; Poot, 1993; Ward, 2009); socio-economic integration (Berry, 1997, 2008; Rudmin, 2003); or acculturation attitudes (Ward, 2008). These acculturation studies of ethnic migrants living in settler nations did not address the process of psychological grievances and following enlightened pathways that my participants shared in this study. In particular, factors associated with the acculturative process that Berry (Berry, 1997, 2008) and other researchers (e.g. Ward, 2008) attempted to

quantify and measure, were not only superficial but also speculative, failing to hear actual voices from Asian migrant communities to infuse a genuinely cross-cultural psychology.

In addition, the *confusion* theme that emerged from focus groups denoting the existence of implicit discrimination and the absence of social cohesiveness on Waitangi Day signifies the depth of the problem in studying acculturation in Aotearoa. Without acknowledging the culture and history of Māori people, the settlers' history cannot be firmly constructed before being shared with migrants coming at later times. In other words, my participants could not recognise a reference point to integrate with. Precisely on this point, my findings support Pearson's (2000, 2002) critical argument on the irresolute nature of collective Pākehā identity in Aotearoa, and Pratto and Lemieux (2001)'s critique on the discourse ambiguity behind Canadian immigration policy with a very similar problem.

### **Multiculturalism and biculturalism**

One of the most fascinating aspects of debates on multiculturalism in Aotearoa is its perception as leverage against biculturalism. Biculturalism was established to reinstate what was promised under the Treaty (Walker, 2004), and to advance public advocacy to socially implement the ethos of Treaty partnership in Aotearoa/New Zealand, not to be limited to governmental processes (Barrett & Connolly-Stone, 1998) but also to commercial and community organizations, as well as each individual member of the wider community respecting the Treaty (Johnson, 2008).

Those who follow the philosophy of multiculturalism claim that it advocates indiscriminate support of different cultural values. However, the most peculiar aspect of multiculturalism in Aotearoa is its conspicuous construction of discourse against biculturalism and the Treaty (e.g. Rasanathan, 2005). That is, the discourse of multiculturalism in Aotearoa is maintained by deliberately misrepresenting the ethos of biculturalism.

In my findings, none of the participants, after learning about the Treaty, saw biculturalism or the Treaty as precluding them as Asian migrants to Aotearoa (Ip, 2003; Lowe, 2009; New Zealand National Commission for UNESCO, 2009). Instead, they saw cultural diversity being embraced

within biculturalism as their learning progressed, in support of Vasil and Yoon (1996)'s discussion. At the same time, they started to comprehend the double-standard nature of multiculturalism. Even prior to their Treaty learning engagement, their narratives on post-migration hardship, particularly represented by the *assimilation pressure* theme, indicate that meaningful social embracement by multiculturalism did not occur in their post-migration lives in Aotearoa. In reality, multiculturalism in practice comes with a number of conditions, such as “containing” ethnic cultures within a peripheral part of society (Abbas, 2005); a strong notion of nationalistic conformity (Langlands, 1999; McCrone, 1997); covert encouragements to privilege assimilation (C. Harris, 2001); of monocultural social processes remaining unchanged (Pitcher, 2006), and so on.

Such a lack of claimed social accommodation with multiculturalism in actual practice could be defended by arguing for its premature development in Aotearoa/New Zealand (Lowe, 2009). However, this does not alter the fact of my participants' hostile experiences since their arrival, and as is supported by other literature (Ajwani et al., 2003; Badkar & Tuya, 2010; Hajat et al., 2010; Harre, 2013; Martin & Pritchard, 2010; Ministry of Health, 2006, 2009; Statistics New Zealand, 2009, 2012a). Such a defence would still fail to address the double-standard nature of multiculturalism, frequently used to mask institutional racism.

On one level, the claim of a certain racism existing within multiculturalism is an exaggeration. Still, multiculturalism without recognition of the Treaty, is almost synonymous with the modern construction of Pākehā standard stories (R. G. Nairn & McCreanor, 1990, 1991; R. G. Nairn et al., 2006). Essentially, it becomes a denial of settlers' past journey to and in Aotearoa. The *confusion* theme that emerged in focus groups clearly signifies such a notion, where my participants described the disharmonic atmosphere at Waitangi Day events in which they had participated.

Alternatively, multiculturalism in Aotearoa has been brought up as leverage against biculturalism to politically manipulate an increasing number of migrants, particularly from Asia since the 1990s (Johnson,

2008; Spoonley, 2009). This assumption may explain the erratic passage of multicultural discourse, due to its weak theoretical foundation, but practically in accordance with economic and consumer trends (Fish, 1997; S. Pearson & Kothari, 2007; Shand, 2002). While some of my key-informants discussed possible intercultural engagement between migrants and tangata whenua, their experience and aspirations were not discussed in the same context as Fish (1997) discussed in his “boutique multiculturalism” paper, nor like the de facto multiculturalism discussed and critiqued by S. Pearson and Kothari (2007).

The fact that Aotearoa/New Zealand did not have power to withstand historic economic influences resulted in a number of drastic changes in its social policies and legislation (Lunt et al., 2002). The development of New Zealand as a British colony was hampered by its problematic financial entanglements with London (McKinnon, 2003), the statue of Westminster and its later adoption by the New Zealand parliament, as well as the removal of the British subject entitlement from New Zealand passports in 1977 (“60th anniversary of NZ citizenship celebrated,” 2009). All these factors show the gradual separation of this British dominion from its “homeland” over time. Hence, the reluctant separation of New Zealand from the United Kingdom created a significant identity problem (D. Pearson, 2000, 2002). Considering the gravity of undesired separation amongst the settler population in Aotearoa/New Zealand, the terms “coping and adaptation” regarding Asian migrants also suggest an unwilling compromise (Brawley, 1995; Ongley & Pearson, 1995; Roy, 1966) at admitting Asian migrants in response to the country’s economic needs (Immigration New Zealand, 2007; Iredale, 2000; Kasper, 1990). Assuming such a collective hesitation generates ambient tension may explain why a number of my focus group participants could not help themselves feeling peculiar in their experience of Waitangi Day.

On the other hand, their narratives on post-learning engagement were generally enlightened; learning about the Treaty definitely triggered a significant internalisation process, where they had begun questioning themselves on how they might truly become part of the wider Aotearoa/New Zealand community. In terms of their thoughts on their own

ethnic and cultural identities, this process facilitated them in reaffirming their ethnic and cultural identities without assimilating into any other culture. In learning Tikanga Māori, it is inevitable that they would clearly identify themselves with genealogical or location descriptions. Hence affirmation of biculturalism brought them an answer, an achievable pathway in their post-migration journey.

### **The Treaty and immigration**

One of the most commonly heard, yet misunderstood, interpretations of the Treaty is its perceived irrelevance to immigration control and immigrants coming to Aotearoa/New Zealand. Such misconceptions frequently define the Treaty as: separatist politics (Mitchell, 1990); limited to historical land ownership grievance; only between Pākehā and Māori, not others (Rasanathan, 2005); and being about special rights for Māori (Brash, 2004, 2006; Minogue, 1998). Since my initial research question had a focus on the knowledge aspect, what my participants knew about the Treaty remained important. However, the process of their shifting perceptions became more important because of their significance in their narratives. Supposedly, these misconceptions are common amongst Asian migrants. It is still noteworthy that my participants chose not to subscribe to such beliefs after learning about the Treaty, which indicates that it was beyond the depth of their knowledge about the Treaty.

The foremost reference in the Treaty is the preamble, "*Peace and Good Order has deemed it necessary*", which referred to much needed immigration control. The increasing number of immigrants coming to Aotearoa/New Zealand was recognised with such statements as "*the great number of Her Majesty's Subjects who have already settled in New Zealand*" and "*the rapid extension of Emigration both from Europe and Australia*" (Orange, 1992; "Te Tiriti o Waitangi/The Treaty of Waitangi," 1840). This part was mentioned in several key-informant interviews which signify the degree of their understanding of the Treaty. In fact, many of the interviews were based on their stories after they had become aware of this part of the Treaty. They viewed the Treaty as the fundamental principle of Aotearoa, as tangata tiriti, supporting the concept as discussed by Durie

(1989), Vasil and Yoon (1996), Human Rights Commission (2003) and Franks (2001).

During the early stage of my research, I had managed to obtain a few ministerial documents under the Official Information Act of 1982, specifically regarding how Cabinet, the Department of Labour, and Te Puni Kokiri worked to minimise Māori involvement (Office of the Minister of Immigration, 2006) with the Immigration Act review commenced in 2005 (Immigration New Zealand, 2005a). In order to triangulate the potential source of the political impetus, this was supplemented with obtaining expert reports submitted to the Waitangi Tribunal in 1992 and 1994 for the WAI223 claim on the lack of consultation with Māori for immigration policy review in 1991. In the case of the 1990 policy review, Tim Stephenson (1992) and Tom Bennion (1994) in their expert reports pointed out the lack of an agreed constitutional arrangement for sharing management of the country's immigration control, and the absence of definitions around what would constitute adequate consultation with tangata whenua for central government level authorities. Likewise, the 2005 review, with the principle arguments provided by White (2005), dismissed the need for involving consultation with Māori at a legislative level.

These experts' responses and the following government reactions left residual sourness in public discussions on the Treaty and immigrants. More clear cut were an analyses of the Treaty by Chris Ryan (1997) and a legal discussion by Noel Cox (2002). Adding to the confusion, Immigration New Zealand (2005b) belatedly recognized the Treaty principles and stated "*Immigration New Zealand will consult with Māori on immigration matters*" (p.6). However, after reviewing these internal ministerial level discussions, it is difficult to endorse the Legislation Advisory Committee (2007)'s guideline statements, assuming that Bills introduced to the Parliament do not infringe or are not constructed inconsistently with the Treaty principles.

To a large extent, this is why my participants, particularly those involved in the focus groups, felt peculiar and with a number of unanswered questions

until they had a chance to learn about the Treaty. After all, most of my participants wished that they had learned about the Treaty at the early stage of their migration to Aotearoa, while supporting the findings of the State Service Commission (2004). By understanding the Treaty, and unlike these government and designated experts' responses, my participants felt they finally obtained an answer – or a firm reference point – to fully understanding their host society.

### **How Asian migrants view the Treaty**

The previous section presented the theoretical implications of my findings on discussions in the past on the Treaty and immigrants. In contrast to these discussion documents cited by government officials, my participants felt they had found the missing piece of the jigsaw puzzle by learning about the Treaty. This is the important piece of information that they felt they was missing, as discussed earlier in this chapter.

Their initial confusion started from not being prompted to learn about the Treaty when they applied for permanent residency or at the time of their arrival. Because no follow up was made about learning about the Treaty, they did not seek further information until specific circumstances occurred. These included: job interviews, school homework assigned their children; post migration training at tertiary level; and community-based education programmes.

While these opportunities varied amongst migrants and posed some difficulties to generalize, how their views of the Treaty changed through this experience were quite consistent. This was especially so for those who came from former British colonies in Asia, many of whom drew a comparison between the history of their home countries and the history of Aotearoa/New Zealand. Those who were from Taiwan also drew a very similar comparison between the indigenous issues in Taiwan and those of Māori people.

My findings on drawing such historical parallels, which occurred in learning engagements, partially supports schema theories (Nishida, 1999). A number of my participants integrated their new understanding of the Treaty and the current socio-political status of Māori people, who are in

fact indigenous to Aotearoa/New Zealand, with their previous knowledge and understanding of the history in their home countries. Because many of them came from countries that experienced British colonisation (or countries that experienced conflicts between indigenous people and immigrants), the majority of my participants did not have difficulty in comprehending the significance of the historical grievances and the following social consequences in Aotearoa. Their pre-migration knowledge and social experience were a logical framework to potentially explain, with the psychological scheme model.

However, some participants clearly experienced having their worldviews rattled after this same learning engagement. Their narratives of shaken worldviews aligns with Koltko-Rivere's description (2004) of worldviews as one's core values being rejected and feeling shaken. My findings also suggest some participants' experiences were beyond making slight amendments in their historical knowledge. Instead, this new information challenged their sense of justice and worldview. To be more precise, their learning engagement was only a starting point; inevitably, most of them started to question their social space and their worldviews after learning about the Treaty. The findings point out that deeply meaningful thoughts on how they could fit into Aotearoa/New Zealand occurred after learning about the Treaty; their true acculturative thoughts were triggered by these learning experiences. In this regard, my study raised an important point that a more meaningful and effective acculturative reflection occurs with encountering indigenous culture and history, supporting Dandy and Pe-Pua's study (2013) that looking into the interrelations between immigrants and indigenous people interrogate the social issues in settler' nations. Hence my findings do not support previous studies (Aycan & Berry, 1996; Berry, 1997, 2008; Kim & Berry, 1993; Ward, 2009) on ethnic immigrants trying to adjust to settler states by various coping strategies. While I agree with the calls to rethink Berry's theories, such as Lazarus (1997) and Ward (Ward, 2008), my findings do provide a much clearer insight for migrant experiences in Aotearoa/New Zealand, as one of the settler nations, for a more affirming process of their own identities.

### Redefining who they are

A number of my participants reported that following Treaty education they felt like they had found an important clue to their questions. It really sounded like they found a missing piece of a puzzle. The “finding the missing piece” effect also facilitated a subsequent internalisation with the following representative self-awareness: how they would fit into Aotearoa/New Zealand with the Treaty; reaffirm their ethnic and cultural origins in accordance with Tikanga Māori; and eventually realise they did not have to assimilate into the mainstream culture. This finding does not support pluralism as a possible solution (Pitcher, 2006; Plaut, Thomas, & Goren, 2009; Pocock, 2011; I. Sakamoto, 2007; Wieviorka, 1998) for resolving discrimination against immigrants and indigenous people.

Their experience of learning about the Treaty occurred in various ways; some people were fully self-guided, while some were partially taught. However, the journey they went through was all self-directed for an obvious reason: their process of internalisation was followed by reaffirmation of their own cultural and ethnic identities.

As discussed earlier in this chapter, integration by having no firm reference points to the fact that a mutual cultural engagement is no different from assimilation. My findings align with the critique by Bowskill, Lyons and Coyle (2007) that integration easily converts to covertly forcible assimilation. In contrast to this, learning about the Treaty, along with learning about Tikanga Māori, provided firm ground to anchor their identities and functioned as a solid platform to commence etic-emic exploration. In other words, mainstream cultural identity in Aotearoa/New Zealand is still irresolute without the Treaty (D. Pearson, 2000, 2002), and can only emerge when compared with other cultures and ethnicities (Doane, 1997; Langlands, 1999; Rumbaut, 1997a, 1997b). The notion of monolingualism that emerged with the *assimilation pressure* theme clearly supports the invisibility of mainstream culture which was suddenly delineated when one of my participants started to speak in Chinese.

If the existing acculturation theory still applies to my research findings as a full explanation of migrants' experiences, then their learning experience

should have become the actual starting point to integration. However, their initial attempts to integrate with mainstream cultural identity were generally unsuccessful, supporting the struggles described by previous studies on Indian, Chinese and Korean migrants in Aotearoa/New Zealand (Lewin et al., 2011; Meares, Ho, Peace, & Spoonley, 2010a, 2010b). Conversely, the mainstream culture failed to accommodate migrants' ethnic cultures because of its unsettled identity (Osler & Starkey, 2001). Integration is meant to represent being part of an existing solid-structure, which cannot be processed without having a counterpart identity already sound in its integrity.

Another important factor in their learning experience is the increasing awareness of the Treaty as inclusive, rather than exclusive, to certain groups of people in Aotearoa. They learned that the Treaty helped them identify with what part of the host society they best fitted with, without compromising their ethnic and cultural identities, so supporting the view of Vasil and Yoon (1996). In fact, they had to be more actively open with their identity as Tikanga Māori commonly requires everyone to state their identity and genealogical and geographical references (Te Rito, 2007; Waitangi Tribunal, 2004). With such social exercise, assimilation that ignores the historical origins of each individual's migration journey to Aotearoa/New Zealand (Callister, 2004) no longer dictates the process of exploring one's identity.

Hence their learning experience facilitated to recommence their post-settlement integration. However, it is now questionable whether the integration theories (Berry, 1997, 2008) are still appropriate for fully explaining the journey of my participants. The full theoretical functionality is provided with a firm cultural platform to accommodate migrants' different ethnic and cultural identities; while a partial implication is valid, the conventional theories on integration may only account for a limited range of social phenomena of ethnic migrants' journey in a new country.

Given that there was no implication of indigenous people, or an encounter with their culture, the theoretical framework of acculturation merely describes individualised psychological reactions without social context,

rather than holistically explaining the types of experiences migrants are likely to encounter and how they internalise these to themselves.

Ultimately, the absence of community perspectives in the conventional theory is the major contributing factor in reducing its application to the actual experience of immigrants.

### **The ultimate meaning of migration**

I have discussed how my research findings relate to existing theories in the study of ethnic migrants. The most significant absence in the conventional theories is their theoretical application at the community level. While every migrant's experience is unique to themselves, we should not simply dismiss the larger extent of their journey, namely being part of a local community in a new country. Therefore, this section aims to discuss how my findings unfolded to imply a community level acculturation.

Throughout different phases of the key-informant interviews, the consistent emergence of *Immigration is being part of the community* theme drove me to gain further insights to validate it with more narratives from other key informants. Despite most of my key-informants spending a considerable time telling me their hardship related stories, they also placed significantly more weight on the importance of being part of the community. Migration to another country is not just about satisfying life needs such as employment, schooling, housing and so on; contrary to industrially focused immigration policies in the last 20-odd years in Aotearoa/New Zealand (Farmer, 1997; Immigration New Zealand, 2007).

Their ultimate realisation was that becoming part of the local community is essential for a successful post-settlement life in Aotearoa, which clearly indicates that the traditional coping and adaptation approach can deliver an interim outcome in a new country. Indeed, acquisition of localised social process is important (Viruell-Fuentes, 2007), as much as my participants recognised. However, consideration for accommodating migrants to their communities with utilising the Treaty ethos was viewed more important.

Their Treaty awareness and reaffirmation of their ethnic and cultural identities also helped them to distinguish the needs for understanding localised social protocols from subtle cultural assimilation, which is often socially enforced as learning the “Kiwi way of life” (Brash, 2004).

More importantly, my key-informants regarded learning about the Treaty as essential to being part of the local community; knowing about the Treaty triggers the next question – what they could do to be part of the community. This internal shift also indicates that their post-settlement process became more actively self-driven, rather than being taught by a third party or being told to do something passively. The emergence of the *Moving forward to be empowered* theme demonstrated in my findings that individualised discourse of becoming good citizens (West-Newman, 2004) did not quite apply to their conclusions after learning about the Treaty and subsequent internalisation processes.

## Theoretical implications

The discussions I have made above examined whether my research findings endorse previous work in relation to the life journeys of ethnic migrants in a new country. Throughout my discussion, I have realized my participants' narratives cannot be theorised without consideration of their social contexts and implications. Hence, their learning experience of the Treaty and the following internalization became the key to their post migration lives in Aotearoa/New Zealand. There is no doubt that satisfying daily life needs is paramount, however, an achievement of such needs does not simply mean acculturating, merely addressing the most visible layer of ethnic migrants' lives in Aotearoa, without discussing where and how migrants finally feel settled in a new country.

However, concluding my study with a sole statement calling for social contextualisation would also disregard the complexity in their journey. Therefore, in this section, I will discuss more structural implications drawn from my research findings and discussion, and then present my life-journey model, with theoretical comparison with other existing models in acculturation studies.

### **Appropriateness of “Coping and adaptation”**

One of the biggest challenges in this study was the well-known theoretical approach to *coping and adaptation* of migrants in a new country. Because of its visibility to researchers, coping and adaptation tend to dominate the main focus on migrants' lives (e.g. Kosic, 2004). While its values are recognized as an important element in research, researchers tends to dwell on these themes, treating them as if they are the ultimate goal for migrants to achieve.

In previous sections of this chapter, I have separately discussed how multiculturalism fails to accommodate ethnic migrants (p.209); similarly the conventional acculturation theories also fail to address how ethnic migrants explore their identities in a new country (p.204). My argument is that the mainstream identity cannot function as an anchoring point to commence the acculturation process, such as Amiot, Sablonnière, Terry, & Smith's (2007) integration model, because of its unresolved nature.

Conventional integration models in settler nations are all based on an assumption that the settlers' identities are cohesive enough to accommodate new community members to mutually recognise ethnic and cultural identities. Such an assumption has not been scrutinised in conjunction with an examination of migrants' journeys, but more typically examined in scholastic challenges against white privileges (Liu, 2011; Tuffin, 2008). Moreover, the most problematic part is that research institutions (Huygens, 2007; R. G. Nairn & McCreanor, 1990, 1991; R. G. Nairn et al., 2006) in settler nations, including Aotearoa/New Zealand, also inherit such an assumption in their own acculturation research (Kim & Park, 2005), as they share the same identity problems derived from the settler community.

Considering this issue, academic research solely focusing on *coping and adaptation* is only producing an interim response to address issues surrounding ethnic migrants in Aotearoa/New Zealand. This is far from thoroughly understanding what ethnic migrants are likely to experience in their post-migration journeys. In terms of the government responding to reduce problems with *coping and adaptation*, it has restricted the residency criteria based on English language proficiency and transferability of job skills. The government's view is that coping and adaptation issues can be resolved by raising the thresholds of measureable criteria. Yet, various social indicators have shown ethnic migrants still suffer lower living standards (p.204).

While institutional racism in Aotearoa/New Zealand is accountable for causing significant social and psychological grievances among ethnic migrants (e.g. Tuffin, 2008), simply attributing institutional racism to the failure of coping and adaptation (e.g. Amiot et al., 2007) will not help researchers to understand the true dynamics of the migration journey. In order to overcome the exaggerated emphasis placed on these superficial categories, a different approach of probing further is required.

### **Worldviews and schema**

As I discussed previously, it is important to critically examine how migrants' worldviews were challenged and redefined in their journey. The

traditionally investigated elements of coping and adaptation would exhaust most researchers' resources before they would reached the core issues. The worldview theories provide a formerly unidentified process of how migrants reaffirm their identities and reconstruct their worldviews in a new country.

My initial approach was to examine whether the schema theory, traditionally discussed in psychology, was more appropriate to replace the thesis of *coping and adaptation*. Psychological schema emerged in a part of my research findings, providing one strong explanation for some Asian migrants who withdrew themselves from learning about the Treaty, because of their pre-established schema regarding ethnic conflicts. Specific to this theme, the schema theory works perfectly, supporting Nishida (1999)'s discussion on schema utilisations.

However, this theoretical approach failed to explain the process of identity exploration after learning about the Treaty. Similarly, my findings do not support the self-schema concept (Howard, 2000; Reicher, 2004), discussed with an emphasis on social minority identity in relation to the dominant social group. However, one agreement is made with my research findings on Howard's description of group schema, which functions to summarise and provide explanations for justifying one's social relationship. To be more precise, the role of schema is a specified knowledge organisation to facilitate faster processing (like a template) in one's life, as a superficial layer of our cognition (Koltko-Rivera, 2004). *Coping and adaptation* is a process of amending one's psychological scheme; essentially they are pointing at the same phenomenon.

On the other hand, worldview theories provide more sophisticated logics to provide a much clearer explanation of the narratives. In Koltko-Rivera's discussion (2004), the *experiencing self* has *sensation* (most external), *acculturation buffer*, *worldview*, and *perceptual and conceptual core* (most internal) layers. In this model, migrants' acculturative experience and encounters could be described as reaching to different levels of layers. Schema is maintained when a *coping and adaptation* approach is identified within an *acculturation buffer*, while the *worldview* is positioned

as a deeper level of one's self in a coaxially aligned model. These relevant theoretical elements demonstrate how exhaustion of the acculturation buffer, combined with one's worldview being shaken, potentially occur concurrently. However, from a socially distant external observer's points of view, the latter phenomenon may not be recognised at all, due to its invisibility.

The other distinctive point of employing worldview theories is the subsequent psychological outcomes. Assuming one's acculturative experience only involves coping and adaptation of psychological schema, she/he would not feel rattled, while their pre-established values and beliefs would remain intact. On the other hand, if one's worldview is challenged, more serious reaction is expected to occur, because her/his intrinsic values – worldviews – are under considerable threat; minor-level adjustment is ineffective because it is a fundamental tremor.

### **The phase model**

Throughout my discussion based on my research findings, the optimum solution is a process-based model. The use of flow or a process-based approach aligned with the narratives that my participants shared with me for this study. My attempt to construct a model with generalisations of the themes may well go against the narrative research approach (Riessman, 2008). However, since a number of generalizable themes emerged in this study, which provide valuable insights for future research in this field, I chose to present my theoretical implications in a model.

R.E.Park (1926), J.W.Berry (1997, 2008), and Cross, Parham and Helms (1991) proposed different models to explain the process of self-defining identities from different perspectives. R.E.Park (1926) provides the earliest model of the process to settle in a different environment, in four stages: contact, conflict, accommodation and assimilation<sup>28</sup> it highlights the importance of looking at a migrant's internal development, starting from contact with a new culture, internal conflict before being able to

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<sup>28</sup> His use of the term, "assimilation", carried a different connotation in the 1920s, which was more like "integration" in J.W.Berry (1997, 2008)'s theory (Bowskill, 2007).

accommodate the new culture, settlement to accept the new culture, and assimilation as integrating with the host society. In relation to my model, the flow of contact and awareness is an essential part to contextualize my participants' journey. To a large extent, J.W. Berry's theory (1997, 2008) is also based on a very similar understanding that migrants go through the above processes. However, he argues that not everyone completes accommodating with a new culture in a new country, or understands the significance of cultural encounter with its inevitable impact varying on each individual migrant. Reflecting on my theory, it is paramount to be aware of significant psychological impact, as Berry's theory (1997, 2008) also implicates. Despite this, integration is discussed as the best achievable outcome for migrants, but no pathway was shown by Berry or researchers who endorse his theory. Moreover, there is a lack of community level consideration, as discussed earlier in this chapter, making it difficult to implement my participants' Treaty learning experience. Cross et al.'s model (1991), in fact, does not account for migrants' experiences, yet their modelling of internalisation is remarkably applicable to my participants' journeys, before and after they had learned about the Treaty.

### **The Treaty based journey model**

While these models above provided guiding points to consider the theoretical implications of my research, none of them was able to fully account for my research findings. Hence reengineering those models to fit with my findings is not the objective of my research. However, I present below how my participants' journeys progressed as a result of significant encounter and an involvement in learning about the Treaty. (see Figure 5)

The first phase is *struggle* after their arrival. Although they were deemed to have sufficient transferrable capital and qualifications, the psychological grievances in their narratives were staggering. Despite their attempts to "integrate" with the mainstream society, they still felt their efforts were futile.

The second phase is *learning* about the Treaty. Opportunities came in various forms, and the ways of learning engagement were also divergent. Although my participants engaged in different types of learning

experience, an eye-opening experience was clearly common. Their Treaty learning experience was a defining moment in their post-settlement lives in Aotearoa/New Zealand.

The third phase is *internalisation* after they learned about the Treaty, tikanga Māori, history, and other associated social issues in Aotearoa/New Zealand. The significant part of this phase is that my participants began to ask themselves questions; their understanding about New Zealand (as part of the British Commonwealth), with a number of positive public images had by then dissolved; their initial aspirations to live in a country claimed to have ethnic and cultural harmony became a mirage, leaving a vacuum in their heart. However, the new knowledge about the Treaty and Māori also facilitated them filling the vacuum with a redefining process, including: why they should remain in Aotearoa/New Zealand; becoming more aware of their cultural and ethnic identities; how they could take part in the local community; and so on.

The final phase might be called *enlightenment* after going through these phases. Not all participants reached this phase; some experienced a cyclical process before they attained psychological resolution with their own identities. The complex nature of their journeys must always be noted, as well as the observation that some are still on their way to reaching this phase. However, most of my key-informants became more comfortable with their cultural and ethnic identities, while at the same time, they better accommodated and respected other people's cultural and ethnic identities.

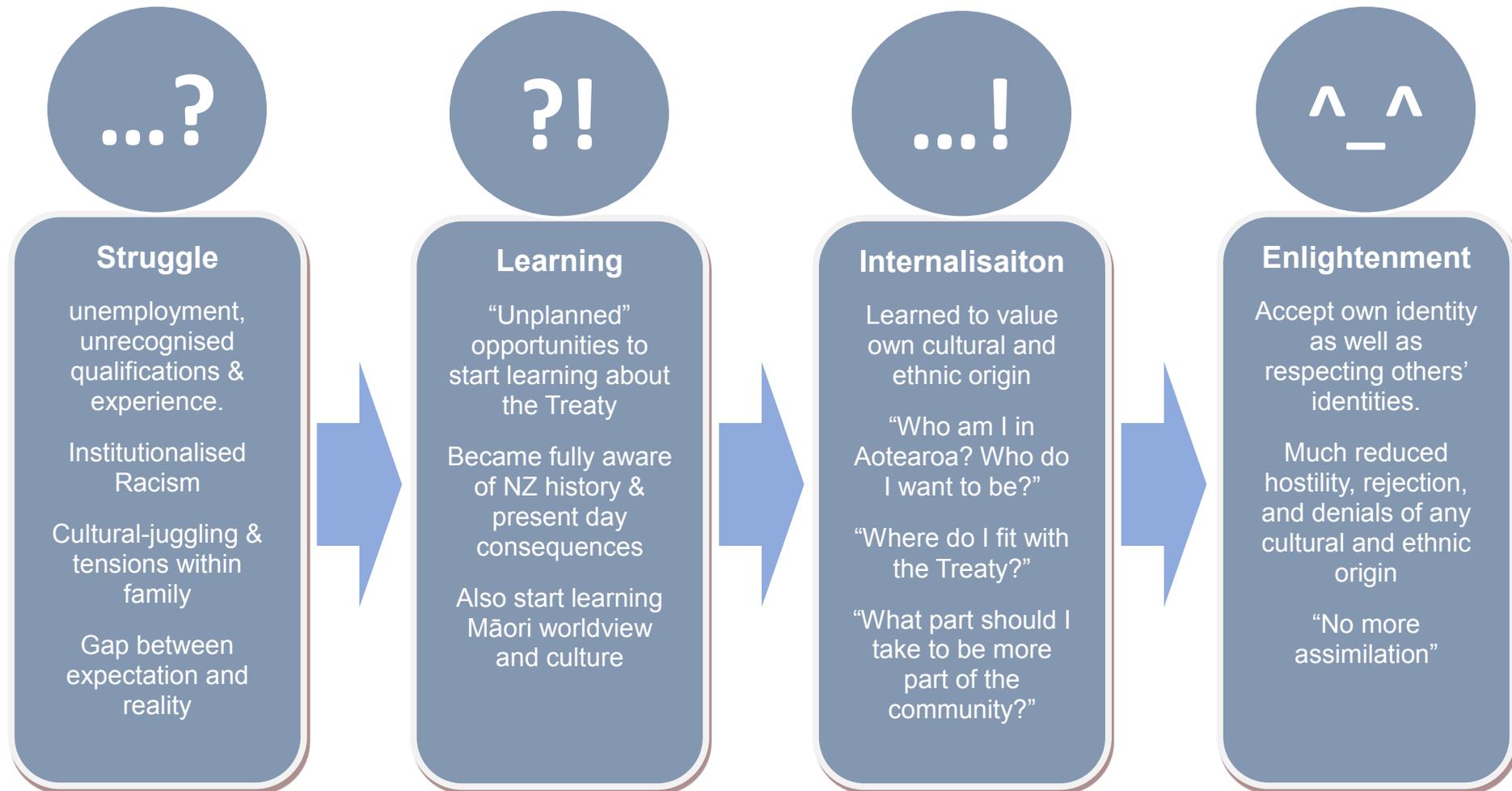


Figure 5. The Treaty based journey model

### **Biculturalism and ethnic immigrants in the same picture**

Another important implication from this research is a potential realignment between the Treaty and immigration to Aotearoa. While the phase model focuses on Asian immigrants' journey and their experience of learning about the Treaty as individuals, there is also a much wider social implication on realigning the Treaty and immigrants coming to live in Aotearoa/New Zealand.

My Treaty based journey model provides a generalised pathway for immigrants to explore their new identities in a new country. Through their journeys, the Treaty created the opportunity to reaffirm their cultural and ethnic identities, while understanding their social space in Aotearoa/New Zealand under the Treaty.

The compartmentalisation paradox is constructed upon the misinterpretation of the Treaty as a race relation issue between Pākehā and Māori. When this discourse construction attains a public recognition, the focus is then shifted to argue that immigrants are not included under the biculturalism banner. The next step is to promote multiculturalism as a pseudo-resolution, with an egalitarian dimension.

The misinterpretation of the Treaty as a Pākehā and Māori race relation issue separates the Treaty from immigrants, as it effectively minimizes the role of the Treaty's irrelevant to ethnic immigrants. However, my participants' narratives clearly show that learning about the Treaty and positioning themselves under the Treaty are not about assimilating with another race-based social institution. In fact, they discovered that the Treaty and Tikanga Māori embrace their ethnic and cultural identities. Essentially, the ethos of multicultural co-existence is well recognised and achieved under the Treaty, which is what my participants' experiences confirmed.

In order to remove ourselves from the monocultural paradigm which significantly devalues the Treaty and ethnic and cultural identities, it is important to recognise the flawed nature of a Pākehā social institution which denies its own origin, as well as Asian immigrants' journeys to

Aotearoa/New Zealand and their social and economic space under the Treaty (see Figure 6).

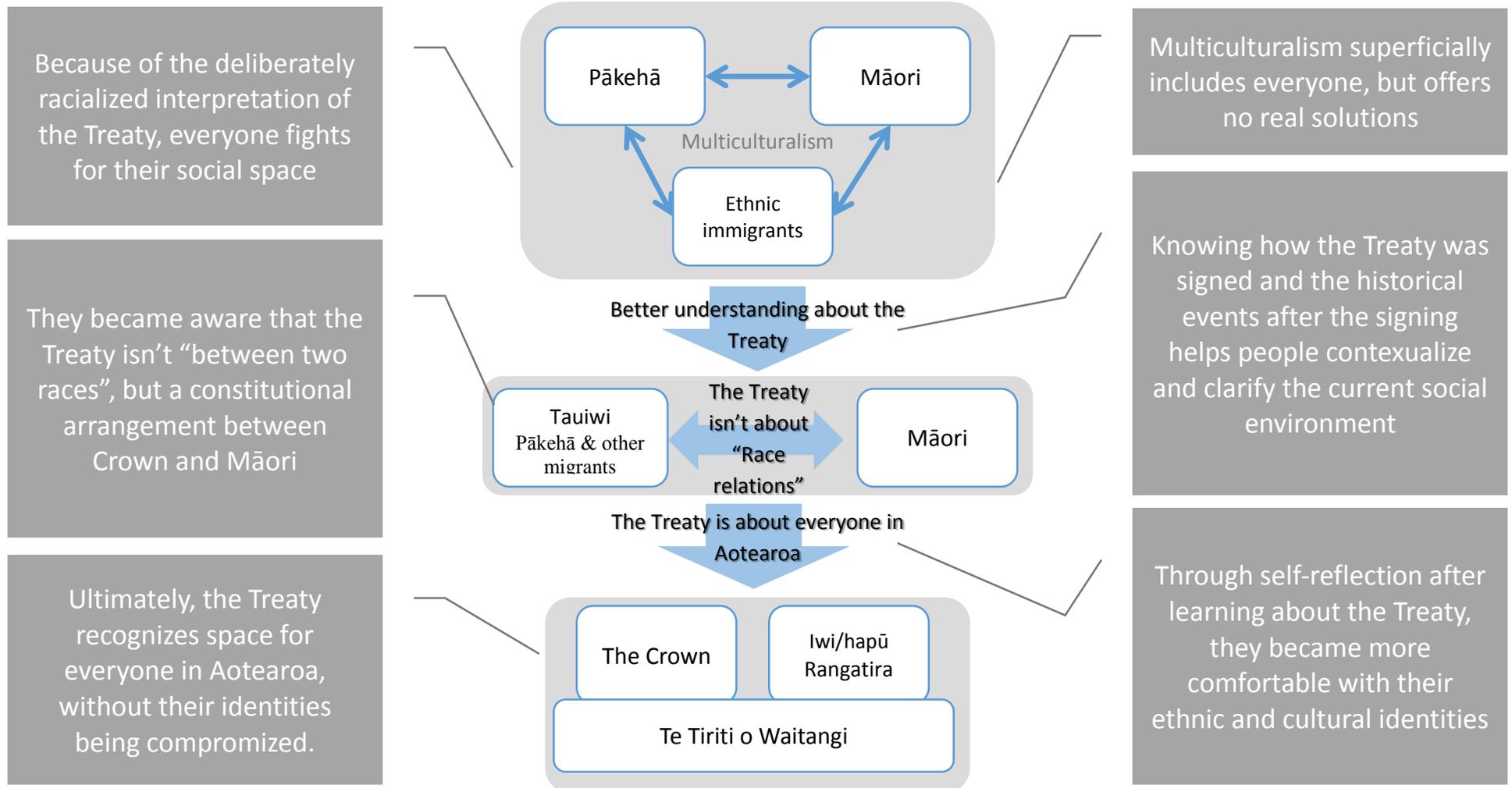


Figure 6. Reassembling the Treaty and immigration by reverse flow

## Limitations

Despite the number and diversity of people who participated in this research, there are some shortcomings and limitations to be overcome in future research. Because of the depth of scholarly publications on most aspects of this research topic, I deliberately chose exploratory approaches. I chose a participant-centred procedure which emphasized reflexivity, to gain further insights. Consequently the common methodological limitations, as well as some derived theoretical shortcomings, must inevitably be addressed before my conclusions.

In terms of the number and the range of ethnicities interviewed in this research, it is impossible to expect a reasonably strong statistical power to achieve a “scientifically sound” representation of the Asian population in Aotearoa/New Zealand. Because of the nature of the research topic, widely perceived as strongly politicised and contentious in Aotearoa, as well as the institutional ethics regulations restricting participant recruitment methods, a definite degree of self-selection occurred before my participants took part in this study. However, it is also noted that, generally speaking, ethnic minorities are a lot less likely to respond to any type of survey or research, due to the language barrier, embarrassment or fear, and so on (Hunt et al., 2000).

In my counterargument to the notion of achieving a statistical representation in social science research, the number of participants in my study satisfied the ratio required by the ergonomics theory of Nielsen & Landauer (1993), which concluded that the highest ratio of benefits to costs were achieved with 6.7 test users and 7.9 heuristic evaluators. Their findings also can be applied to some qualitative research findings (Guest, Bunce, & Johnson, 2006) where theme saturation occurred within the first twelve interviews completed, while the basic elements for metathemes began to saturate after conducting six interviews. My interview process supports these numbers, as most of the emerging themes were recorded before the completion of the second phase.

Besides, many of the themes that emerged were not identified in academic literature before this study. Without established themes,

construction of a quantitative questionnaire is nearly impossible. Perhaps, based on the findings in this study, a quantifiable testing inventory could be produced for other researchers.

Ethical and time restrictions on my research methods created another problem in collecting some of the participants' details. Consistent records of participants' exact age were not obtained in this research, as many people chose not to talk about this. Hence age-based comparisons were not conducted. However, their narratives were more concerned with the duration of their lives in Aotearoa. This was primarily because learning about the Treaty was not essential to gaining a vocational or academic qualification. Unlike an essential segment in a secondary or tertiary school curricula or age-related rites of passage, the process of learning about the Treaty is indiscriminate of immigrants' age.

Focus group participants' characteristics of age and gender have left a shortcoming for researchers who study ethnic migrants according to a similar method. Despite the best efforts made by the programme coordinators who assisted me to set up and recruit focus groups with minimal intragroup disharmony, having a loud senior male speaker in one focus group destabilised the group discussion process. Although it was not catastrophic and completely counterproductive, their group's discussion was less engaged than other focus groups. Perhaps, this could be mitigated by being aware of such a potential before organising a focus group. Taking extra time, where possible, to establish autonomous discussion rules may also be helpful.

Specifically regarding the model presented in this chapter, some theoretical limitations should be noted before applying this framework to another research project. First of all, because this model was a first of its kind in the studies of ethnic migrants' journeys in a new country, its theory is yet to be tested by other researchers. However, as discussed earlier, the complex nature of their migration journey must also be considered before attempting to replicate the study findings.

Particularly the complexity around the cyclical nature of their journeys clearly indicates that it is not a one way journey; some people may

reengage the second and third phases, before reaching the final phase. The model itself is a product of generalisation, which may attract criticism of oversimplification of my research findings. Balancing the needs of theory modelling with the risk of oversimplification was difficult to achieve, and will always be debated, but this study aims to produce a scholarly contribution for other researchers to understand how Asian people learn about the Treaty and explore their social space in a new country.

Another shortcoming of this study is that the model may misrepresent migrants' journeys to learn about the Treaty as the ultimate solution to psychological problems amongst ethnic migrants in Aotearoa/New Zealand. Indeed, most people would not draw a direct relationship between ethnic migrants and the indigenous people of Aotearoa/New Zealand, because of the enduring social construction of the country's origin. One important note for other researchers is that participants' learning experience itself was not the ultimate answer to integration theories; their learning experience helped my participants to open their eyes to commence their self-directed exploration of their own identities in Aotearoa/New Zealand.

However, it does not necessarily mean that everyone who learns about the Treaty will definitely have the same type of realisation and self-reflections that my participants experienced. If relevant information is not provided to migrants, or if they are ill-informed about the Treaty and Māori culture, they may subscribe to the standard stories and hold negative sentiments towards the Treaty.

## Conclusions: whakaaro whakamutunga

Contrary to the initial research aims focused on the educational aspects of learning about the Treaty, a number of fascinating themes emerged as a result of conducting interviews and focus groups in which my participants' narratives were shared. Indeed, the knowledge and educational aspects remain important, and their value should never be dismissed. Participants' journeys would not have been initiated without having an opportunity to learn about the Treaty. However, the initial aims were overwhelmed by the significance of internalisation and the ultimate enlightened stage in the journey which followed learning about the Treaty. They began exploring their social spaces and redefining their cultural and ethnic identities in Aotearoa/New Zealand as a new country.

In hindsight, studying solely how the Treaty is perceived amongst Asian communities in Aotearoa would lead only to superficial observations. It would more likely lead to the recording of various fragmented views of the Treaty. As discussed earlier in this chapter, participants' experienced having their worldviews shaken, after Treaty education which resulted in a serious challenge to their views of social justice in Aotearoa/New Zealand. Restricting my scope to their perceptions without stepping out of my initial aims, would have only permitted me to see fragments of confusion and unachieved aspirations.

Findings in this study show us that migrants' post-settlement identity exploration was inseparable from their learning experience about the Treaty. Public debates and scholarly discussions around the Treaty have tended to disregard ethnic migrants' integration into the host society of Aotearoa/New Zealand. The most significant achievement of this study is consolidating these formerly separated discussions in an incorporated theorisation to form a derived model. The model also addressed the stratifications for the acculturation buffer created with one's psychological schema, which is maintained by coping and adaptations in encounter with a foreign cultural practice. It thus differentiates from the worldviews at a deeper level of a migrant's self. Establishing a theoretical challenge to acculturation theories was achieved by my examination of the superficially

unrelated social subjects, the Treaty of Waitangi and Asian migrants in Aotearoa/New Zealand.

### **Future theoretical implications**

Traditionally, acculturation theories only looked at individualised elements of migrants' post-settlement journeys. In fact, there was very little consideration to migration as a journey, where migrants explored their identities in a new country. While the risk of dismissing some important fine detail is possible, removing migrants' experiences in different phases of their journeys can only decontextualize the themes and eventually relegate the significance of their emergence in the first place. My approach in this study was a way to revisit the original intention in the study of ethnic migrants' psychological processes.

Further to the point, the conventional acculturation theories studied did not provide a pathway to attain integration, but only suggested an idealised goal statement. The process to reach true integration has not been well explored. The conventional theories of acculturation have been discussed and utilised over the last decades without showing a working model. Although this study is one of the first of its kind, and yet to be further examined by other researchers, it contributes seriously to the discussion. Studies in the past, as discussed earlier in this chapter, described a partial understanding of migrants' journeys in a new country. My theorised model should now be considered, at least as one potential method, to examine the psychological process triggered by learning about the Treaty as a social process.

### **In future research...**

Acculturation is not one singular psychological process of an individual. It must be described as comprising significant social layers, and in the Aotearoa/New Zealand context participants' learning experience of the Treaty must provide a key element.

Future research may extend this study, and the proffered model. Others may attempt to describe how the social integration of a migrant is achieved without involving the learning experience of the Treaty. Such studies in the future will also have to produce valid evidence to prove that

adjustment of migrants' psychological schema satisfactorily achieves psychological settlement in a new country.

Similar studies in other settler nations, such as the United States of America, Canada and Australia, may be benchmarked with the historical development of the indigenous peoples of those countries. A full replication of my study may not be attainable due to their substantially different history of colonization, but considering this approach in an examination of ethnic migrants' post settlement processes may produce some meaningful contribution.

### **Final thoughts**

Overall, this study questions conventional approaches in acculturation studies of ethnic migrants in Anglophone settler nations. Unwittingly, academic research on ethnic migrants in Aotearoa/New Zealand has focused on the monocultural, reflecting the legacy of the New Zealand dominion and its existence to date, largely ignoring the essential involvement of Māori people as tangata whenua residing here for centuries before the arrival of European settlers. This study endeavours to reposition tangata whenua and the Treaty to accommodate and embrace cultural and ethnic diversity in Aotearoa. Attempts made in the past to address acculturation of migrants in a settler Anglophone nation, built upon the notion of avoiding identity exploration, merely caused further confusion amongst themselves and for new migrants'. With the experiences shared and recorded, theoretical reflection, and scholarly analysis, this thesis offers an alternative approach.

However, understanding where we all come from must be distinguished from a guilt-making exercise. As my participants' narratives and experiences have shown us, understanding ourselves is the key for mutual respect in our society.

*Ma te huruhuru te manu ka rere, ma te ao te rangi, ka  
uhia.*

*By her feathers, a bird soars, and clouds cover the face of the sky. Change and growth are a part of life (Te Awekotuku, 1984)*

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## Appendices

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### Appendix A: Expert Opinion on “migrant” in Te Reo Māori by Dr. Rangi Matamua.

Matamua, R. ( personal communication, December 18, 2013,  
December 18) . [Manene].

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In the past few months I have asked a number of Māori language advocates about their understanding of the word *manene* and if it is appropriate to use for migrant. This so-called research has no ethics, method or structured approach but was just part of my own desire to get other knowledgeable individuals to assist me to better understand this situation. The general feedback is detail below along with my own thoughts.

The main question I seek to answer is,

‘is the word *manene* the correct Māori term for migrant?’

The word *manene* is described by Williams (1992. P.175) as

(i), n. Stranger, one living in a strange country. *He manene ahau ki tou whenua.*

Papakupu adds,

*He tangata kāore e mōhiotia ana, he tangata rānei kua tatū mai i whenua kē, i iwi kē, he rāwaho.*

A person who is not known, a person from another place, another people, an outsider. (my translation).

The general consensus is that *manene* is more associated with stranger, or someone who is unfamiliar to an area or group. It has less to do with origins of the person and more to do with the place or situation. For example, someone from Ngai Tahu in the South Island could be referred as a *manene* in Waikato. They are still Māori, but have not been seen or heard of in the Waikato region. Someone from Tūhoe who is born in Australia and returns to Ruatoki for a tangi could be referred to as a *manene*. Their home people do not know them, have not seen them and the term can therefore be applied. They are still Tūhoe, but are a stranger in their traditional lands.

I have also heard the term used in the following manner.

*“he manene ia ki tōna reo”*

He and his language are strangers

This was said by a well-known Māori language exponent when he referred to a Māori person with limited te reo Māori ability. The term *manene* is suggesting that even though he is Māori, and his traditional language is Māori he is unable to speak the language, therefore they are strangers. It has nothing to do with origins and more to do with the relationship between a person and a place, a group or a situation. It is my belief that this is the real intent behind the word *manene*.

So the question can then be asked, how long does someone stay *manene*? If a stranger moves to a new area how long are they a stranger? Again this has to do with the relationship. I feel that when the relationship between

that person and whatever they are a stranger too changes, the word no longer applies. If a person spends time living in a community, builds and fosters relationships and becomes accepted then they are no longer *manene*. Likewise, if someone learns to speak te reo Māori and they use the language frequently that the language is no longer a stranger and the word does not apply.

So is the word *manene* the most appropriate for migrant? I say no. While it can be applied in most cases, as migrants are strangers to new places, the term does not remain nor does it suggest origin. A definition of migrant is,

- a person or animal that moves from one region, place, or country to another
- 2. (Life Sciences & Allied Applications / Agriculture) an itinerant agricultural worker who travels from one district to another
- 3. (Government, Politics & Diplomacy) *Chiefly Austral*
  - a. an immigrant, esp a recent one
  - b. (as modifier) *a migrant hostel*<sup>29</sup>

Migrant is usually used to describe an individual who has moved to a new country or place seeking better opportunities. Mostly these people are of a different origins to those who live where they have moved too. They are strangers initially, but what I feel defines them more than anything is their origins which includes language, culture and identity. The feedback from the discussion suggested that this kind of individual would be better described as tauwi or rāwaho.

Tauwi is explained as,

- n. Strange tribe, foreign race (Williams 1992. P398).

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<sup>29</sup> <http://www.thefreedictionary.com/migrant>

Rāwaho is translated as,

- a. From outside, outlandish.

While the term *manene* can be applied to migrant there are limitations to the word as shown above. The individuals I spoke with mostly agreed that rāwaho and tauwi were more appropriate terms and I tend to agree.

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## Appendix B – Supplementary information

**Table 1. Official classifications of Asian in U.S., Australia, New Zealand, and U.K.**

U.S. census 2000 definition	ABS ethnicity definition 2000	SNZ definition 2005	Statistics Canada definition 2006	UK census definition 2001	
				Level 1	Level 2
ASIAN (400-499)	5 SOUTH-EAST ASIAN	40000 Asian nfd	<b>West Asian origins</b>	Level 1	Level 2
400 Asian Indian (Checkbox)	51 Mainland South-East Asian	41000 Southeast Asian nfd	Afghan	WHITE	WHITE or WHITE
401 Asian Indian	5101 Anglo-Burmese	41111 Filipino	Armenian		British
402 Bangladeshi	5102 Burmese	41211 Cambodian	Assyrian		Irish*
403 Bhutanese	5103 Hmong	41311 Vietnamese	Azerbaijani		Other White background
404 Burmese	5104 Khmer	41411 Burmese	Georgian		All White groups
405 Cambodian	5105 Lao	41412 Indonesian	Iranian	MIXED	MIXED
406-409 Not Used	5106 Thai	41413 Laotian	Israeli		White and Black Caribbean

410 Chinese (Checkbox)	5107 Vietnamese	41414 Malay	Kurd		White and Black African
411 Chinese	5199 Mainland South-East Asian, n.e.c. (includes Arakanese, Karen, Mon)	41415 Thai	Pashtun		White and Asian
412 Taiwanese	52 Maritime South-East Asian	41499 Southeast Asian nec	Tatar		Other Mixed background
413-419 Not Used	5201 Filipino	42100 Chinese nfd	Turk		All Mixed groups
420 Filipino (Checkbox)	5202 Indonesian	42111 Hong Kong Chinese	West Asian, n.i.e.	ASIAN or	ASIAN or ASIAN BRITISH
421 Filipino	5203 Javanese	42112 Cambodian Chinese		ASIAN BRITISH	Indian
422 Hmong	5204 Madurese	42113 Malaysian Chinese			Pakistani
423 Indonesian	5205 Malay	42114 Singaporean Chinese	<b>South Asian origins</b>		Bangladeshi
424-429 Not Used	5206 Sundanese	42115 Vietnamese Chinese	Bangladeshi		Other Asian background
430 Japanese (Checkbox)	5207 Timorese	42116 Taiwanese	Bengali		All Asian groups

431 Japanese	5299 Maritime South-East Asian, n.e.c. (includes Balinese, Irian Jayan, Sumatran)	42199 Chinese nec	East Indian1	BLACK or	BLACK or BLACK BRITISH
432-439 Not Used	6 NORTH-EAST ASIAN	43100 Indian nfd	Goan	BLACK BRITISH	Caribbean
440 Korean (Checkbox)	61 Chinese Asian	43111 Bengali	Gujarati		African
441 Korean	6101 Chinese	43112 Fijian Indian	Kashmiri		Other Black background
442 Laotian	6102 Taiwanese	43113 Gujarati	Nepali		All Black groups
443 Malaysian	6199 Chinese Asian, n.e.c. (includes Hui, Manchu, Yi)	43114 Tamil	Pakistani	CHINESE or OTHER ETHNIC GROUP	CHINESE or OTHER ETHNIC GROUP
444 Okinawan	69 Other North-East Asian	43115 Punjabi	Punjabi		Chinese
445 Pakistani	6901 Japanese	43116 Sikh	Sinhalese		Other ethnic group
446 Sri Lankan	6902 Korean	43117 Anglo Indian	Sri Lankan		All Chinese or Other groups
447 Thai	6903 Mongolian	43199 Indian nec	Tamil	ALL ETHNIC GROUPS	ALL ETHNIC GROUPS

448-449 Not Used	6904 Tibetan	44100 Sri Lankan nfd	South Asian, n.i.e.	NOT STATED	NOT STATED
450 Vietnamese (Checkbox)	6999 Other North-East Asian, n.e.c. (includes Ainu, Menba, Xiareba)	44111 Sinhalese			
451 Vietnamese	7 SOUTHERN AND CENTRAL ASIAN	44112 Sri Lankan Tamil	<b>East and Southeast Asian origins</b>		
452-459 Not Used	71 Southern Asian	44199 Sri Lankan nec	Burmese		
460 Other Asian (Checkbox)	7101 Anglo-Indian	44211 Japanese	Cambodian		
461 Not Used	7102 Bengali	44311 Korean	Chinese		
462 Asian	7103 Burgher	44411 Afghani	Filipino		
463 Asiatic	7104 Gujarati	44412 Bangladeshi	Hmong		
464 Not Used	7105 Gurkha	44413 Nepalese	Indonesian		
465 Mongolian	7106 Indian	44414 Pakistani	Japanese		
466 Oriental	7107 Malayali	44415 Tibetan	Khmer		

467 Whello	7108 Marathi	44416 Eurasian	Korean
468 Yello	7111 Nepalese	44499 Asian nec	Laotian
469 Indo-Chinese	7112 Pakistani		Malaysian
470 Iwo Jiman	7113 Punjabi		Mongolian
471 Maldivian	7114 Sikh		Singaporean
472 Nepalese	7115 Sinhalese		Taiwanese
473 Singaporean	7116 Tamil		Thai
474-479 Not Used	7199 Southern Asian, n.e.c. (includes Bhote, Kashmiri, Sherpa)		Tibetan
480 Multiple ASIAN responses	72 Central Asian		Vietnamese
481-499 Not Used	7201 Afghan		East or Southeast Asian, n.i.e.
	7202 Armenian		Asian, n.o.s.
	7203 Georgian		

7204 Kazakh

7205 Pathan

7206 Uzbek

7299 Central Asian, n.e.c.  
(includes Azerbaijani, Chechen,  
Tatar)

**Table 2. History of New Zealand statutes, immigration, and citizenship.**

1840	.....	Either British subject or Alien (until 1949) - aliens would have to go through naturalisation process
1852	.....	The New Zealand Constitution Act 1852 - made a "kick start" for self governance
1866	.....	the Aliens Act 1866
1867	.....	The Maori Representation Act 1867
1880	.....	the Aliens Act 1880
1881	.....	The Chinese Immigrants Act 1881. Poll tax £10
1896	.....	The poll tax increased to £100
1896	.....	Asiatic Restriction Act 1896
1899	.....	The Immigration restriction Act 1898 - poll tax
1900	.....	The Maori Councils Act 1900
1907	.....	The Chinese Immigrants Amendment Act 1907 - assigned English test with writing 100 words
1908	.....	The Immigration Restriction Amendment Act 1908 - fingerprint requirement for Chinese when leaving NZ to prevent permit forgery
1908	.....	The Aliens Act 1908. Chinese were banned to naturalise until 1951
1914	.....	World War I
1917	.....	the Register of Aliens 1917
1917	.....	the revocation of Naturalisation Act 1917
1919	.....	Undesirable Immigrants Exclusion Act 1919 -aimed at excluding primarily at Germans, socialists and Marxists
1920	.....	Immigration Restriction Amendment Act 1920 - white New Zealand policy continued until 1974
1923	.....	The British Nationality and Statute of Aliens (New Zealand) Act 1923
1931	.....	the British Statute of Westminster
1931	.....	Immigration Restriction Amendment Act 1931 - "protect" NZ from aliens during the great depression

- 1939 .....Alien Control Emergency Regulations 1939 (and amendments)
- 1940 .....Alien Control Emergency Regulations 1940 (and amendments)
- 1944 .....The poll tax abolished
- 1945 .....Dominion Population Committee – supported migration from Britain for filling skilled human capital
- 1947 .....New Zealand adopted the British Statute of Westminster
- 1948 .....The Aliens Act 1948 moved responsibility for aliens to the Police dept
- 1948 .....The citizenship Act 1948
- 1949 .....Either New Zealand citizens or aliens
- 1951 .....Chinese were allowed to naturalise again.
- 1957 .....the Aliens Amendment Act 1957 moved responsibility for aliens to the DoJ
- 1959 .....the British Nationality and New Zealand citizenship Amendment Act 1959
- 1960 .....Immigration policies were amended to allow more skilled migrants
- 1962 .....Entry permit became compulsory before landing (excl. British, Canadian, and Irish citizens until 1974)
- 1964 .....The Immigration Act 1964. (hard-line policies for overstayers, retention of prohibited immigrants, etc)
- 1965 .....The Aliens Amendment Act 1965 moved responsibility for aliens to the DIA
- 1967 .....Set immigration quota was introduced
- 1971 .....The Race Relations Act 1971
- 1972 .....Ratification of the International Convention on the Elimination of All Forms of Racial Discrimination of 1965
- 1973 .....The UK moves to EEC, the NZ economy began declining after the oil crisis
- 1974 .....Review of immigration policy removed unrestricted access for British immigrants, while affirming free access for citizens of the Cook islands, Niue, and Tokelau. The first Vietnamese refugees (112 people) arrived.
- 1975 .....The Treaty of Waitangi Act 1975

- 1977 .....The Citizenship Act 1977. Review of citizenship removed the terms of alien and British subject
- 1985 .....The Treaty of Waitangi Amendment Act 1985
- 1986 .....The Constitution Act 1986 - Repealed the New Zealand Constitution Act 1852; the UK parliament no longer extends its power to the NZ parliament
- 1987 .....the Immigration Act 1987 - Removal of Traditional Source Country criteria for Immigration
- 1991 .....Targeted Immigration policy introduced with annual quota and the point system - aiming to gain high skilled professionals
- 1991 .....The Immigration Amendment Act 1991
- 1993 .....Human Rights Act 1993 (Repealed the Race Relations Act 1971)
- 1994 .....Pass mark was raised to 29 on 23 December 1994
- 1995 .....Pass mark was raised to 31 on 26 June 1995
- 1995 .....Immigration rules "tightened" in October 1995 - IELTS 5 + \$20,000 prepay ESOL for non-principle applicants if fail to meet
- 2002 .....The Local Government Act 2002 - Commitment with Local Iwi required
- 2003 .....The point system overhauled - IELTS 6.5 + and Expression of interest before the actual process (2 stage process)

Source: Parliamentary Library. (2008). Immigration chronology: selected events 1840-2008. Parliamentary Library Research Paper. Retrieved 4 September, 2008, from <http://www.parliament.nz/en-nz/parl-support/research-papers/00PLSocRP08011/immigration-chronology-selected-events-1840-2008>

## Appendix C – Research methods

### Information Sheet (Focus group)

*The Treaty of Waitangi and Asian immigrants in Aotearoa: an approach to promote the Treaty philosophy to post-colonial settlers of Asian descent*

1<sup>st</sup> November 2007

Tena koe,

My name is Saburo Omura, currently undertaking a PhD study on how Asians in Aotearoa/New Zealand view the Treaty of Waitangi, supervised by Prof. Ngahuia Te Awekotuku and Prof. Jane Ritchie. I am going to explore how Asians in Aotearoa/New Zealand feel and/or think about the Treaty of Waitangi, in order to form a better understanding of the Treaty for Asians, and to build an improved bridging model for interethnic relationships.

I would like to invite you for a focus group interview, which would typically take an hour, with about four other people who are from the same cultural/ethnic backgrounds. I would like to know how you feel about the Treaty of Waitangi, and hopefully it will allow me to observe interesting discussions with other peers during the session.

You do not have to answer particular questions if you do not wish to.

No one except my supervisors and I have access to the primary interview records. Your name will not be published in any form, but will be replaced with unidentifiable aliases. After completion of this study, the collected data will be destroyed.

You can withdraw from this research at any stage.

After I finish preliminary analysis, I will send you a summary of findings. Also, I would like to present the final findings to your community group after fully completing my PhD thesis.

If you have any question, please contact me:-

**Researcher's Name: Saburo Omura**

**Contact details: saburo.omura@gmail.com**

**021 261 2348**

**07 838 4466 xt 6667**

**Supervisor's name: Prof. Ngahuia Te Awekotuku**

**07 838 4737**

**[awekotuku@waikato.ac.nz](mailto:awekotuku@waikato.ac.nz)**

**Information Sheet (Key-informant)**

*The Treaty of Waitangi and Asian immigrants in Aotearoa: an approach to promote the Treaty philosophy to post-colonial settlers of Asian descent*

1<sup>st</sup> November 2007

Tena koe,

My name is Saburo Omura, currently undertaking a PhD study on how Asians in Aotearoa/New Zealand view the Treaty of Waitangi, supervised by Prof. Ngahuia Te Awekotuku and Prof. Jane Ritchie. I am going to explore how Asians in Aotearoa/New Zealand feel and/or think about the Treaty of Waitangi, in order to form a better understanding of the Treaty for Asians, and to build an improved bridging model for interethnic relationships.

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You can withdraw from this research at any stage.

After I finish preliminary analysis, I will send you a summary of findings. Also, I would like to present the final findings to your community group after fully completing my PhD thesis.

If you have any question, please contact me:-

**Researcher's Name: Saburo Omura**

**Contact details: saburo.omura@gmail.com**

**021 261 2348**

**07 838 4466 xt 6667**

**Supervisor's name: Prof. Ngahuia Te Awekotuku**

**07 838 4737**

**awekotuku@waikato.ac.nz**

## Participant Consent Form

**Research Project Title:** *The Treaty of Waitangi and Asian immigrants in Aotearoa: an approach to promote the Treaty philosophy to post-colonial settlers of Asian descent.*

1. I have read the Information Sheet for this study and have had details of the study explained to me.
2. My questions about the study have been answered to my satisfaction, and I understand that I may ask further questions at any time.
3. I also understand that I am free to withdraw from the study at any time, or to decline to answer any particular questions in the study.
4. I agree to provide information to the researchers under the conditions of confidentiality set out on the information sheet.
5. I wish to participate in this study under the conditions set out in the Information Sheet.
6. I would like my information: (circle your option)
  - a) returned to me
  - b) returned to my family
  - c) other(please specify).....
7. I consent/do not consent to the information collected for the purposes of this research study to be used for any other research purposes. (Delete what does not apply)

---

**Participant's Name:** \_\_\_\_\_

**Participant's Signature:** \_\_\_\_\_

**Date:** / /

**Contact details:** \_\_\_\_\_  
\_\_\_\_\_

**Researcher's Name:** Saburo Omura

**Researcher's Signature:** \_\_\_\_\_

### Focus Group Interview Schedule

**Research Project Title:** *The Treaty of Waitangi and Asian immigrants in Aotearoa: an approach to promote the Treaty philosophy to post-colonial settlers of Asian descent.*

- 1) Introduction.
  - a) Introduce myself, brief research purposes, procedure, and participants' rights
  - b) Q & A
  - c) Consent form to be signed
  - d) Participants to introduce each other (if not known each other)
    - i) Briefly ask about their duration of stay and social affiliations
    - ii) Briefly ask what made them to come to Aotearoa.
  - e) (*Hopefully icebreaking is done by this stage!*)
- 2) The first questions
  - a) "What do you know about the Treaty of Waitangi?"
  - b) "What have you heard about the Treaty?"
- 3) Their feelings and thoughts
  - a) "What do you feel about the Treaty?"
    - i) "Why do you feel so?"
  - b) "Do you feel the Treaty relevant to you?"
    - i) "Why is that?"
- 4) Their peer impressions
  - a) "What do other people in your family members, community members, or anybody closed to you say about the Treaty?"
  - b) "Why do you think they say so?"
- 5) Peer influences
  - a) "Do you agree with them?"
  - b) "Did their impressions affect your view of the Treaty?"
  - c) "Has your view changed after talking to somebody?"
- 6) Closing
  - a) "Thank you so much for your participation! I'll be in touch again soon!"

### Follow up Individual Interview Schedule

**Research Project Title:** *The Treaty of Waitangi and Asian immigrants in Aotearoa: an approach to promote the Treaty philosophy to post-colonial settlers of Asian descent.*

(Note: this schedule is for those who already participated a focus group interview. Questions may vary, as this interview is to elaborate or explore further their thoughts after having a focus group interview)

- 1) Greetings.
  - a) Q & A
  - b) Anything they would like to clarify before we start
- 2) Their feelings and thoughts
  - a) “What would you like to tell me more about your feelings and thoughts on the Treaty?”
  - b) “What did you feel when other people said *something* about the Treaty during the last group interview?”
  - c) (*In this session, let participant to tell their feelings, thoughts, perception, and etc*)
- 3) Closing
  - a) “Thank you so much for your participation! I’ll be in touch again soon!”

## Interview questions in details

1. How they view ToW
  - a. The level of their awareness of ToW
    - i. Pre and post migration
    - ii. And after they had a chance to learn about it
  - b. How they perceive ToW (in details)
    - i. Pre and post migration
    - ii. And after they had a chance to learn about it
  - c. They view ToW as :-
    - i. New immigrants?
    - ii. “Settled” Immigrants?
    - iii. Specific ethnicity (e.g. Chinese, Indian, Japanese, Korean, etc...)
    - iv. Non-Maori, non-Pakeha?
    - v. “Outsiders”?
    - vi. Not sure or don’t know?
    - vii. Or something else?
  - d. Their understanding of ToW (in details)
    - i. record what they know about ToW
2. How they developed their views and thoughts of ToW
  - a. How they felt about it first time when they heard about ToW
  - b. How they feel about ToW now
    - i. Do (did) they feel “included” or “excluded”?
    - ii. Do (did) they feel ToW important?
      1. How and Why? Record details
    - iii. What does ToW mean to them?
  - c. How they relate (or don’t relate) ToW to themselves
  - d. How do they position themselves with ToW
  - e. What do they discuss about ToW?
    - i. Record what they discuss about ToW
    - ii. Discuss with whom?
      1. Their family members?
      2. Their friends?
        - a. Same ethnic group?
        - b. Other Asians?

- c. Pakeha?
- d. Maori?
- f. Their sources of information about ToW
  - i. What are their main source of information?
    - 1. Their family members?
    - 2. Their friends?
      - a. Same ethnic group?
      - b. Other Asians?
      - c. Pakeha?
      - d. Maori?
    - 3. The media
      - a. Mainstream media?
      - b. Their ethnic media?
- g. Did knowing about ToW change their views? How did it change their perception?
  - i. Did it change how they view Maori issues?
  - ii. Did it change how they view immigration issues in NZ?
  - iii. Did it change how they view other ethnic affair issues in NZ?

## Key Informant Interview Schedule

**Research Project Title:** *The Treaty of Waitangi and Asian immigrants in Aotearoa: an approach to promote the Treaty philosophy to post-colonial settlers of Asian descent.*

- 1) Introduction.
  - a) Introduce myself, brief research purposes, procedure, and participants' rights
  - b) Q & A
  - c) Consent form to be signed
    - i) Briefly collect information on their duration of stay and social affiliations
    - ii) Briefly ask how they started working as a community leader.
  - d) (*Hopefully icebreaking is done by this stage!*)
- 2) Ask about their ethnic community members
  - a) Common reasons to come to Aotearoa
  - b) "Do they generally enjoy their life in Aotearoa? Why or Why not?"
- 3) The first questions
  - a) "What do they generally know about the Treaty of Waitangi?"
  - b) "What have they heard about the Treaty?"
- 4) Their feelings and thoughts
  - a) "What do they feel about the Treaty?"
    - i) "Why do they feel so?"
  - b) "Do they feel the Treaty relevant to them?"
    - i) "Why is that?"
- 5) Their peer impressions and influences
  - a) "Do they talk each other about the Treaty?"
  - b) "Why do you think they say so?"
  - c) "How much are they influenced by their peer impression over the Treaty?"
- 6) Closing
  - a) "Thank you so much for your participation! I'll be in touch again soon!"

**Appendix D – The Treaty of Waitangi: Kawharu Translation**

English Version	Kawharu Translation
<p style="text-align: center;"><b>Preamble</b></p> <p>HER MAJESTY VICTORIA Queen of the United Kingdom of Great Britain and Ireland regarding with Her Royal Favour the Native Chiefs and Tribes of New Zealand and anxious to protect their just Rights and Property and to secure to them the enjoyment of Peace and Good Order has deemed it necessary in consequence of the great number of Her Majesty's Subjects who have already settled in New Zealand and the rapid extension of Emigration both from Europe and Australia which is still in progress to constitute and appoint a functionary properly authorised to treat with the Aborigines of New Zealand for the recognition of Her Majesty's Sovereign authority over the whole or any part of those islands – Her Majesty therefore being desirous to establish a settled form of Civil Government with a view to avert the evil consequences which must result from the absence of the necessary Laws and Institutions alike to the native population and to Her subjects has been graciously pleased to empower and to authorise me William Hobson a Captain in Her Majesty's</p>	<p style="text-align: center;"><b>Preamble</b></p> <p>Victoria, the Queen of England, in her concern to protect the chiefs and the subtribes of New Zealand and in her desire to preserve their chieftainship<sup>1</sup> and their lands to them and to maintain peace<sup>2</sup> and good order considers it just to appoint an administrator<sup>3</sup> one who will negotiate with the people of New Zealand to the end that their chiefs will agree to the Queen's Government being established over all parts of this land and (adjoining) islands<sup>4</sup> and also because there are many of her subjects already living on this land and others yet to come. So the Queen desires to establish a government so that no evil will come to Māori and European living in a state of lawlessness. So the Queen has appointed 'me, William Hobson a Captain' in the Royal Navy to be Governor for all parts of New Zealand (both those) shortly to be received by the Queen and (those) to be received hereafter and presents<sup>5</sup> to the chiefs of the Confederation chiefs of the subtribes of New Zealand and other chiefs these laws set out here.</p>

Royal Navy Consul and Lieutenant-Governor of such parts of New Zealand as may be or hereafter shall be ceded to her Majesty to invite the confederated and independent Chiefs of New Zealand to concur in the following Articles and Conditions.

**Article the first**

The Chiefs of the Confederation of the United Tribes of New Zealand and the separate and independent Chiefs who have not become members of the Confederation cede to Her Majesty the Queen of England absolutely and without reservation all the rights and powers of Sovereignty which the said Confederation or Individual Chiefs respectively exercise or possess, or may be supposed to exercise or to possess over their respective Territories as the sole sovereigns thereof.

**Article the second**

Her Majesty the Queen of England confirms and guarantees to the Chiefs and Tribes of New Zealand and to the respective families and individuals thereof the full exclusive and undisturbed possession of their Lands and Estates Forests Fisheries and

**The first**

The Chiefs of the Confederation and all the Chiefs who have not joined that Confederation give absolutely to the Queen of England for ever the complete government<sup>6</sup> over their land.

**The second**

The Queen of England agrees to protect the chiefs, the subtribes and all the people of New Zealand in the unqualified exercise<sup>7</sup> of their chieftainship over their lands, villages and all their treasures.<sup>8</sup> But on the other hand the Chiefs of the Confederation and all the Chiefs will sell<sup>9</sup> land to the Queen at a price agreed to by the person owning it and by the person buying it (the latter being) appointed by the Queen as her purchase agent.

**The third**

For this agreed arrangement therefore concerning the Government of the Queen, the Queen of England will protect all the ordinary people of New Zealand and will give them the same rights and duties<sup>10</sup> of citizenship as the people of England.<sup>11</sup>

<p>other properties which they may collectively or individually possess so long as it is their wish and desire to retain the same in their possession; but the Chiefs of the United Tribes and the individual Chiefs yield to Her Majesty the exclusive right of Preemption over such lands as the proprietors thereof may be disposed to alienate at such prices as may be agreed upon between the respective Proprietors and persons appointed by Her Majesty to treat with them in that behalf.</p> <p style="text-align: center;"><b>Article the third</b></p> <p>In consideration thereof Her Majesty the Queen of England extends to the Natives of New Zealand Her royal protection and imparts to them all the Rights and Privileges of British Subjects.</p> <p>(signed) William Hobson, Lieutenant-Governor.</p> <p>Now therefore We the Chiefs of the Confederation of the United Tribes of New Zealand being assembled in Congress at Victoria in Waitangi and We the Separate and Independent Chiefs of New Zealand claiming</p>	<p>[signed] William Hobson Consul &amp; Lieut Governor</p> <p>So we, the Chiefs of the Confederation of the subtribes of New Zealand meeting here at Waitangi having seen the shape of these words which we accept and agree to record our names and our marks thus.</p> <p>Was done at Waitangi on the sixth of February in the year of our Lord 1840.</p> <p>Footnotes</p> <p>1. 'Chieftainship': this concept has to be understood in the context of Māori social and political organisation as at 1840. The accepted approximation today is 'trusteeship'.</p> <p>2. 'Peace': Māori 'Rongo', seemingly a missionary usage (rongo – to hear: ie, hear the 'Word' – the 'message' of peace and goodwill, etc).</p> <p>3. Literally 'Chief' ('Rangatira') here is of course ambiguous. Clearly, a European could not be a Māori, but the word could well have implied a trustee-like role rather than that of a mere 'functionary'. Māori speeches at Waitangi in 1840 refer to Hobson being or becoming a 'father' for the Māori people. Certainly this attitude has been held towards the person of the Crown down to the present</p>
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authority over the Tribes and Territories which are specified after our respective names, having been made fully to understand the Provisions of the foregoing Treaty, accept and enter into the same in the full spirit and meaning thereof in witness of which we have attached our signatures or marks at the places and the dates respectively specified. Done at Waitangi this Sixth day of February in the year of Our Lord one thousand eight hundred and forty.

Source:

<http://www.nzhistory.net.nz/politics/treaty/read-the-treaty/english-text>

day – hence the continued expectations and commitments entailed in the Treaty.

4. 'Islands': ie, coastal, not of the Pacific.

5. Literally 'making': ie, 'offering' or 'saying' – but not 'inviting to concur'.

6. 'Government': 'kawanatanga'. There could be no possibility of the Māori signatories having any understanding of government in the sense of 'sovereignty': ie, any understanding on the basis of experience or cultural precedent.

7. 'Unqualified exercise' of the chieftainship – would emphasise to a chief the Queen's intention to give them complete control according to their customs. 'Tino' has the connotation of 'quintessential'.

8. 'Treasures': 'taonga'. As submissions to the Waitangi Tribunal concerning the Māori language have made clear, 'taonga' refers to all dimensions of a tribal group's estate, material and non-material – heirlooms and wahi tapu (sacred places), ancestral lore and whakapapa (genealogies), etc.

9. Māori 'hokonga', literally 'sale and purchase'. 'Hoko' means to buy or sell.

10. 'Rights and duties': Māori at Waitangi in 1840 refer to Hobson being or becoming a 'father' for the Māori people. Certainly, this attitude has been held towards the person of the Crown down to the present day – hence the continued expectations and commitments entailed in the Treaty.

11. There is, however, a more profound problem about 'tikanga'. There is a real sense here of the Queen 'protecting' (ie, allowing the preservation of) the Māori people's tikanga (ie, customs) since no Māori could have had any

## Appendices

	<p>understanding whatever of British tikanga (ie, rights and duties of British subjects). This, then, reinforces the guarantees in article 2.</p> <p>Source: <a href="http://www.waitangi-tribunal.govt.nz/treaty/kawharustranslation.asp">http://www.waitangi-tribunal.govt.nz/treaty/kawharustranslation.asp</a></p> <p>Translation of the Māori text of the Treaty by Professor Sir Hugh Kawharu</p>
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**Appendix E: Internal Documents disclosed under the  
Official Information Act 1982**

**White, N. (2005). Immigration and the Treaty of Waitangi:  
Background paper prepared for the Department of Labour.  
Institute of policy studies, School of Government, Victoria  
University of Wellington. Wellington.**



# Immigration and the Treaty of Waitangi

Background paper  
prepared for the Department of Labour

Nicola White, Senior Research Fellow  
Institute of Policy Studies, School of Government  
Victoria University of Wellington

November 2005

RELEASED UNDER THE  
OFFICIAL INFORMATION ACT

## Immigration and the Treaty of Waitangi

Background paper prepared for the Department of Labour

Nicola White, Senior Research Fellow  
Institute of Policy Studies, VUW  
November 2005

### Background

- 1 The Department of Labour has been directed to undertake a fundamental review of the Immigration Act 1987. The objective is to “ensure that New Zealand’s interests are protected and advanced, while also ensuring compliance with international obligations”. To achieve this objective, Cabinet has agreed that “New Zealand needs fair, fast and firm processes for selecting migrants, determining protection cases, and monitoring and enforcing compliance”. (CAB Min (05) 10/4).
- 2 The Immigration Policy section of the Department of Labour has asked Nicola White, of the Institute of Policy Studies (IPS), to prepare a succinct overview paper on the relevance of the Treaty of Waitangi for this review of the Act. This paper has been discussed in draft with staff from the Department of Labour, but the views set out here are those of the author.

### Executive summary

- 3 The control of the border is and always has been a core function of any nation state. For New Zealand, the need for the state to manage this function has been recognised since the signing of the Treaty of Waitangi itself.
- 4 A consideration of the effect of the Treaty of Waitangi on immigration policy and legislation therefore goes to the matters that government must consider as it manages immigration issues, and to the type of involvement in decision making that is necessary for any Maori interests to be effectively considered by executive government. The Treaty of Waitangi does not require, in this context, a re-consideration of the basic structure and role of executive government in New Zealand and the over-arching relationship between the Crown and Maori. Such fundamental questions are matters of constitutional debate, and cannot be resolved in the course of a review of immigration legislation. It is appropriate to consider Treaty issues in this review from the starting point of the existing constitutional relationships and the orthodox legal and policy understandings of the Articles and principles of the Treaty.
- 5 From that starting point, the general conclusion is that the Articles and principles of the Treaty have little direct relevance for the detail of day to day administration of immigration. There are two areas, however, where Treaty concepts do have potential relevance.

- First, it can be argued that the government has an overarching protective responsibility that would require it to consider the effect of extreme changes in immigration flows on the cultural strength of Maori. It is possible that in an extraordinary case a responsibility of this kind would be enforced by the courts.
  - Second, it could be argued that there is a need to think about Maori concepts of whanau and family connection when setting the policy for determining the level of family connection that is sufficient to enable a person to gain entry to New Zealand. This would not be done to create any kind of differential category for Maori who are not citizens, but to ensure that the general settings in fact met the social need, in the New Zealand context, that they were designed to address.
- 6 It is unlikely to be appropriate to reflect either of these points in the Immigration Act itself, assuming that there is to be no change to the basic structure of the Act which reserves immigration policy as a matter of executive discretion. Both of these issues go to the way in which the executive develops immigration policy, not to the more detailed processes regulated by the Act. Good policy making practice should be more than sufficient to manage them.

**Control of the border is a core state function**

- 7 Control of the border is a core part of the role and definition of any nation state. Defining its edge defines the state itself. Controlling the movement of people and goods across the border has always been central to maintaining the identity and coherence of any state. The Federal Court of Australia strongly affirmed this view in 2001, in *Ruddock v Vadarlis* [2001] FCA 1329 (the 'Tampa' case). The judgments cite extensive and longstanding international authority, both judicial and academic, to support the proposition that the supreme power in every state has the right to refuse to permit an alien to enter that state. Justice French summarised the position as follows:

The power to determine who may come into Australia is so central to its sovereignty that it is not to be supposed that the Government of the nation would lack under the power conferred upon it directly by the Constitution, the ability to prevent people not part of the Australia community, from entering. (paragraph 193)

- 8 The activities undertaken by customs and immigration officials are therefore core state functions, which go to the heart of our understanding of what it means to be sovereign. (See further, Ladley and White, *Conceptualising the Border*, unpublished draft paper, IPS, 2005)
- 9 The fundamental importance of the management of immigration flows can be seen even in the Treaty of Waitangi itself. The Preamble of the original English text makes clear that the need to manage immigration and its social consequences was a key reason for establishing a settled form of government in New Zealand.

“Her Majesty Victoria Queen of England of the United Kingdom of Great Britain... has deemed it necessary in consequence of the great number of Her Majesty’s subjects who have already settled in NZ and the rapid extension of Emigration both from Europe and Australia which is still in progress to constitute and appoint a functionary properly authorized to treat with the Aborigines of NZ for the recognition of Her Majesty’s sovereign authority over the whole or any part of those islands...”

- 10 Most read this statement as locating immigration squarely in Article 1 of the Treaty, as a core function of newly established government. Some, however, have argued that, from the time of the Treaty itself, control of immigration was something to be agreed between the Treaty partners and that modern immigration policy should therefore be developed in collaboration with Maori. (See, for example, Walker, 1995, discussed extensively in Bedford et al, 2000.)
- 11 Such a suggestion is hard to reconcile with either the history of New Zealand’s constitutional development or with current constitutional arrangements. It requires an acceptance that the Treaty was meant to establish a fundamentally different constitutional relationship between the Crown and Maori, separate from the general democratic relationship between citizen and state, and that it was and is still appropriate to work to achieve such an arrangement. That, of course, is a highly contested view, and one that challenges fundamental aspects of New Zealand’s current constitutional arrangements.
- 12 In particular, this view challenges the central modern relationship between the citizen and the state, which gives all people an equal stake in government through the general democratic process and the twin concepts of representative and responsible government. This relationship is tailored to the New Zealand context with the institution of the Maori seats in Parliament, and with various specific legal and moral obligations on government deriving from Treaty concepts. But the basic citizen state relationship is not differentiated according to ethnicity. Within that general legal framework, the political reality of our constitutional system is that it is a system of government by consent, with the balances of authority between the state and other groups within the society being negotiated and re-negotiated over time. In this context, ongoing debates about rangatiratanga, or tribal self-determination, are a normal and healthy part of democratic process and the ongoing negotiation of the terms of that government by consent. (See Ladley, 2005, and White and Ladley, 2005).
- 13 The courts, the Waitangi Tribunal, Parliament, and executive government have all been developing their understandings of the implications of the Treaty of Waitangi and its application to government activity, in a manner that fits within that orthodox constitutional framework. It is appropriate to use these established and developing understandings as the starting point for considering the relevance of the Treaty of Waitangi for the current review of the Immigration Act.

- 14 Putting together this view of New Zealand's constitutional framework, and the role of the Treaty and self-determination debates within it, with the view that border control is a core function of any sovereign state, it is relatively straightforward to confirm that the management of immigration is a core government function in New Zealand. The questions that arise from the Treaty do not relate to whether government should be organised in a different way, but are concerned with the matters that government must consider as it manages immigration issues, and with the type of involvement in decision making that is necessary for any Maori interests to be effectively considered by executive government.

**The Treaty of Waitangi: protecting the right to live as Maori in New Zealand**

- 15 To answer that question, it is helpful to begin with a simple and methodical analysis of both the Articles and the recognised principles of the Treaty for their relevance to immigration matters. The distillation of Treaty principles used in this analysis is drawn from the guide to Treaty principles published by Te Puni Kōkiri in 2001 (TPK, 2001). The following table sets out the results of the analysis.

Treaty Article/principle	Comment
Preamble	Cites immigration as one of the reasons why a settled form of government is needed.
Article 1: Establishment of central government	Articulates the genesis of central government responsibility and authority. By definition, for any nation state this must include the ability to regulate immigration.
Article 2: Protection of property, taonga, and rangatiratanga	No tangible property issues raised by directly by immigration. If the essence of Article 2 is an intention to protect the ability of Maori to live as Maori in New Zealand, then this Article raises indirect issues about the effect of immigration on the strength and vitality of Maori culture.
Article 3: Equal treatment and protection	No particular relevance to immigration legislation, other than an implication that Maori crossing the border should receive the same treatment as others (i.e. citizenship and/or residency status is relevant, but ethnicity is not).
Principle of partnership: the duty to act reasonably, honourably and in good faith	The gist of court pronouncements on this principle is the importance of government taking decisions on issues that affect Maori with good information before them on the issues and the consequences. Applied to immigration questions, this duty would translate into a responsibility to think about the effect on the cultural strength of Maori before taking decisions on immigration flows that might have an impact (eg a decision to dramatically increase migrant flows).
Principle of active protection	This principle relates closely to Article 2, and requires the government not only not to harm the matters protected by Article 2, but to take more active steps to protect Maori resources, taonga etc. Applying the spirit of this principle to immigration questions again produces a responsibility to think about the effect on the cultural strength of Maori before taking decisions on immigration flows that might

	have an impact (eg a decision to increase migrant flows dramatically).
Principle of redress	This principle is about the need not to disperse resources that might be required for Treaty settlements. It is not relevant to immigration matters.

- 16 This summary of the application of Treaty concepts to immigration matters shows two things:
- control of immigration and its consequences is squarely within the responsibilities of the government;
  - in carrying out this role it can be argued that the government has a protective responsibility to consider the effect of immigration flows on the cultural strength of Maori.
- 17 In the ordinary course of events that protective responsibility may not be triggered; the responsibility is diffuse enough that one could expect a substantial degree of deference to the need for government to make its own judgments on the complex balance of factors relevant to such decisions. But its potential presence is shown by considering the extreme case. If a future government were to decide to increase migrant flows dramatically – say by several hundred percent – and it was apparent that it gave no consideration whatsoever to the effect of such an influx on Maori cultural survival (including for example on recognised areas of Treaty responsibility such as the Maori language strategy and related Maori broadcasting initiatives), it is possible that such a step would be argued to have ignored responsibilities based on the Treaty of Waitangi. In this context, those responsibilities are usefully summarised as the responsibility to protect the ability of Maori to live as Maori in New Zealand. (See Ministry of Justice, *Living Relationships*, 1999).
- 18 This approach highlights that any effect of the Treaty is not on the detail of the day to day administration of immigration; it has little to say on the way in which particular powers are structured or individual migrants are treated. By and large, these are the matters that dominate the content of the Immigration Act. But the Treaty does have some relevance to the overarching policy and goals that a government may set for immigration. Part of the process of developing immigration policy is a consideration of the effect of immigration settings on the overall ethnic mix and social cohesion in New Zealand. The Treaty suggests that that consideration should, where relevant, include consideration of the effect on the vitality of Maori culture.
- 19 This conclusion from Treaty reasoning also fits with common sense, and with the reality of current social and political debate. It is inevitable at a broad-brush level that there will be some overlap between Treaty-based debates and immigration debates because both are ultimately about social cohesion, identity, citizenship and sovereignty. As Bedford et al have documented, the two issues have been linked for some time in New Zealand recent history. In particular, Bedford argues that the 1970s witnessed a crunch point between the Maori renaissance and the movement of Maori to the cities, and a significant peak in immigration that also produced demand on

urban resources. Competition for land and resources produced flashpoints like Bastion Point – land claimed by Maori which the government wanted to develop into a new housing estate. (Bedford et al, 2000)

- 20 Until New Zealand resolves its tensions about the role of the Treaty and the place of Maori in New Zealand society, it will be difficult for it to develop a clear approach to the challenges to social cohesion raised by immigration flows.

At the core of social cohesion in this society is the issue of Maori/non-Maori relationships – the issue of biculturalism as a base for effective multicultural development.” (Bedford et al, quoting Pearson 1991)

**Law or policy?**

- 21 So far, the analysis has established that the Treaty does have some general relevance to immigration policy settings. But what is the nature of the responsibility on government? Is there a legal duty of some kind to give appropriate consideration to these issues, which the courts might ultimately enforce, or is this a non-legal responsibility, where the courts would not intervene but the Tribunal might offer comment?
- 22 These questions are difficult, because they are constantly and actively contested at present. Parliament, the executive and the courts – and the public – are all being presented with competing claims circling around not only the content of Treaty-based responsibilities but also their status. To put the matter starkly, Maori claims inevitably argue for strong, legally enforceable rights, as claims of this nature will trump claims being made by other groups in society. Whereas other groups will argue to limit the scope of Treaty based responsibilities and to reduce their status to claims of political or moral force only. At present all three branches of government are actively working out their answers to these questions, in particular contexts. In short, the legal and political context is highly dynamic. (See White and Ladley, 2005)
- 23 It is likely that the Waitangi Tribunal would find not only that there was a clear responsibility to consider the effect of immigration policy on Maori, but would also go further and articulate process responsibilities of some kind. The Tribunal has traditionally emphasised mutuality, and participation as a reflection of equal status and rangatiratanga, and these strands of reasoning could drive it to articulate some kind of duty to consult. In extreme cases, the Tribunal's principle of mutual benefit could bring it to a point of criticising the substance of a government decision on immigration policy. The possible strength of any Tribunal comment on such issues could be argued to derive from the fact that the Tribunal is not a court, and does not consider these issues or operate in a legal context. As an advisory Commission of Inquiry, the Tribunal has relative freedom to articulate responsibilities strongly.
- 24 The courts, on the other hand, are more likely to show deference, in part because by definition they operate solely in the realm of what is legally required and legally enforceable. They have little capacity to make softer pronouncements. The court

jurisprudence in this area gives much greater weight to the ultimate responsibility of government to take governmental decisions, and to determine its process according to circumstance. As with any exercise of state power, it can be expected that an extreme or apparently arbitrary decision might provoke a judicial reaction, but below that threshold it is unlikely that a court would consider it appropriate to comment on the substance of government decisions on immigration policy. The courts of course regularly consider the adequacy of government process, and it is possible that a court might consider it appropriate to review the policy by which a decision was made.

- 25 As with all government decision making, the best way to avoid the issue ever being tested is to ensure that decision making processes clearly consider all relevant matters. If the effect of immigration policy decisions on Maori is relevant, the process should ensure that good quality information is available to the government. Often the easiest way to obtain that information is through direct consultation, but that is not always the case. The process for getting that information can be tailored to the issue and the exigencies of the moment. The important point is that the government gives appropriate and careful consideration to the issue.
- 26 In summary, the nature of the responsibility at present is diffuse, and there is certainly no direct precedent in law that articulates a general legal duty to take Treaty based matters into account when determining immigration policy. But, if tested, the answer might vary depending on the facts and the forum considering them. An extreme and obvious case of indifference to a glaring issue would be likely to prompt both the court and the Tribunal to articulate some kind of Treaty responsibility. Less extreme and more nuanced facts would trigger more nuanced responses. As already noted, the best course is to pre-empt the issue through good practice that gathers and presents all relevant information, including information on the possible effect on Maori when that is a consideration. That is most likely to occur when it is appropriate for government to consider the effect of possible immigration policy changes on society in general. The effect on Maori within that society would be an important subsidiary issue, with a potential legal edge to it.

#### **Implications for the Immigration Act**

- 27 How do these considerations intersect with the current review of the Immigration Act? The unusual nature of the Immigration Act is relevant to this question. The Act regulates the process of decision making and the administration of immigration related border control. But it leaves decisions on the actual content of immigration policy explicitly to the executive government. Parliament has in the structure of successive Immigration Acts made clear that it is for the executive to set the policy from time to time. Parliament and the courts will supervise the process by which that policy gets applied to individuals, but do not in general comment on the policies themselves. The language in the Act is strong and clear, when it states that these decisions are a matter of ministerial discretion (see in particular Part 1 of the Act). It is relatively unusual for Parliament to legislate in this way, to create an Act that is effectively "hollow".

28 This paper has already suggested that, if Treaty considerations are relevant at all to immigration matters, they will relate to the high level substance of general immigration policy and its effect on society, rather than to the processes for making decisions on individual applications and removals. Assuming that the Immigration Act will continue to prescribe process and to leave policy content to executive government discretion, it is therefore hard to see how Treaty considerations would have any significant bearing on the matters dealt with in an Immigration Act.

**A question about the treatment of individual Maori**

29 In the course of this analysis one other issue has been identified that could arise as a Treaty-based argument. The question is whether Maori, as tangata whenua, should have any overriding ability to reconnect with the land, and come to or stay in New Zealand. If the spirit of the Treaty is to protect the right of Maori to live as Maori in New Zealand, how far does that go?

30 For Maori who are New Zealand citizens, the question is unnecessary because the general rights of citizenship suffice to ensure an ability always to return here. But what about Maori born overseas, from a family who left several generations ago, who are not entitled to automatic New Zealand citizenship? Should they nonetheless have a right to come to New Zealand, whether to visit or to live, because of being Maori?

31 The obvious problem with such an argument is that there is an immediate conflict with other important legal and policy principles, and in particular the principle of equality (itself affirmed in Article 3 of the Treaty of Waitangi). To develop a policy that treats people differently based simply on ethnicity risks creating unjustifiable distinctions that would be susceptible to legal challenge, not to mention political difficulty. The better response to the question is to ensure that the overall immigration policy takes adequate account of Maori social and cultural needs in the way in which the categories and criteria work. The issues need to be addressed in the fabric of the policy, not by a crude 'add-on'.

32 The overall approach is that immigration policy includes the capacity to let people with strong family connections come to New Zealand, whether Maori or non-Maori. The way in which countries determine what is a sufficient family connection may differ, but the approach does not, in New Zealand at least, depend on ethnicity. Arguments that a 'whenua' connection should make a difference are short term only: would the same argument have credibility in 10 or 20 generations time?

33 The simple point is the generic one, that large-scale administrative processes require simple lines to be drawn. There is a bright line defining the entitlement to citizenship and therefore to automatic entry. Then there is a 'grey zone', where a person has the ability to make a case for entry based on family connections. It could be argued that there is a need to think about Maori concepts of family and connection when setting the yardsticks for determining sufficient family connection. This would not be done to create any kind of differential category, but to ensure that the general settings in fact met the social need, in the New Zealand context, that they were designed to address.

Maori concepts of whanau would be one factor among many to consider when designing these criteria. Beyond that grey zone, and the defined criteria for showing family connection, any person seeking to enter New Zealand has to argue the case on some other grounds.

- 34 In this way, this area of immigration policy can blend the need to take cognisance of Maori concepts of family and connection with the need to treat people equally.

#### **Conclusion**

- 35 The control of immigration policy and process is and always has been a core function of any state. Managing the movement of people across a border is the essence of the exercise of state sovereignty. It is the clear responsibility of central government to carry out this function. An analysis of the Articles and principles of the Treaty of Waitangi suggests that the Treaty of Waitangi has only limited relevance for the way in which that function is carried out on a day to day basis. Only two areas of potential relevance have been identified.
- 36 First, there is a reasonably clear link between the broad protective concept of the Treaty of Waitangi and broad policy decisions on immigration flows, at least when extreme changes to immigration flows and therefore to New Zealand society might be contemplated. That link in essence suggests that the government should, when making in such decisions, consider carefully the likely effect of major changes in immigration flows on the social and cultural survival of Maori. That consideration will be an important and specific subset of the general consideration of the social effects of the changes being proposed.
- 37 While it may be relatively straightforward to identify this need as a broad policy responsibility on government, it is much less clear whether that responsibility would also be found to have a legal basis, and so be susceptible to judicial enforcement. That question can in any event be pre-empted by good administrative practice. So it would be appropriate to ensure that, in any major policy changes may have a dramatic effect on ethnic mix and social cohesion in New Zealand, processes are in place to demonstrate that careful consideration has been given to the likely impact of potential decisions on the overall health of New Zealand society, and in particular to the impact on the health and vitality of Maori society and culture.
- 38 The shape of processes for considering the effect on Maori could vary. Information could be sought through direct consultation with Maori groups (but that may be inappropriate given nature of decision making on major immigration policy shifts). There could be some kind of targeted input from selected advisers. Sufficient information and advice could be available through normal government advisory processes and in particular from Te Puni Kokiri. The normal processes of Cabinet and caucus and parliamentary discussion might also have a role. The point is not the particular process, but to ensure that the information and perspectives are available and considered, before decisions are made. It is likely that the question of the effect on Maori will always be a subset of a larger question about the effect of proposed

changes on New Zealand society as a whole. It is an important subsidiary question, however, as in an extreme situation it may have a potential legal edge to it.

- 39 The second possible point where Treaty based considerations might be relevant relates to a specific area of immigration policy: the fit between the family connection criteria and Maori family and social structures. This is not an argument for special treatment, but an argument that New Zealand policy needs to reflect the full fabric of New Zealand society. Again, the point is that it good practice would be able to demonstrate that this issue is routinely considered in the mix that makes up the overall policy context.
- 40 It is unlikely to be appropriate to reflect either of these points in the Immigration Act itself, assuming that there is to be no change to the basic structure of the Act which reserves immigration policy as a matter of executive discretion. Both of these issues go to the way in which the executive develops immigration policy, not to the more detailed processes regulated by the Act. Good policy making practice should be more than sufficient to manage them.

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**OIA release letter (DoL)**



25 November 2008

Saburo Omura  
Te Pua Wananga Ki Te Ao  
School of Maori and Pacific Development  
The University of Waikato  
Private Bag 3105  
HAMILTON

File No: 08/80936

Dear Saburo Omura

I refer to your official information request dated 24 September 2008.

I now enclose all the information which is covered by your request, namely, the report *Immigration and the Treaty of Waitangi*, prepared by Nicola White, Institute of Policy Studies, School of Government, Victoria University, Wellington. Please note that this paper was prepared as a background paper for the Department of Labour in 2005 but the views are those of the author.

If you wish to discuss any aspect of your request or this response, or if you require any further assistance, you are encouraged to contact Floss Caughey, Senior Analyst, Immigration Policy on (04) 915 4114.

Yours sincerely

Stephen Dunstan  
Manager  
Immigration Policy

**2001 summary of Hui proceedings**



Dear Sir

Apologies for the oversight. Attached is a correctly copied set of papers as requested

Tracey Curran

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Briefing for Chief Executive DoL  
FACT SHEET 6.6.3.9

FILE COPY

**NZIS: Consultation with Maori**

**DESCRIPTION**

The Minister of Immigration indicated in 2000 that she wanted NZIS to develop a strategy for consultation with Maori and to work closely with Te Puni Kokiri. In February 2001, the NZIS held a hui with nominated Maori participants. The issues raised by participants were outside the portfolio of the Minister of Immigration and hui participants felt that discussion on immigration could not be progressed further until such time as the overarching constitutional issues could be addressed. The issues were not progressed for some time and then, on discussion with the Maori caucus, it was decided that a terms of reference be drawn up for the development of a pre-consultation agenda.

**Objectives**

- To inform the achievement of outcomes - in particular the provision of information to enable a welcoming and well informed host community
- To develop and implement a consultation process which ensures that Maori views are captured in the development of immigration processes and practices

**Key components**

- Stronger linkages into communities through building alliances
- Ensuring the benefits of immigration are shared by all including Maori
- Connecting communities with information to achieve better community awareness

**Current status**

A draft terms of reference has been prepared in consultation with the Associate Minister of Maori Affairs' (Hon Tariana Turia) office. The Department's Maori Perspective Unit has offered to manage the consultation process and NZIS to provide the necessary resources and support. Once the terms of reference has been agreed internally the draft version will be sent to both the Minister of Maori Affairs and the Associate Minister of Maori Affairs

Office for sign off. The consultation process will commence once this has been completed.

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Prepared by: Debbie Tse, NZIS  
Prepared on: 12 July 2003

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## New Zealand Immigration Service

### Summary of Hui Proceedings

Brentwood Hotel  
Wellington

28 February 2001

#### Hui Proceedings

##### Background

Participants were invited to attend the hui on the basis of names suggested by the Maori Perspectives Unit of the Department of Labour, Te Puni Kōkiri, and Ministers' offices. Letters of invitation from the Minister of Immigration, Hon Lianne Dalziel, along with a copy of the policy programme for the Immigration Service were sent out in December 2000. A copy of the letter and the policy programme is attached as Appendix 1.

An information folder including the proposed agenda for the day was available to participants on arrival. A copy of the proposed agenda is attached as Appendix 2.

The hui commenced at 9.20am.

##### Mihimihi – Whakataū

s (b)(a), Maori Perspectives Unit, Department of Labour, welcomed everyone and then called upon s (b)(a) to open the hui.

s (c)(a) responded from the floor supporting the welcome extended.

s (c)(a) then handed proceedings to the facilitator for the day, Hekia Parata of Gardiner Parata.

**Hui Participants**

9(2)(a)

**Apologies**

Apologies were received from:

Hon Tariana Turia.	<ul style="list-style-type: none"> <li>The imminent signing of the Pakaitore agreement had required the Minister's presence and the Minister was unable to attend the NZIS immigration hui. However in her apology she expressed her continued interest in this kaupapa.</li> </ul>
9(2)(a)	<ul style="list-style-type: none"> <li>Who asked that a short paper giving his thoughts on immigration be read to the Hui. Wants to be kept informed.</li> </ul>
"	<ul style="list-style-type: none"> <li>Due to attendance at Pakaitore</li> </ul>
"	<ul style="list-style-type: none"> <li>Conflicting appointments.</li> </ul>
"	<ul style="list-style-type: none"> <li>Conflicting appointments.</li> </ul>
"	<ul style="list-style-type: none"> <li>Due to ill health. Wants to be kept involved and informed.</li> </ul>
"	<ul style="list-style-type: none"> <li>Due to ill health. Wants to be kept involved and informed.</li> </ul>
"	<ul style="list-style-type: none"> <li>Due to ill health. Wants to be kept involved and informed.</li> </ul>
"	<ul style="list-style-type: none"> <li>Unable to attend but interested in being kept involved and informed.</li> </ul>

### Morning proceedings

- The Facilitator introduced the Hon Lianne Dalziel, Minister of Immigration, who gave the opening address for the hui. The full text of the Minister's address is attached as Appendix 3.
- Following the Minister's address the Facilitator invited responses from the Hui.

Speaker	Comment
9(2)(a)	<ul style="list-style-type: none"> <li>- Said that 9(2)(a) doesn't just want Maori to be consulted with. <i>Maori need to be decision-makers.</i> challenge to the Minister was that Maori need to be decision-makers with their Treaty partners therefore is this hui to be one of decision makers - together</li> <li>- The suggested Ministerial advisory group portrays Maori as only being "tenants" of the Treaty, not the partners</li> </ul>
"	<ul style="list-style-type: none"> <li>- People know that Government has the power to make the decisions. Advisory groups have no muscle, no power.</li> <li>- Objects to coming to Wellington to be on an advisory panel. Full participation of Tiriti partner required.</li> <li>- Objects to agenda. Belongs to Government, not Maori, Maori have own agenda.</li> <li>- <i>This is our homeland as well, not just the Government's</i></li> <li>- Maori want to be the decision-makers as well. " also informed the Minister that " as a claim on immigration to the Waitangi Tribunal.</li> <li>- The issue of passports was brought to the attention of the Minister and the Hui. <i>Pakeha passports do not recognise Maori as Maori.</i> New Zealanders are not all just "one people" and the inability of mainstream passports to recognise this is not acceptable.</li> </ul>
"	<ul style="list-style-type: none"> <li>- Expressed disappointment that a Treaty framework for immigration policy was not addressed in the Minister's speech. <i>Everything else is subservient until this matter is properly addressed. The Treaty did not subsume Maori to your mana.</i></li> </ul>
"	<ul style="list-style-type: none"> <li>- <i>The preamble to the Treaty of Waitangi is this nation's first immigration charter.</i></li> <li>- 9(2)(a) noted that immigration policy is missing a philosophy – why do we have this policy?</li> <li>- <i>Maori have a fundamental philosophy "He aha te mea nui o te ao? He tangata, he tangata, he tangata." This philosophy is one that is applicable to immigration policy.</i></li> <li>- " raised with the hui the issue of what the optimum population for New Zealand is – answering such</li> </ul>

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	<p>a question is fundamental to immigration policy. <i>When we are full, where do we go? The South Pole?</i></p> <ul style="list-style-type: none"> <li>- <i>New Zealand used to have a Planning Council – this body did some wonderful work. Currently, New Zealand needs to know what kind of people, investment and skills it requires. g(2)(a) thought that perhaps this government could consider reinstating a Planning Council type body to look at these issues.</i></li> </ul>
g(2)(a)	<ul style="list-style-type: none"> <li>- <i>The Treaty framework is something that must be looked at. If we don't, we are talking in isolation from the reality of a people who have been subjugated by those who came after us.</i></li> <li>- <i>g(2)(a) raised the issue of what the role of the hui delegates today would be. Would delegates be Maori making decisions or Maori being subject to empty rhetoric.</i></li> </ul>
h	<ul style="list-style-type: none"> <li>- <i>Expressed general concern with the consultative processes government uses.</i></li> <li>- <i>Reminded delegates that for a long time Maori have sat on their marae, doing those things associated with marae. Changing sheets, changing pillows but having no influence on outside matters.</i></li> <li>- <i>I don't want to sit on my marae having no influence on what is happening outside.</i></li> </ul>
i	<ul style="list-style-type: none"> <li>- <i>Immigration was occurring in this country before the Treaty. The white man didn't just land, they were welcomed.</i></li> <li>- <i>In Ngati Porou, at Tolaga Bay, Captain James Cook, in his early observations of Maori, noted that the hapu he encountered were living in harmony with their environs and that they were inclusive of the newcomers.</i></li> <li>- <i>Today Maori are powerless.</i></li> </ul>

- At this point h asked that the Minister respond to these fundamental issues.
- It was agreed that the Minister would respond once it was clear that there were no other opening issues participants wished to raise.

Speaker	Comment

9(2)(a)	<ul style="list-style-type: none"> <li>- Supported previous kaupapa / speakers.</li> <li>- Supported 9(2)(a) with regard to the Planning Council. It was a body that enabled policy to be based on an understanding of a wide range of factors. The Council also had the advantage of being independent from central government.</li> <li>- Now the planning processes that the Council once had have been replaced by a drive to add economic value to policy (ie immigration policy).</li> <li>- There has to be some discussion to lay a good foundation for immigration policy and the wider aspects of population policy.</li> <li>- 'I cautioned the Hui not to allow a powerful dynamic to overwhelm other aspects of the kaupapa.</li> </ul>
9(2)(a) 1	<ul style="list-style-type: none"> <li>- Acknowledged the opportunity given today as the first time for Maori input into immigration.</li> <li>- Noted that Maori wanted benefits from the arrival of Pakeha but were steadily overwhelmed by an influx of new settlers. Typically, these people had no knowledge or empathy for the unique position and ways of Maori in this nation.</li> </ul>

- The Facilitator then invited the Minister to respond:
  - The Minister began by telling the Hui she was unable to answer the question of the development of a Treaty framework. She told the Hui that the gathering was the first step in trying to build the relationship between the Treaty partners.
  - *We have never discussed this issue with Maori.* The Minister stated she would welcome ideas to generate the dialogue between Maori and Government. She reminded the Hui that the Treaty also guaranteed her rights as a New Zealand citizen to live in this nation.
  - The Minister accepted that a Treaty relationship does exist – *but it needs development to give the relationship practical application.* She also pointed out that *despite being born in New Zealand, I was given a very minimal understanding of the Treaty issues that influence this country's development.*
  - *Today's hui is the beginning not the end of a relationship.* The Minister reiterated that she was not setting an agenda for discussion between Government and Maori.
  - *I am confronted with Treaty issues every day of my life as Minister of Immigration.* The Minister told the Hui that she doesn't have sufficient understanding or knowledge of these issues and that she wants to know how to involve Maori in decision making on serious policy issues.
- Dialogue then occurred between the Minister and the Hui:

Speaker	Comment
9(2)(a)	<ul style="list-style-type: none"> <li>- I want to be acknowledged as an equal partner in decision making. 9(2)(a) asked that the Minister acknowledge we are forging a new pathway today and clearing away the past.</li> <li>- stated that he was at a meeting run by Mr Birch under the National Government. He said that since that meeting nothing had progressed, and expressed his hope that today is a new beginning.</li> </ul>
"	<ul style="list-style-type: none"> <li>- Told the Minister that Maori believe themselves to be caretakers for this part of the Earth;</li> <li>- " was very perturbed that the government acts as a "sponge" in these consultation exercises. Government sucks everything up on offer and gives nothing back.</li> </ul>
Minister	<ul style="list-style-type: none"> <li>- The Minister told the Hui that if we didn't have a Department of Labour that wanted to put this core issue of immigration on the table, this hui would not be happening today.</li> <li>- Her question to the Hui was if decision making is to be shared then who do we share it with? And on specifically what matters?</li> </ul>
"	<ul style="list-style-type: none"> <li>- " took this opportunity to state she felt this Hui was more than a generic consultation exercise and it was based on a desire to achieve shared decision making.</li> </ul>
"	<p>Once kawanatanga took over in New Zealand - Maori institutions became Rakeha.</p> <p>Government has become "brownier" over the years but this has only occurred because departments have been forced into this.</p> <ul style="list-style-type: none"> <li>- was concerned that there wasn't a fundamental difference between what happened with Birch and what is happening now.</li> <li>- Economic growth drives immigration policy - Maori were always happy to have Europeans arrive in New Zealand so they could bring knowledge and wealth to the country. It is apparent now that immigration has failed to achieve this for Maori.</li> <li>- raised the point of how do we ensure that immigration will bring to Maori the economic benefits they have been seeking?</li> </ul>
"	<ul style="list-style-type: none"> <li>- pointed out that Government has been talking about equity and opportunity for Maori over the last year or so.</li> </ul>

	<ul style="list-style-type: none"> <li>- <i>Maori are often treated by Government as just one more ethnic group amongst others.</i></li> <li>- <i>If you talk about Treaty rights with regards to immigration, this is not a new issue. At a national level it has always been there.</i></li> <li>- <i>The question we are discussing today is the relationship between a planning body and the input it will have into policy creation.</i></li> </ul>
9(2)(a)	<ul style="list-style-type: none"> <li>- 9(2)(a) stated that a Maori planning group or policy group should be established. He noted that Sir Charles Bennett had put up a good model for this in 1992.</li> <li>- He also pointed out to the Minister that <i>many Maori leave New Zealand to get work but their hearts and responsibilities remain here.</i></li> </ul>
Minister	<ul style="list-style-type: none"> <li>- Noted that the Hui could pursue a number of issues to clarify the relationship between Maori and Government on immigration. For example, he suggested as a possibility that the Immigration Act may require a Treaty clause.</li> <li>- The Minister also responded to him by noting that discussions around Treaty rights and immigration may have gone on before, but nothing like this Hui has ever occurred.</li> <li>- The Minister then invited him to voice his views to the Hui.</li> </ul>
9(2)(a)	<ul style="list-style-type: none"> <li>- He congratulated the Minister on calling the hui.</li> <li>- He reiterated that participants today want to know the role of Maori. He stated his belief that the Minister also wanted to know what this role would be.</li> <li>- He stated that the Minister will be instrumental in ensuring Government honours any commitment it makes to Maori.</li> <li>- He then observed that most of the hui participants are, in some way, descended from non-Maori. He also questioned the validity of an earlier observation that New Zealand was being "swamped" by Asians and Pacific People. <i>The highest proportion of new arrivals in this country are people from South Africa and Great Britain.</i></li> <li>- With reference to his earlier comment to the inclusive nature of Maori society – <i>The difference is that Maori had the authority when the first Pakeha arrived to be inclusive but now we don't.</i></li> <li>- <i>This Hui needs to ask, who is going to be the Maori decision making body and who will confer power upon it.</i></li> </ul>

- The Facilitator then pointed out that a number of both process and content issues had arisen. Two important points were noted:
  - There are clear process issues that preclude discussion of content issues. These need to be clarified first.
  - There is a high degree of agreement that the relationship between Government and Maori on this issue needs to be driven by a Treaty Framework.

Speaker	Comment
g (2)(a)	<ul style="list-style-type: none"> <li>- Announced that " was keen to see the Minister stay at the hui longer than identified on the programme.</li> <li>- <i>If we are going to build a framework we need Maori to be established as a co-partner on immigration. It would be helpful for the Minister to stay.</i></li> </ul>
Minister	<ul style="list-style-type: none"> <li>- The Minister said she was willing to commit to a future hui and remain for the day if that would assist proceedings.</li> <li>- The Minister apologised that she was unable to stay longer today as her timetable required more notice to alter.</li> </ul>
"	<ul style="list-style-type: none"> <li>- <i>We should discuss process and where we need to go from here. We need to be aware we are creating a framework and process that is Treaty based.</i></li> </ul>
"	<ul style="list-style-type: none"> <li>- " congratulated the Minister for the Hui being far more representative than the Birch hui.</li> </ul>
Minister	<p>The Minister</p> <ul style="list-style-type: none"> <li>- acknowledged that the more fundamental interests of the Hui than the proposed agenda for the day allowed; agreed that the issues that needed attention related to a Treaty framework, to the absence of an explicit philosophy for immigration policy, the possibility that the Treaty be included in the Immigration Act, and the nature of the decision making process needed to be reviewed to identify where and how Maori could be involved and on what issues.</li> <li>- The Minister suggested that the agenda be re-written for the rest of the day to address these kinds of issues.</li> </ul>
g (2)(a)	<ul style="list-style-type: none"> <li>- " congratulated the Minister for taking up the challenge of the Hui - noted that it is difficult to front up to Maori in a face-to-face situation.</li> </ul>

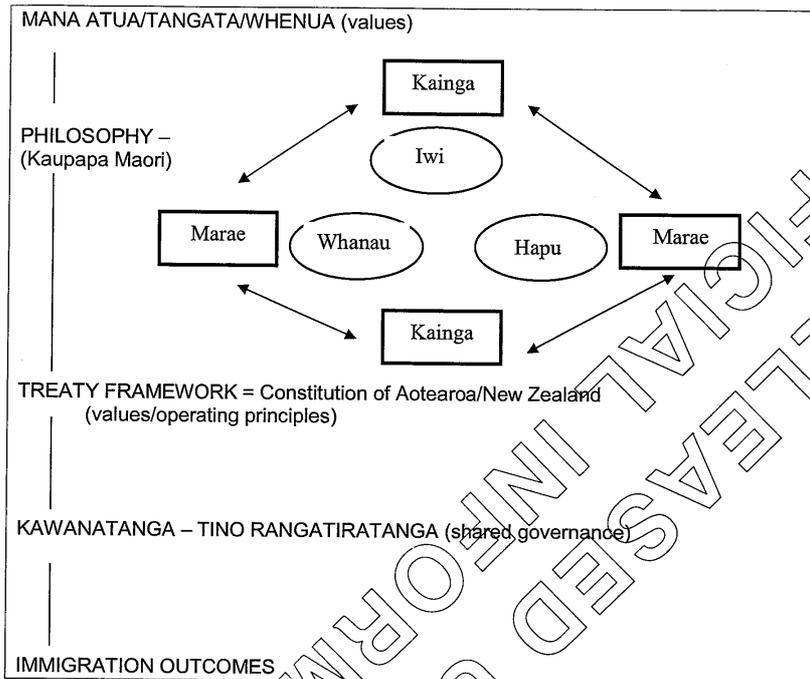
- The Hui then took morning tea at 10.45am.
- The Minister departed from the Hui.
- Following morning tea the Facilitator confirmed that the agenda for the rest of the day would be re-formulated to meet the expressed interests of the participants and

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as acknowledged by the Minister. As requested and noted during the receipt of apologies, she also read the submission from [redacted] 9(2)(a) The full text is attached at Appendix 4.

- The Facilitator outlined four key issues from the proceedings so far:
  - The absence of and the need for a Treaty framework;
  - The absence of and the need for a kaupapa for immigration;
  - Discussion on a Treaty clause in the Immigration Act;
  - Shared decision making – by who and on what?
- At this point, [redacted] started a debate on the development of a philosophical framework for immigration policy. [redacted] noted that Maori rights pre-date the Treaty, going back along the whakapapa of mana atua, mana tangata, mana whenua. *The Treaty of Waitangi exists to define the Maori relationship with tuiwi – it does not define tino rangatiratanga.*
- Delegates took time to clarify a number of points around the status of immigrants since they are clearly separate from those who are *tangata whenua* (people of the land) or *tangata taketake*.
- The use of the term *manene* was discussed. (Those who have impermanent status but can attain tangata whenua status for their children if the other parent is tangata whenua.) Use of the term *manuhiri* was considered.
- [redacted] pointed out that a process was missing in this discussion on how the status of manuhiri is clarified or later changed.
- Delegates then considered the use of the term *tangata whaimuri* (those who came after).
- General discussion ensued and was recorded on the whiteboard as the following diagram represents.

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Speaker	Comment
9(2)(a)	- Noted that all new settlers and arrivals are manuhiri until some process is enacted which whakanoa the manuhiri.
"	- Asked if all immigrants will remain manene.
"	- Cautioned delegates about the Treaty partner taking the philosophical framework and redefining it.
"	- Decolonisation is a two way process for Maori and tauwi.
"	- Reiterated the concerns about how much control Maori have over this process – she said <i>there is a clear need for some surety about the outcome for the tapu nature of what we are talking about.</i>

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9(2)(a)	- The "body" that will be formed from this hui and its participants needs to be securely defined. Once that has occurred we can go back to "filling in the gaps" for any framework developed.
"	- Once the paradigm is set out, the next level of discussion is the operational level where government departments are key players.
"	- We need to lay down the foundation principles so that this group can take the road forward.
"	- Questioned the presence of officials during the development of this paradigm.
"	- Responded that much of the baggage carried by Maori has been forced upon them by others. - Officials need to learn about this and it makes their presence valuable.
"	- We want to protect this knowledge until we can utilise it in a meaningful way.
"	- Pointed out that the real challenge is process – how do we manage this?
"	- Made the point that some of the concepts being discussed in the creation of a framework for immigration are difficult to articulate in the English language. - took the opportunity to reinforce the message that immigration has wide ranging implications for many issues – it also extends to those New Zealanders who leave for other countries to seek jobs, homes and livelihoods.
"	- Maori need to become part of the executive decision making process so that "we are sitting at the table in our own right."

- At this point 9(2)(a) recommended a moratorium on all immigration business until the issue of Maori input has been resolved.

The Facilitator invited Chris Hampton, the General Manager for NZIS, to respond

Speaker	Comment
General Manager, NZIS	- Mr Hampton expressed doubt that a moratorium would constitute a reasonable request. He acknowledged the right of the Hui to make such a recommendation - however it would be unrealistic to expect that a

	moratorium could be implemented.
9(w)(a)	- Objected and suggested that <i>the Crown cannot legitimise a whakapapa based framework for immigration policy.</i> (The Facilitator).
Facilitator	- Intervened to clarify that Mr Hampton was not suggesting that. Rather, that immigration operations could not just be halted - he was not suggesting that the framework under development be impinged upon
General Manager	- <i>There are two parties to the Treaty and any decision-making framework would require these parties to be comfortable.</i> - <i>This process needs to be sustainable.</i>
//	- Clarified that his point was that he was concerned that knowledge being imparted into the framework was to be protected.
Facilitator	- Suggested that the further forum suggested by the Minister would be the time to discuss and secure a commitment to these issues.
//	- Drew the attention of the Hui back to the idea of a immigration moratorium. noted that recent government initiatives for immigration include a drive to get 10,000 skilled people into New Zealand. - <i>If the Government continues with initiatives like these - while Maori and government decide on a framework to interact together - then the consequences for Maori could be huge.</i> <i>Issues such as these are the very ones government should be sharing the decision making on with Maori.</i>
//	- Pointed out that a moratorium is as much about giving the Crown an incentive to move on this issue. - It would be a signal from government that this exercise is not merely a "sponge" exercise.

- The Facilitator then attempted to clarify with what she meant by a moratorium. replied that this would mean halting policy moves Maori are not happy with for example, bringing 10,000 skilled individuals into New Zealand; allowances for Fijian Indians to settle in New Zealand.

Speaker	Comment
	- questioned the rationale of immigration policy being used as a tool of economic growth and being exclusively driven by the requirements of economics.

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9(2)(a)	<ul style="list-style-type: none"> <li>- With regards to a moratorium, I expressed disquiet at saying "kao" to all aspects and operations of immigration.</li> <li>- He felt that only major aspects of immigration policy should be considered as part of a moratorium.</li> </ul>
9(2)(a)	<ul style="list-style-type: none"> <li>- Maori need a planning mechanism to analyse the impact of immigration on Maori – especially its spill-over effects on education, wealth generation etc.</li> </ul>
	<ul style="list-style-type: none"> <li>- The long-term implications of immigration policy need to be looked at – for example, what would the implications be for Pakeha? In terms of skilled workers leaving New Zealand mostly being Pakeha.</li> </ul>
<b>General Manager</b>	<ul style="list-style-type: none"> <li>- Noted that statistics on the outflow of population are not good.</li> <li>- NZIS are aiming to monitor 5000 new migrants to see how well they do in New Zealand, how they and their families settle etc.</li> </ul>

#### Afternoon proceedings

- 12.30pm - At this point the Facilitator announced lunch would be taken.
- Following lunch, at the suggestion of the Hui, two groups were formed. One to formulate principles for a foundation philosophy for immigration, and the other to formulate principles for the ongoing processes of Maori involvement.

#### Foundation Principles: Report Back

- reported back on the Foundation Principles. He guided the Hui through a wall chart diagram (reproduced at the end of this document as part of the recommendations) and outlined three key points that should underpin immigration policy:

- A respect for people
- People know their place in society
- Reciprocity – protection of taonga

supplemented presentation with the following main points:

- The place of tapu noa and the boundaries they set thread through the framework diagram.
- If any of this is to go through then there has to be constitutional change.

- Maori culture is not failing us but the framework we currently work in is.
- Laws need to be changed to respect the tikanga and kawa of our culture.
- L. 9(b)(a) stated that the Principles provided a template against which immigration policy can be tested. As a closing thought he asked people to consider the potential negative effects our immigration policy may be having on other countries – in that immigrants to New Zealand are a loss to their own countries.

#### Process Principles: Report back

- reported back for the Process Principles group:
    - a summary of the group's report back is given below
    - it also appears as part of the recommendations.
    - the full version appears in Appendix 4
  - A working group could be set up to consider the aspirations of Maori for this kaupapa.
  - Processes developed must be fully endorsed at the flax-roots level.
  - Maori have no process for this kaupapa unlike the Crown – Maori must develop one.
  - In the future we could find that Maori have still been passed over – perhaps even by another group who are ascendant in population levels.
  - The process group suggested that what might be required is a Treaty audit of the NZIS policies and practices. From our understanding, current policies and practices do not take much account of Maori.
  - The question is – what body or authority would be acceptable to our people to handle this process? We don't know the answer but the answer is certainly not in the immigration service.
  - The kaupapa of immigration could be a catalyst for decolonising this country.
- It is very evident that current immigration policies are monocultural. For example, immigrant induction processes need to understand the bicultural reality of New Zealand – including the official status of Te Reo.
- Let's not forget that we are aiming to protect the rights of all New Zealanders, including Maori!! New Zealand is a country for sale which is concerning for us – other countries have laws that say the land is not for sale to foreigners.
- Foreign students could be targeted as a captive audience for things such as compulsory Te Reo training.

- The conclusion to the process of citizenship for foreigners will be a ceremony/ritual that is Maori and delivered by Maori.

▪ The general feedback of the Hui to the two reports was positive and affirmatory. In addition, concerns were expressed about the documents of identity used by Government. In particular:

9(2)(a)	<ul style="list-style-type: none"> <li>- Immigration material doesn't make reference to Aotearoa – it talks just about New Zealand.</li> <li>- <i>New immigrants swear allegiance to the Crown and the Queen – what about the whenua? Allegiance to Tiriti?</i></li> <li>- <i>I am not a New Zealander. I am a Maori who has whakapapa.</i></li> <li>- Passports should recognise Maori descent.</li> </ul>
11	<ul style="list-style-type: none"> <li>- <i>Who we are in our country is a critical issue. I am Maori and I want this recognition of my identity.</i></li> </ul>

▪ At this point the Facilitator distributed some draft recommendations to the Hui for consideration as the context to the report backs of the two groups.

▪ It was asked if the NZIS would like to respond to what they had heard today.

▪ The General Manager responded:

- NZIS was seeking to get issues of sovereignty on the table and, in some part resolve them. NZIS was also seeking to discuss issues that had been heard about on an ad-hoc basis in the field.
- NZIS recognised that the two big issues for developing the relationship between Maori and Government are the philosophy and the framework behind immigration policy.
- NZIS was comfortable with the idea of a major hui and had expected that the Hui would be only the beginning of the process.
- A Treaty audit process for NZIS would be welcome, however there would need to be more information about it though and would be subject to the view of the Chief Executive of the Department of Labour.
- NZIS would need to ensure that the framework was checked for its robustness. But there should be no compromise on the principles.
- In response to suggestions about establishing some sort of Maori policy body for this kaupapa, the General Manager stated that he wasn't sure if this was essential for what was trying to be developed here.

- John Chetwin, Chief Executive of the Department of Labour then made the following remarks:
  - that immigration currently has no philosophical foundation. Today is the start of putting this framework together.
  - that the comments on the monocultural nature of the service and its processes was valid and the idea of a Treaty audit was welcome, particularly to establish an objective baseline from which to work.
  - That the comments relating to documents of identity needed to be resolved and would be passed on to the Department of Internal Affairs who carry out the issuing of passports.
- The Hui response to these comments was as follows:

Speaker	Comment
27/5	<ul style="list-style-type: none"> <li>- A future hui would have to be part of an ongoing hui process. This process needs to be defined as having a particular role in immigration policy development.</li> <li>- Ms Sykes clarified that she only speaks for herself. <i>To speak on behalf of Maori a mandate must be sought from the people.</i></li> <li>- I announced her disquiet with an internally based central government Treaty audit. <i>These processes have to be done outside of the institutes of the Crown. This has to be part of the hui process/reporting back to Maori.</i></li> </ul>
1	<p>A Treaty audit would probably be a medium term process.</p> <p>In the short term this hui or a group derived from this hui needs to continue in its operations.</p> <ul style="list-style-type: none"> <li>- The idea of constitutional change has a longer term focus.</li> </ul>
1	<p>Suggested some changes to the draft recommendations handed out earlier.</p> <p>In terms of a bigger hui, this group needs to be reconvened to develop a work plan and agenda for such a hui.</p> <ul style="list-style-type: none"> <li>- <i>For a bigger hui we would need to ensure there are a range of intergenerational skills, technology skills and people with a knowledge of tikanga.</i></li> <li>- Suggested that a two day wananga is needed in order to plan the unfolding process for this kaupapa.</li> </ul>
1	<ul style="list-style-type: none"> <li>- Warned that hui or meetings held in Wellington don't tend to attract strong representations from regional/iwi areas</li> </ul>

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	distant from Wellington. Some consideration needed to be given to how local involvement could be facilitated as early in the process as possible.
<b>General Manager</b>	- Noted that the department would be supportive of this. <i>We want it to be effective.</i>
9(2)(a)	- Expressed concern that the outputs from this Hui and its processes would be checked for their robustness by civil servants. To ensure robustness we need to make a contribution.
11	- Suggested that a motion or commitment was needed from the Hui. - The words agreed upon were:  "This outline is an embryo of a framework that will lead to the goal of constitutional change and reform of the immigration act and that steps needed to reach this point are recorded in the process principles from this Hui"
11	- [redacted] concurred this motion.

- The Facilitator asked if people were happy to be invited back for another hui to further move on this kaupapa. There were no objections.
- [redacted] pointed out there is a range of minutiae that needs to be worked out – further hui would need to consider such issues.
- The Facilitator conferred with John Chetwin to confirm the next steps from here. They are outlined as follows:
  - Summary record of proceedings sent out to participants to validate [within one week of Hui]
  - Hui participants to sign-off on the summary record and advise NZIS [within one week or receipt of document]
  - This record used as a basis for a report back to the Minister of Immigration
  - The Minister will be asked to agree to a further ongoing process – participants will be advised of her decision.
  - If the Minister does agree a 2 day hui will be called of the group who met today.
- As the closing act of proceedings [redacted] motion was voted upon. The motion was passed unanimously.
- [redacted] then closed the Hui and called on [redacted] to provide a karakia.

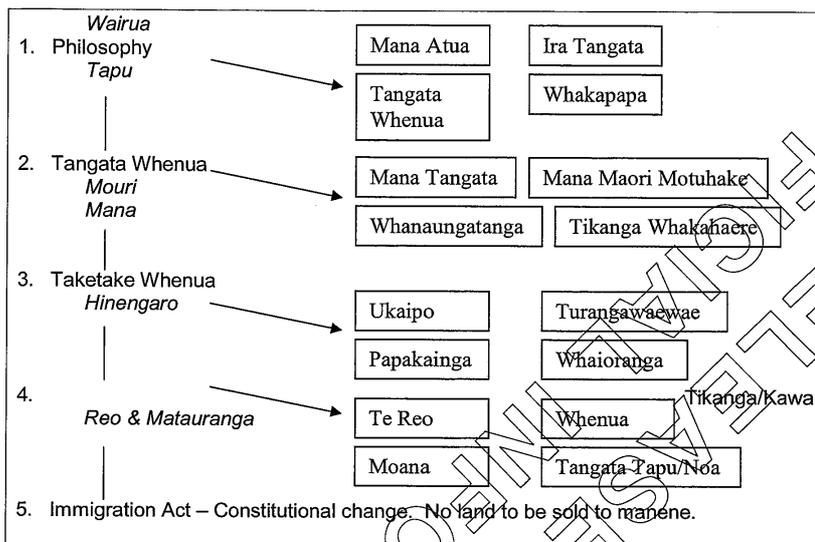
The Hui ended at 4.00pm

## Recommendations

The Hui noted:

- That a debate about immigration policy must be preceded by an agreement about the framework within which immigration occurs.
- That there is no expressed philosophy for immigration policy.
- That a framework should:
  - Accept the enduring status of tangata whenua whose tino rangatiratanga was affirmed by Maori (not established) in the Treaty of Waitangi.
  - Be of a constitutional nature providing from the outset for independent governance by Maori as guaranteed by the Treaty of Waitangi and a negotiated decision making process with the Crown.
  - Be grounded in kaupapa and matauranga Maori.
  - Be expressed in te reo ake o tenei whenua.
  - Be developed, monitored, audited and validated, observing an agreed process.
- That immigration occurred before the signing of the Treaty of Waitangi.
- That the Declaration of Independence 1835 and the Preamble to the Treaty text, when read together, provide the first immigration charter.
- That the Treaty reflects an opportunity for negotiated decision making processes driving down to (although not exclusive to) immigration policy, services and outcomes.
- That the development of a Treaty based framework for immigration policies and practices should include the following foundation principles and be undertaken in accordance with the following process principles:

**Foundation Principles for the Framework:**



**Process Principles for the Framework:**

- A working group could be set up to consider the aspirations of Maori for this kaupapa.
- Processes developed must be fully endorsed at the flax-roots level.
- Maori have no process for this kaupapa unlike the Crown – Maori must develop one.
- In the future we could find that Maori have still been passed over – perhaps even by another group who are ascendant in population levels.
- The process group suggested that what might be required is a Treaty audit of the NZIS policies and practices. From our understanding, current policies and practices do not take much account of Maori.

• The question is – what body or authority would be acceptable to our people to handle this process? We don't know the answer but the answer is certainly not in the immigration service.

- The kaupapa of immigration could be a catalyst for decolonising this country.

- It is very evident that current immigration policies are monocultural. For example, immigrant induction processes need to understand the bicultural reality of New Zealand– including the official status of Te Reo.
- Let's not forget that we are aiming to protect the rights of all New Zealanders, including Maori!! New Zealand is a country for sale which is concerning for us – other countries have laws that say the land is not for sale to foreigners.
- Foreign students could be targeted as a captive audience for things such as compulsory Te Reo training.
- The conclusion to the process of citizenship for foreigners will be a ceremony/ritual that is Maori and delivered by Maori.

*In addition, the following points were noted:*

- The need for a planning mechanism of the kind that the Planning Council was
- The need for participative and proactive policy making that allows for shared decision making
- Protection of matauranga Maori generally, and specifically the Framework
- The inclusion of the Treaty of Waitangi in the immigration statutory framework is not considered relevant in the absence of an overarching framework
- The concern that tribal areas and the tribes of those areas are being swamped by waves of new immigrants
- Consideration of a moratorium on key immigration policies until the new framework has been established
- In particular, deep misgiving was expressed at the prospect of a further 35,000 immigrants being granted access to the country
- Immigration policy as an economic instrument overlooks the priority of the importance of people – is it correct and is it successful?
- Is immigration the issue or is it the socio-economic status of Maori and the exclusion from power?
- Are we concerned that Pakeha are leaving the country and being replaced by South Africans and Asians?

## Appendix 1

### **Copy of Letter of invitation and Policy Programme**

Tena koe

Nga mihi o te tau hou ki a koe me to whanau

The Government wishes to consult with Maori on immigration policy. You have been nominated by the Department of Labour's Maori Perspective Unit and by Te Puni Kōkiri as a person who has an interest in and knowledge of immigration policy, and how it impacts on Maori.

The Government is committed to ensuring that, in involving Maori in immigration, the relationship formed will be strong and ongoing. To that end, the New Zealand Immigration Service, a service of the Department of Labour, invites you to attend a hui to be held on 28 February 2001, at the Brentwood Hotel, Kemp Street, Kilmirnie in Wellington, from 9.00am to 5:30pm.

The hui will aim to:

- seek input from Maori into the Government's upcoming immigration policy programme;
- seek information on how the Government should consult with Maori in future, and input into what the government should consult on;
- seek input on immigration issues for Maori and how to address them.

This hui will be the start of the development of ongoing relationships with Maori and it is anticipated that, based on the outcomes of these discussions, further hui will be held throughout New Zealand.

Two documents are attached for your information. Between them they:

- outline current immigration policies;
- provide information about the objectives of Government's immigration policies;
- provide information about the Government's upcoming immigration policy work programme;
- identify issues raised by Maori; and
- provides statistical information about arriving migrants.

If you are able to attend, or alternatively wish to discuss this further, could you please contact Anita Reedy, Project Director Maori Strategy – New Zealand Immigration Service, on (04) 915 4223 or (025) 222 0307 or alternatively via email [anita\\_reedy@nzis.dol.govt.nz](mailto:anita_reedy@nzis.dol.govt.nz). If you are unable to attend but are able to provide written comments, or alternatively nominate someone who may be interested in attending, we would also appreciate hearing from you.

The New Zealand Immigration Service will meet actual and reasonable travel and accommodation expenses. To arrange travel and / or accommodation and to advise of attendance, please contact the Project Director by 31 January 2001.

Yours sincerely

Hon Lianne Dalziel  
Minister of Immigration

RELEASED UNDER THE  
OFFICIAL INFORMATION ACT

## INFORMATION ON IMMIGRATION POLICY

### Purpose

This paper:

- Outlines current immigration policies;
- Provides information about the objectives of Government's immigration policies;
- Provides information about the Government's upcoming immigration policy work programme;
- Identifies issues raised.

### Background

The Government has indicated a desire to consult with Maori on immigration with the focus being the positive contributions that immigration can make to Maori social and economic development. This paper therefore outlines some of the major topics in the policy programme for the upcoming year and discusses issues requiring input from Maori. In opening this dialogue it should be noted that the purpose is to ensure the benefits of immigration should be shared by all. It should also be noted that the policy programme is subject to change and the content of this paper is based on the programme at the time of writing.

### Broad Objectives of Immigration Policy

The Department of Labour's New Zealand Immigration Service (NZIS) manages the flow of migrants and temporary entrants into New Zealand. Research suggests that immigration contributes to the Government's economic and social objectives by encouraging and assisting the entry of people with the capacity to benefit New Zealand, while minimising the associated risks.

The broad objectives of immigration are to:

- Increase New Zealand's human capability by attracting migrants with a broad range of skills;
- Encourage enterprise and innovation through business investment;
- Fill short term labour market shortages;
- Generate foreign exchange earnings;
- Foster links with other countries;
- Reunite family members
- Respond to humanitarian objectives; and
- Meet New Zealand's obligations as a member of the international community.

The decisions that are made in respect to immigration have flow on effects to almost every other government sector, for example health, housing, education, employment, Pacific Island Affairs and Internal Affairs.

Underlying the objectives and decision making processes are the questions 'what kind of community does New Zealand want to be?' and 'what can immigration do to help achieve that goal?'

#### **Policy Programme**

The immigration policy programme for the upcoming year is currently focussed on four key areas, population, settlement, family and temporary entry policies.

#### **Population**

The factors influencing New Zealand's population is diverse and varied, such as life expectancy and fertility rates. While New Zealand does not currently have a population policy, the Ministry of Economic Development is currently undertaking work in this area. Part of that work will include identifying the economic, social and international issues relating to population change and immigration.

#### **Who Can Come to New Zealand**

The question of who can come to New Zealand is answered by Government's immigration policy, under which people can qualify for residence under the following immigration categories.

##### **General Skills**

A point system linked to a weekly pass-mark. To be approved applicants must gain points for qualification, work experience, age etc.

##### **Investor**

This is a pass-mark points system based on age, business experience and investment capital.

##### **Entrepreneur**

Linked to long-term business visa, this category provides the opportunity of residence for people who have successfully established a business in New Zealand.

##### **Business Employees**

Employees of relocated businesses who do not qualify under other categories can be granted residence on a case by case basis.

##### **Family**

This category provides an opportunity for people to live in New Zealand if they are married to or in a de facto or same sex relationship with a New Zealander, and, in some cases, for the parents, children, and adult siblings of New Zealanders.

##### **Humanitarian**

This category provides an opportunity for people to live in New Zealand if they are suffering serious physical or emotional harm, and have a New Zealand family sponsor.

##### **Samoa Quota**

Up to 1100 Samoan citizens who have a job offer in New Zealand and who are aged between 18-45 years, may be granted residence each year.

#### Refugee

Up to 750 refugees (nominated by the United Nations High Commissioner for Refugees) may resettle in New Zealand each year.

#### Settlement

Settlement is the process by which migrants adjust to life in a new country. It is considered best both for the migrants and New Zealand if people settle quickly, find jobs, and integrate into their local communities.

A strategy to look at how settlement assistance can be enhanced and improved is currently being developed.

As part of the settlement review special consideration is being given to improving the settlement assistance given to refugees. For refugees the adjustment to life in a strange country is often more difficult as they are typically not willing migrants but people who have been forced from their homes.

Underpinning the settlement review is the research programme. The major initiative that has been undertaken to study the settlement experiences of new migrants is the Longitudinal Survey, Te ara o nga manene. Research to establish the regional impacts of immigration is also planned.

#### Family

A first principles review of family sponsored immigration is currently being undertaken. The review is focussing on issues such as the definition of family and the appropriateness of current sponsorship obligations under the family category.

#### Visitors

The objective of visitor policy is to facilitate the movement of visitors to New Zealand while minimising the risks to New Zealand. The Government is constantly reviewing visitor policy against the international environment to ensure visitor policy continues to:

- foster tourism, trade and commerce, international understanding and cross cultural linkages, educational and scientific activities;
- maintain the health, safety and good order of New Zealand society; and
- protect New Zealand from international crime, terrorism and unregulated illegal immigration.

#### Students

In addition student policy continues to be reviewed on an ongoing basis to ensure that New Zealand continues to benefit from the international student market. The purpose of student policy is to facilitate the entry of foreign students for the purposes of:

- fostering the development of international linkages and mutual goodwill and understanding through reciprocal exchange schemes;

- promoting increased foreign exchange earnings from educational services; and
- enhancing the quality of New Zealand's educational services.

#### **Work visas and permits**

The Government is planning a review of work permit policy to ensure clear linkages are established between work permit and residence policies. The objective of the work visa and permit policy is to protect employment opportunities for New Zealand citizens and residents while still allowing:

- New Zealand employers to recruit temporary workers from overseas to meet particular or seasonal skill needs which cannot be met from within New Zealand;
- New Zealand to meet its obligations, under bilateral agreements negotiated with the governments of neighbouring countries in the South Pacific, to provide opportunities for citizens of these countries to undertake temporary employment;
- visitors to New Zealand to lawfully work while on holiday provided this does not take away employment opportunities from New Zealand citizens or residents; and
- permission to work to be granted on a reciprocal basis to people entering New Zealand under approved working holiday schemes.

#### **Other Areas of Interest**

When immigration is considered from a sovereignty perspective Maori as tangata whenua need to be confident that immigration policy is contributing to Maori development. Specific areas have been identified as areas for potential development include:

- Family - the rights and obligations of Maori whose families include migrants;
- Bringing skills to build experience within Maori corporations;
- The regional impacts of immigration on communities; and
- Opportunities for investment in Maori initiatives.

Further thinking is required around how the NZIS and Maori can ensure that the risks of developing specific policies around these initiatives can be minimised.

**Appendix 2**

**Copy of proposed agenda**

		<b>Programme</b>
9.00am	Whakatau Mihimihi	Manager, Maori Perspectives Unit
9.30am	Ministerial Address	Hon Lianne Dalziel Minister of Immigration  Hon Tariana Turia Associate Minister of Maori Affairs
	Open Forum	Opportunity for participants to clarify any matters raised in Ministers' addresses
<b>10.45am</b>	<b>Morning Tea</b>	Ministers depart
11.15am	Establish expectations of the day	
11.30am	Presentation	Chris Hampton General Manager, NZ Immigration Service
11.45am	Discussions	◆ What are the key Iwi and Maori concerns about immigration policy?
<b>12.30pm</b>	<b>Lunch</b>	
1.30pm	Discussions resume	◆ Response to the policy programme of the NZ Immigration Service for the year?  ◆ How should the Government consult with Maori about immigration in the future?
<b>3.15pm</b>	<b>Afternoon Tea</b>	
	Concluding remarks	
	Where to from here	Chris Hampton
	Whakamutunga	

### **Appendix 3**

#### **Address by Minister of Immigration**

Kia ora Koutou Katoa

Thank you for taking the time to come to Wellington to attend this Hui. I am fully aware of the difficulties faced by Maori to meet the demands of consultation. I personally value the time that you are willing to share in this regard.

One point that I would like to make at the outset is that this is a first. The Department of Labour has been developing its capacity to work with Maori both internally and externally. As far as I am aware this is the first time that a Hui has been held for the purposes of consulting with Maori on immigration policy. I do not say this as a matter of pride, but rather as a statement of regret that it has taken so long. However I do want to acknowledge the Chief Executive, John Chetwin, NZIS General Manager, Chris Hampton and Anita Reedy the project director for taking a leadership role, and bringing us to this day.

You were nominated through the Department of Labour's Maori Perspective Unit, TPK and through Ministers, because of your wide-ranging interest on a range of immigration issues. I hope today will set the context for the development of ongoing relationships with Maori, to enable discussion on the impact of Government policies on migrants and the people of New Zealand, and areas where immigration policy may inform other policy areas.

The broad objectives of immigration are to:

- Increase New Zealand's human capability by attracting migrants with a broad range of skills
- Encourage enterprise and innovation through business investment
- Fill short term labour market shortages
- Generate foreign exchange earnings
- Foster links with other countries
- Reunite family members
- Respond to humanitarian objectives; and

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- Meet New Zealand's obligations as a member of the international community.

Underlying the objectives and decision making processes are the questions "what kind of community does New Zealand want to be?" and "what can immigration do to achieve the goal?"

Discussion around factors influencing New Zealand's population are diverse and varied. While New Zealand has no formal population policy, in 1998 the previous Government decided that New Zealand should aim for a net gain from permanent and long-term migration of 10,000 people a year over the medium term. There are difficulties however in using immigration policy as a mechanism to influence net migration goals. It is not, for example, possible to effectively control net migration because it includes (uncontrollable) flows of New Zealanders and Australians as well as the departure of both former migrants and long-term residents. Given the absence (and undesirability) of "exit controls" on New Zealand citizens, the primary policy mechanism for influencing net migration is the level of immigration approvals. Immigration approvals are, therefore, a rather blunt mechanism for influencing net migration. And beyond this, migration is a rather small element when thinking about overall population growth.

I have asked the Minister of Economic Development to look at population policy and the Labour Market Policy Group within the Department of Labour has undertaken preliminary work on this.

As Minister of Immigration, I am concerned that the benefits of immigration are shared by all. Some of the matters that have been raised over the last year, where I would value a Maori perspective are these:

1. Where a Maori man or woman has entered into a marriage or de facto relationship, with someone who is an overstayer, and subject to removal from New Zealand, what does the Treaty mean in the context of the separation of the child from one of his/her parents? What does it mean if the other parent feels compelled to leave with his/her partner, and therefore the wrenching of the child from the place of their birth? The rights under the Treaty are asserted in correspondence to me asking for my

intervention. I would value your comment on this, because this is an area where asserted Treaty rights conflict with immigration policy which requires everyone who is not a citizen to hold in their passport a valid permit to be here.

2. When migrants arrive in New Zealand, they are given material on the Treaty. Should there be a greater obligation than that? I know some iwi work closely with new migrants to ensure that they visit local Marae and learn of the Treaty. Should this be formalised.
3. I have been approached by Iwi over the relaxation of immigration criteria for groupings of migrants who will invest in, and work on, Maori land. At this stage I have referred the underlying issues to other Ministers to address, and that is the difficulties confronted by Maori in gaining investment finance in multiple owned land. It is the nature of the security that can be offered which is the problem, and that does not disappear if we reduce the level of investment required of each migrant. What happens if they wish to withdraw their investment? What happens if they want to move to another part of New Zealand once they gain residency? There are significant issues that need to be addressed before this is progressed.
4. I have been approached by individuals who have been given Maori passports. These are not recognised by New Zealand Immigration law, and do not protect individuals from being removed from New Zealand. How do we address the issue of overstaying in the context of Maori granting unrecognised citizenship to mainly Pacific overstayers?
5. Work that is undertaken in assessing labour market shortages can be used to inform training opportunities for Maori.

I have set up a Ministerial Advisory Group on Immigration – Karen Grant is one of the members of that group and I know she would have liked to have been here today. I hope that issues that are raised here can be referred to the Advisory Group to inform their advice to me.

Immigration policy goes beyond residence – it involves temporary permits as well. Our Tourism industry is dependent on the free flow of visitors to New Zealand – immigration policy demands that risk is managed in this context.

For immigration policy to be effective its benefits must be shared by all. There is a case to be made for the view that Maori have not been significantly involved in the policy process, and thereby have missed the opportunity to ensure that the benefits – economic and social – are able to contribute to the advancement of Maori aspirations.

I look forward to a robust discussion, and to learning of the results of today's work and the ongoing relationship that will better inform my work as Minister of Immigration.

No reira, tena koutou, tena koutou, tena ra koutou katoa.

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#### **Appendix 4**

##### **Submission by**

I would like to provide a Ngati Porou point of view on immigration. Ngati Porou are over qualified to present their position on immigration, as it was our tipuna Maui-Tikitiki-a-Taranga who first paved the way for immigration to this country by raising this great fish from the depths of Te Moana-nui-a-kiwa. In fact when he raised his fish, which is now known as Te-Ika-a-Maui (the North Island), his waka Nukuaememeha was lifted high into the air by our Mountain Hikurangi, and to this day it rests on the peaks of our sacred Mountain in petrified form, as a symbol of our status as tangata whenua. We inherited our mana whenua and mana moana from Maui. In fact Te Rangihiroa, Sir Peter Buck refers to us as the original tangata whenua. Since the time of Maui to the present day, immigration has always been an issue which our people have considered, and which, since 1840, has been taken out of our control. It is from this position that I wish to express the Ngati Porou view.

Pre-colonisation, immigration was based on whakapapa. We in Ngati Porou were descended from Maui and other ancestors who arrived with him from Hawaiki, therefore our whakapapa to each other was strong and very much in tact. After some time other waka arrived from Hawaiki, as Hawaiki was the base from which we had all come we had whakapapa to the new arrivals. Those who arrived here had common values to those already here; they had a common language to those already here; they had common history to those already here; and they had a common culture to those already here. Therefore there was little or no issue with the arrival of the first immigrants from Hawaiki.

Post colonisation, immigration has been based on the values of non-tangata whenua. As a result the mana of tangata whenua has been constantly and consistently undermined. At the least, Ngati Porou, as with other Iwi, should be consulted on policy regarding immigration, which ultimately affects us. But more importantly we should, as a Treaty partner, be given equal status with the Crown to determine this policy.

With the arrival of tauwi or rawaho, people alien to this Country, to Aotearoa, comes new languages, cultures, religions, values and identities. At a time when Ngati Porou,

Page 32

just like other iwi, are struggling to preserve our unique language, history, and tikanga our struggle will become more and more difficult as this country seeks to accommodate the new people. Ngati Porou are fortunately situated in an isolated part of the country. However, with the way the immigration policy has been working over the last 10 years, we may in the next 10 years find ourselves overwhelmed by new arrivals to our tribal area. At this stage we do not have systems in place which will educate these people about who we are, our tikanga, our lores, or our customs and practices. This is why it is crucial that we are given the right to participate in drafting policy regarding immigration.

When people immigrate to this country they need to learn and understand who we as iwi are. They need to be educated about the Treaty of Waitangi and where they will potentially fit in. They should be scrutinised so that they will not continue the undermining of the mana of iwi. This at the very least should be part of the governing criteria for entry into this Country.

The Governments immigration policy which allocates points to each potential immigrant is a blatant example of how the Government constantly undermine our mana. The criteria which makes up the point system is focussed on the economic potential which possible immigrants may bring to our Country. There is no mention of Maori as tangata whenua, nor is there any reference to the Treaty.

This has to change. In 160 years our rights as tangata whenua have been totally eroded. At the very least we should be consulted and should be given the opportunity to have input into this policy. Ideally we would have equal status with the Crown. If we are to prevent any potential cultural crises in the future it is important that we settle this issue now.

**Ko Hikurangi to Maunga  
Ko Waiapu te Awa  
Ko Ngati Porou te Iwi**

## **Appendix 5:**

### **Record of the brainstorming of the Process Principles Group**

#### Process:

If process is not defined properly, philosophy could be endangered, therefore this group should continue.

#### What is process?

- Constitutional process – working party to identify Maori needs and aspirations. The Treaty is an immigration document. Accelerate this process – a big hui, working party (where immigration policy is not seen in a vacuum) to determine the process.

The purpose is to achieve a mandate consistent with our philosophical framework, whereby we must go back to the “flax roots”. We must have BUY IN.

- The Crown have a process – Maori don't. Consider our options for process – constitutional change. There is at present no true partnership between the Crown and Maori.

Take care that we do not concede power eventually to a group that is no longer a majority.

One concern – population make-up – we are the guardians/kaitiaki of this land. We have no choice other than to protect/take responsibility. An indigenous responsibility, not tied in with or from the Treaty.

INDEPENDENCY: Consolidating Mana Atua, Mana Whenua, Mana Tangata.

- Suggestion – Treaty audit process of Immigration service policies and practices.
- Look at what entity/body/authority will be acceptable – effective:
  - Independent of the Crown?
  - Pacific Human Rights Commission model with human rights planning council? Recognise our reality is in the Pacific.
  - A durable body with longevity.

Immigration is turning out to be one facet of the great constitutional debate.

Consider:-

- Commitment to changing the parliamentary structure which is following Western model OR establishing an indigenous model.
- What the structure eventuates as will need more work.

- The country needs a decolonisation process as a first base to constitutional change.
  - Using Immigration kaupapa to trigger off a process of decolonisation.
  - Discussion of moratorium. Suspend immigration actions.
- Focus on audit that must lead to transformation. Identify other areas of relevance that needs more analysis and leads to good info to base future process on eg demographics of different people entering New Zealand – relationships with our Pacific brethren.

The basis of current immigration policy is monocultural:

- Two reo – bicultural policy – induction training for all immigrants in Maori perspectives including Te Reo Maori.
- Range of application fees revisited and that Maori perspectives be factored in/costed.
- Categories needs to be revisited and the points system reviewed/changed/dropped accordingly to provide for wider Maori perspectives.
- Stronger relationships to be forged with Maori.
- There is a very deep responsibility to being granted citizenship. Not an automatic right. Fundamental obligation to respect the New Zealand way of life.
- Underpinning the whole Maori perspective of immigration is to protect the position of Maori and subsequently other New Zealanders.
- People coming in must understand customary laws as well.
- There is a concern that New Zealand is up for sale.
- Foreign students subsidise universities. They can seek residency when they graduate – they could access reo training. This would be a source of income for Maori tutors etc.

Concern – how will immigration services deal with our recommendations and issues – cultural safety for Maori involved in today's hui and processes. That there be a ritual – a symbolic Maori conclusion to immigrants being granted citizenship.

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OFFICIAL INFORMATION ACT

**OIA release letter (DoL)**

Saburo Omura  
Te Pua Wananga Ki Te Ao  
School of Maori and Pacific Development  
The University of Waikato  
Private Bag 3105  
HAMILTON

Department of Labour  
TE TARI MAHI



File No: 09/86363

Dear Mr Omura

I refer to your official information request dated 17 June 2009. I understand that Stephanie Coutts, Project Manager, Immigration Act review, contacted you to clarify the information you were requesting, which was:

*internal reports and documents which discussed the review of the Immigration Act 1987 and the Treaty of Waitangi obligations and implications.*

*inter-ministry documents regarding the implications of the Treaty of Waitangi for the review of the Immigration Act 1987. For example, if Te Puni Kokiri (or any other Ministry, if applicable) was consulted with over any part of the Act review regarding the interests of Maori people.*

*how Maori interest parties were consulted for the review of this Act.*

I understand that you have been provided with a copy of the report, *Immigration and the Treaty of Waitangi*, prepared for the Department of Labour by Nicola White, Institute of Policy Studies, School of Government, Victoria University of Wellington. I also understand you requested Te Puni Kokiri provide consultation documents on the Immigration Act review and these were forthcoming. There is no reason for me to provide you with this information again.

Attached to this letter are two further emails:

1. *Act review – Treaty comment*, Thursday 15 December 2005

This is an internal email containing the draft wording on the Treaty of Waitangi for the *Immigration Act review: Discussion document* (Discussion document). No written feedback on this drafting wording is held on file.

2. *Immigration Act review*, Tuesday 13 and Monday 19 December 2005

This is the email to Te Puni Kokiri containing the draft wording on the Treaty of Waitangi for the Discussion document. The response from Te Puni Kokiri is in the email dated Monday 19 December 2005.

Certain information is being withheld from these emails in reliance on section 9(2)(a) of the Official Information Act which relates to the privacy of natural persons.

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The final Discussion document is publicly available and can be accessed online at [www.dol.govt.nz/actreview](http://www.dol.govt.nz/actreview).

As you will be aware from reading the report, *Immigration and the Treaty of Waitangi*, and the Discussion document, immigration legislation regulates the administration of immigration-related decision-making and border control, but it leaves decisions on the actual content of immigration policy explicitly to the Executive Government. You will see that the Immigration Act review (the Act review) and Immigration Bill (the Bill) retained this fundamental structure. Because of this, the Department of Labour considered that there were no Treaty implications arising from the Act review or the Bill.

Upon the receipt of the report, *Immigration and the Treaty of Waitangi*, and the publication of the Discussion document, no further internal reports or documents and no inter-ministry documents considered the implications of the Treaty for the Act review or the Bill. For this reason, I am declining this aspect of your request under section 18(e) of the Official Information Act, as the information you are requesting does not exist.

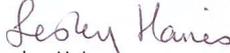
In regard to your interest in how Maori interest parties were consulted on the Act review and the Bill, I can advise you that there was a public consultation period on the proposals for the Bill in 2006. At this time, all interested parties could attend public meetings or make submissions on the Discussion document. Further to this consultation period, the Transport and Industrial Relations Committee (the Committee) consulted on the Bill as introduced in 2007 – 2008. The summary of submissions on the Discussion document is available on the Department of Labour's Act review website and the Committee's report back is available at [www.parliament.govt.nz](http://www.parliament.govt.nz).

If you wish to discuss any aspect of your request or this response, or if you require any further assistance, you are encouraged to contact Stephanie Coutts, Project Manager, Immigration Act review, via email or on 04 915 4521.

You have the right to contest the decision to withhold information by seeking an investigation and review of that decision by the Ombudsman, whose address for contact purposes is:

The Ombudsman  
Office of the Ombudsmen  
P O Box 10-152  
WELLINGTON

Yours sincerely

  
Lesley Haines  
Group Manager, Workforce Policy

**DoL-TPK email exchange regarding the White report**

WITHHELD UNDER SECTION 9(2)(a)

**From:** WITHHELD UNDER SECTION 9(2)(a)  
**Sent:** Thursday, 15 December 2005 1:44 p.m.  
**To:** Stephen Dunstan; Tracey Conlon; Mary Anne Thompson  
**Subject:** Act review - Treaty comment

Hi

We have decided to include a small comment on the Treaty in the discussion document as this is clearly an issue that will be raised.

The current draft wording is as follows -

***The Treaty of Waitangi***

- 1 The Department has carefully considered the relevance of the Treaty of Waitangi to this review.
- 2 As set out above, the Immigration Act regulates the process of decision-making and the administration of immigration-related border control, but it leaves decisions on the actual content of immigration policy explicitly to the executive government. This review is not proposing to alter this fundamental structure.
- 3 Treaty implications in the immigration context do not arise in the detail of the day to day administration of immigration, which are the matters that dominate the content of the Immigration Act. The Treaty does, however, have relevance to the overarching policy and goals that a government may set for immigration. Part of the process of developing immigration policy is a consideration of the effect of immigration settings on the overall ethnic mix and social cohesion in New Zealand. The Treaty suggests that that consideration should, where relevant, include consideration of the effect on the vitality of Maori culture.
- 4 In summary, assuming that the Immigration Act continues to prescribe key powers, obligations and processes, and to leave policy content to executive government discretion, Treaty considerations would not have any significant bearing on the matters dealt with in an Immigration Act. They could, however, impact at the policy level.

I have sent this and the final IPS paper to TPK for their comment by tomorrow.

If you have any comments on this please let me know by Monday.

Thanks, WITHHELD UNDER SECTION 9(2)(a)

WITHHELD UNDER SECTION 9(2)(a)

From: Steve Hunt [hunts@tpk.govt.nz]  
Sent: Monday, 19 December 2005 9:45 a.m.  
To: WITHHELD UNDER SECTION 9(2)(a)  
Subject: RE: Immigration Act review

Kia ora . Thanks for this. Te Puni Kōkiri agrees with the proposed treatment of Treaty issues.

Steve WITHHELD UNDER SECTION 9(2)(a)

-----Ori

From: WITHHELD UNDER SECTION 9(2)(a)  
Sent: Tuesday, 13 December 2005 5:07 p.m.  
To: Steve Hunt  
Subject: Immigration Act review

Dear Steve

As you will recall we had come to the view that the relevance of the Treaty in the immigration context sat with policy settings rather than the administrative procedures set out in the Immigration Act.

We are including a paragraph to this effect in the discussion document as we think it is likely to be a question people will ask.

The draft para is as follows -

***The Treaty of Waitangi***

- 1 The Department has carefully considered the relevance of the Treaty of Waitangi to this review.
- 2 As set out above, the Immigration Act regulates the process of decision-making and the administration of immigration-related border control, but it leaves decisions on the actual content of immigration policy explicitly to the executive government. This review is not proposing to alter this fundamental structure.
- 3 Treaty implications in the immigration context do not arise in the detail of the day to day administration of immigration, which are the matters that dominate the content of the Immigration Act. The Treaty does, however, have relevance to the overarching policy and goals that a government may set for immigration. Part of the process of developing immigration policy is a consideration of the effect of immigration settings on the overall ethnic mix and social cohesion in New Zealand. The Treaty suggests that that consideration should, where relevant, include consideration of the effect on the vitality of Maori culture.
- 4 In summary, assuming that the Immigration Act continues to prescribe key powers, obligations and processes, and to leave policy

9/01/2006

content to executive government discretion, Treaty considerations would not have any significant bearing on the matters dealt with in an Immigration Act. They could, however, impact at the policy level.

If you wish to comment on this draft para, please let me know by the end of this week.

I am also attaching a copy of a paper written for the Department by Nicola White at the Institute of Policy Studies, for your information.

<<Immigration and the Treaty of Waitangi final paper Nov 05.doc>>

Kind regards,

WITHHELD UNDER SECTION 9(2)(a)

Senior Policy Analyst  
Immigration Policy  
Department of Labour

Tel: 04-9154152

Email: WITHHELD UNDER SECTION 9(2)(a)

Unisys House  
56 The Terrace  
PO Box 3705  
Wellington

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9/01/2006

**OIA release letter (TPK)**

**DoL-TPK email exchange regarding the Immigration Act  
Review: Discussion paper 3 March 2006**



Te Puni Kōkiri  
REALISING MĀORI POTENTIAL

11 MAY 2009

Saburo Omura  
PhD Candidate  
Te Pua Wānanga ki te Ao  
School of Māori and Pacific Development  
The University of Waikato  
Private Bag 3105  
HAMILTON

Tēnā koe

I refer to your email of 15 April 2009 requesting information under the Official Information Act 1982. Following a request from Natalie Heywood for clarification of your request, you advised on 24 April 2009 that your request was for:

- documents concerning the review of the Immigration Act 1987 that the Department of Labour consulted with Te Puni Kōkiri between 2002 and 2009; and
- records of tenders for Treaty related advice/consultations on matters concerning immigration by Te Puni Kōkiri in the last five years.

Following a search of our records, we found that for the majority of the papers we hold on the review of the Immigration Act, Te Puni Kōkiri was not consulted on the documents but was only informed. The only document we hold that falls within the scope of your request is Te Puni Kōkiri's comment on the discussion paper "*Immigration Act review: Discussion Paper 3 March 2006*". A copy of that document is attached. Some names have been withheld under section 9(2)(a) of the Official Information Act 1982 to protect the privacy of natural persons. I understand that a number of cabinet papers on the review of the Immigration Act are on the Department of Labour's website.

We have no records of tenders for Treaty related advice/consultations on matters concerning immigration relating to the last five years, therefore your request is refused under section 18(g)(1) of the Official Information Act 1982 as the information is not held.

Please note that if you are not satisfied with this response you have the right, under section 28 of the Official Information Act 1982, to make a complaint to an Ombudsman.

Nāku noa, nā

Leith Comer  
Chief Executive

Te Puni Kōkiri  
Te Puni Kōkiri House, 143 Lambton Quay, PO Box 3943, Wellington, New Zealand  
PHN Waea 04 819 6000 FAX Waea Whakaahua 04 819 6299

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**From:** @dol.govt.nz  
**Sent:** Tuesday, 21 March 2006 1:53 p.m.  
**To:** Steve Hunt  
**Subject:** RE: Immigration Act review final consultation  
Dear Steve

Thank you for your comments. We have discussed your comments and made some changes that will hopefully address your concerns. You can see these changes in the full version of the paper that was circulated last week.

In particular, we have removed the sentence referring to the arrival of Māori. We have also included a new sentence in the discussion on establishing strong communities - "For immigration to help establish strong communities in New Zealand it is important that the impact on existing communities, including Māori communities, is considered."

The paper is due to be with Cabinet Office tomorrow for consideration next week.

Kind regards,

-----Original Message-----

**From:** Steve Hunt [mailto:hunts@tpk.govt.nz]  
**Sent:** Tuesday, 7 March 2006 2:42 p.m.  
**To:** Cc: Tipene Chrisp; Hekia Parata  
**Subject:** RE: Immigration Act review final consultation

Kia ora

Thank you for the opportunity to comment on the discussion document. It seems to us to be comprehensive and very well written. We do not have any responsibility for administering immigration policy, and therefore have little to say about the paper. We do however offer comment on how Māori are likely to feel about a couple of aspects.

We think that many Māori would be disturbed at the way the founding of New Zealand is presented in the overview section. On page three, you write, "New Zealand is founded on the movement of people, beginning with the arrival of Māori more than 1,000 years ago." etc. The picture is one of a succession of arrivals, all with broadly equal claims. Māori of course think that the idea of New Zealand began only when they admitted Europeans. They may be concerned that their status as first peoples is being undermined.

It would be more accurate and sensitive to say: "New Zealand was founded on the agreement between Māori and Queen Victoria, in the Treaty of Waitangi".

As we have commented before, Māori have some high level concerns about the impacts of immigration on their status and culture. These are ultimately political matters outside the scope of your review. High level Māori concerns do, however, link to the wording of the Act through the statement of the New Zealand national interests which the Act is deemed to protect.

We note that these interests include establishing strong communities and fulfilling New Zealand's role as a good international citizen. Alongside these we think it would be appropriate to mention the interest which New Zealand has in protecting the

position of its indigenous people. This seems to us to be at least as compelling as some of the other interests mentioned, and could provide an opportunity for an important viewpoint to be put forward in the context of the relevant Act, which would otherwise be suppressed.

Alternatively, we would welcome an official statement to the effect that the protection of Māori interests is viewed as necessary to establishing strong communities and playing a worthy international role.

Other than that we have no disagreement with the document as proposed.

best regards  
Steve Hunt

Policy Manager  
DDI (04) 922 6158  
fax (04) 922 6266  
PO Box 3943  
143 Lambton Quay  
Wellington

-----Original Message-----

**From:** [mailto:@dol.govt.nz]

**Sent:** Friday, 3 March 2006 2:16 p.m.

**To:**

Steve Hunt;

**Subject:** RE: Immigration Act review final consultation

Deal all

As promised, here is the revised discussion paper for your final comment.

<<Immigration Act review discussion paper 030306.doc>>

The text is highlighted in yellow where there have been substantive, or substantial editorial, changes. We are not distributing hard copies as we think people would rather scroll through and print the sections relevant to you.

I am also attaching a summary document of key changes that have been made.

<<Summary of changes to the draft discussion document for OGDs.doc>>

As flagged with you yesterday, we have to ask for any final comment **by midday next Wednesday 8 March**. This is so that we can make changes to the document and have it to our Minister and other key Ministers next Friday, 10 March.

It would be helpful if you have no further comment to send through a message letting us know that you are comfortable with the document.

Once again, many thanks for all your contributions.

-----Original Message-----

**From**

**Sent:** Thursday, 2 March 2006 11:41 a.m.  
**To:**

**Subject:** Immigration Act review final consultation  
**Importance:** High

Dear all

Last night we completed working through all sections of the Immigration Act review discussion document with the Minister of Immigration. He wishes us to finalise the document to distribute to key Ministers by next Friday 10 March.

We will be circulating the revised document to you tomorrow for your final comment by midday next Wednesday 8 March.

To make it easier for you we will attach a summary table of the changes to the document since you saw it last, and the redrafted sections will be highlighted. Also, many of the changes are editorial rather than substantive.

Many thanks in advance,

[@dol.govt.nz](mailto:)

Unisys House  
56 The Terrace  
PO Box 3705  
Wellington

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**Stevenson, T. (1992). Exploratory report to the Waitangi Tribunal on a claim objecting to aspects of the Immigration Amendment Bill 1991. Wellington, New Zealand: Waitangi Tribunal.**

**Immigration Claim Wai 223**

**Report prepared by Tim Stevenson**

**18 March 1992**

WA 223.

Exploratory Report to the Waitangi Tribunal  
on a Claim objecting to Aspects of the Immigration  
Amendment Bill 1991

by Tim Stevenson  
18.3.92

For s/c/g, hi am

- Tim

Could possibly be a project

for Mwanza. i.e. finding/reversing route.

b.

6/11/92.

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Introduction

A summary of the report

A brief chronology of related events

Discussion of the Crown's duty to consult under the Treaty of Waitangi, divided into:

- a presentation of a Departmental point of view, and
- a more general discussion

A summary of the new immigration policy

A discussion of how the new policy affects Maori

A discussion of immigration and the Treaty

Final remarks

## 1. Introduction

1.1 This is a report on a claim lodged under the Treaty of Waitangi by the Rev. E Potaka Dewes on behalf of the Aotearoa-New Zealand Action Campaign (ANZAC)<sup>1</sup>. The claim is in two parts. It objects to -

i the Government's "... failure to adequately consult..." with the Maori people before enacting new immigration legislation, and to

ii the new policies enacted, on the grounds that they go against the interests of the Maori people.

## 2. Summary of Report

2.1 The Crown today accepts that it has a lasting commitment to honour the guarantees given in the Treaty of Waitangi. The nature of those guarantees continues to be debated. The wording of the articles of the Treaty has been considered minutely for its precise meaning; modern authorities also commonly interpret the Treaty today as embodying a set of principles to which the Crown is committed<sup>2</sup>. Included amongst these is the principle that the Maori people and the Crown are partners to the Treaty. What "partnership" entails, in day-to-day practice as well as at a broader theoretical level, is still being established.

2.2 WAI 223 must be seen in the context of this on-going debate. The claim raises two objections. The first is that the process by which the offending legislation was passed did not fulfill the obligations of partnership - that is, it contravened the spirit of the Treaty. The second is that the policies adopted will disadvantage Maori economically - a claim that can be linked more directly to article 2 of the Treaty, but which can also be expressed in terms of the spirit of the Treaty.

2.3 The Government did make some effort to consult with the Maori people over its proposals for a new immigration policy. Some Maori concerns over economic matters were also explicitly dealt with by policy-makers. Maori representations on other, less tangible issues were received by the Crown's instruments but no apparent use made of them (they were neither accepted nor, except by implication, rejected).

2.4 A claim of "inadequate" consultation must refer to a standard of adequacy. No accepted standard exists at present. One opportunity for setting guidelines on this might be the paper requested from the Department of Justice by Cabinet on how the principles of the Treaty of Waitangi should be applied to new

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<sup>1</sup> See Appendix 1: Letter of Claim.

<sup>2</sup> For example, see Judge E Durie's comments, p18, "New Zealand 1990" (official souvenir publication; Dow Publishing Ltd, 1989).

claims made under the Treaty<sup>3</sup>.

### 3. Background: A Brief Chronology<sup>4</sup>

October 1989 : the Minister of Immigration puts a paper before Cabinet recommending major changes to NZ's immigration policy. Cabinet sets up an officials working party on immigration.

October 1989 - February 1990 : the working party conducts its investigations. Manatu Maori is not represented on working sessions of the group; it is responsible for the wording of a section in the working party report that considers a Maori viewpoint<sup>5</sup>.

1990 : some developmental work on the proposed new policy continues within the Labour Department until October 1990.

December 1990 : the new Minister of Immigration sets up a new working party on immigration.

1991 : the working party concludes its task, and submissions on its report are invited from the public. A group of Maori representatives is gathered together by the Department to make a presentation to the working party<sup>6</sup>.

May 1991 : two hui are held to discuss the report, attended by invited members of the Maori community (including the Rev. E. Potaka Dewes). Further submissions from those attending the hui are invited on the report.

July 1991 : the Labour Select Committee holds public hearings on the proposed new immigration legislation.

November 1991 : the legislation is enacted.

### 4. Consultation; a Departmental Point of View

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<sup>3</sup> Source of information: a telephone conversation between Ms B Clarke, Portfolio Manager, Policy, Te Puni Kokiri and T Stevenson, ToW Tribunal, 5.3.92.

<sup>4</sup> Information about the activities of the previous Government, which began the latest policy review, is given for background purposes only. Otherwise, this report deals only with the activities of the present government, which is fully responsible for the new policies and for the process by which they came into law.

<sup>5</sup> Source of information: personal knowledge of the author of this report.

<sup>6</sup> See Appendix 2: details of consultation between the Crown and representatives of the Maori people, prepared by the Department of Labour for the Crown Law Office (memorandum from the Crown Law Office to the Waitangi Tribunal dated 15.8.91).

4.1 Responding to the ANZAC claim, the Department has pointed out<sup>7</sup> that special arrangements were made to consult with Maori representatives on immigration. Special meetings were set up and the airfares of those attending were paid where necessary. The list of those invited was drawn up with the aim of including leading members of the Maori community. The Department states that no effort was made to exclude any point of view, or to prefer people who could be expected to accept uncritically the Government's point of view. Written submissions from those attending the two hui were solicited.

4.2 The Department reports that, as well as the special meetings, there were also informal discussions between representatives of the Maori community and of the Department. It considers that some account was taken of the views expressed in the course of all consultations with Maori.

4.3 The Department submits that the process of consultation it adopted deferred to the status of the Maori people as Treaty partners and that the views of those consulted were taken into account (that is, they were put to some use rather than merely received).

#### 5. What is the Crown's Duty to Consult under the Treaty?

5.1 The current position of the Crown as to whether or not a duty to consult exists can be summarized as follows.

- The Government does not recognize as a general principle that it has a formal duty to consult with the Maori people on matters where their rights under the Treaty of Waitangi are, or may be, involved.

- The Government is required by statute to ensure that the principles of the Treaty are not contravened when acting on some issues, or classes of issue. In such cases, the Government is under a strong obligation to inform itself of the views of its Treaty partner through appropriate channels, which will very likely include consultation<sup>8</sup>.

- Where no statutory obligation exists, the Government accepts that it is desirable to consult with the Maori people. It expresses its acceptance by its actions; by consulting, particularly but not only where issues affecting Maori property or administrative affairs are involved. A number of examples where this is demonstrated can be cited; it is perhaps sufficient

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<sup>7</sup> See Appendix 2; also at a meeting between Dr J Yeabsley, Director, NZ Immigration Service and the author - 4.3.92.

<sup>8</sup> The degree of obligation involved depends on the wording of the statute, as discussed between Ms J Lake of the Crown Law Office and the author of this report, 31.3.92. Questions of statutory interpretation are not dealt with further in this report, which focusses on the application of Treaty principles in the absence of explicit statutory directions.

to cite the consultation carried out over immigration policy.

- Whether or not this consultation is carried out specifically in recognition of the Government's obligations under the Treaty of Waitangi remains vague - perhaps deliberately so. As a consequence, it is not always plain what distinction, if any, can be made between consultation carried out in fulfillment of Treaty obligations and the normal political practice of consulting with interest groups over proposed new policies. The Department of Labour represents the special effort it made to consult with Maori representatives as being made in deference to their status as Treaty partners<sup>9</sup>.

5.2 Whether the Government ought to accept that it has a duty to consult is, of course, a completely separate question. Some views on this are given below.

- The President of the Court of Appeal, Sir Robin Cooke, has rejected the proposition that the Crown has a "duty to consult" under the Treaty of Waitangi<sup>10</sup>. Such a duty, he argued, would be difficult to carry out in practice and could have effects on the processes of Government that were contrary to the principles of the Treaty.

- On the same occasion, Judge Sir Ivor Richardson also rejected the idea of a rigid, clearly defined duty to consult under the Treaty. He did assert, however, that the Crown had a duty to make well-informed decisions as to whether or not it was meeting its obligations under the Treaty and this might well require consultation<sup>11</sup>.

- The Waitangi Tribunal has supported a claim (WAI 26 and WAI 150: Allocation of Radio Frequencies) on the grounds that "The allowance of insufficient time for the consultation process was inconsistent with Treaty principles."<sup>12</sup> In this case, there was close agreement between claimants and the Government of the day that, over the practical issue involved, the Government should consult with Maori. Where disagreement arose was over the

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<sup>9</sup> *ibid.* - but on a delicately balanced matter such as this, the policy positions of the Executive and their officials can and do differ, if only in emphasis. Some Government Departments still regard the last Government's public statement, "Principles for Crown Action on the Treaty of Waitangi" (Department of Justice, 1989) as being in force because it has never formally been withdrawn by the present Government. Whether the present Government upholds those statements of principle, or even particularly wants to address the matter at this moment, is another question.

<sup>10</sup> [1987] 1 NZ Law Reports 641 at 665.

<sup>11</sup> *ibid.*, at 682-3.

<sup>12</sup> Report of the Waitangi Tribunal on Claims concerning the Allocation of Radio Frequencies: WAI 26 and WAI 150: 1990 VOL 3 WTR.

argetting, extent and, particularly, the timing of consultation<sup>13</sup>.

- One commentator on the Treaty considers that "... it is quite arguable that there is a constitutional convention restraining Parliament from legislating on Maori affairs without some consultation and semblance of tribal consent"<sup>14</sup>. The criteria for judging whether or not a convention exists are said to be: that guiding precedents exist; that actors know they are bound by a rule; and that there is a reason for the rule<sup>15</sup>. This commentator claims that all of these conditions exist in the case of consultation under the Treaty. However, the evidence and arguments he puts forward to support his assertions are not overwhelming.

- Some submissions to the Labour Select Committee urged on the Government the desirability of taking proper account of the views of the Maori people as Treaty partners and as tangata whenua in the process of enactment of the new immigration legislation<sup>16</sup>.

#### 6. A Summary of the New Immigration Policy

6.2 The new policy distinguishes between 4 main categories of permanent migrant<sup>17</sup>. Each category is briefly discussed below.

6.3 Categories of: Family migration; refugee and humanitarian migration - are little different to those existing in earlier policies, as far as selection criteria are concerned. People with close family members already living in NZ, people who meet the UN's criteria for refugee status, and people in certain kinds of pressing need with family members living in NZ, may be eligible to be accepted under these categories.

6.4 "Business migration" - under the new policy migrants are selected on the basis of their business skills and capital. The new policy emphasizes the availability of investment capital and its actual importation into NZ more than the policy it replaces.

6.5 "Occupational migration": earlier "occupational" categories

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<sup>13</sup> *ibid*; particularly, Chapter 6, pp21-32.

<sup>14</sup> p21, The Maori Magna Carta, O McHugh, Oxford University Press, 1991.

<sup>15</sup> p 17, *ibid*.

<sup>16</sup> see Annex 3: document bank. While the existence of a Maori perspective on immigration policy was acknowledged briefly in the report of the Labour Select Committee to Parliament, there was no discussion of the merits of that perspective. There are brief acknowledgements of a Maori perspective in the records of Parliamentary debates on the Bill.

<sup>17</sup> The discussion of immigration policy draws on various official reports and publications of the NZ Immigration Service (on file).

ocused on selecting immigrants who had specific work skills ruled to be in "short supply". The new policy aims to select those migrants who best fit a general "ideal" profile favouring younger, better skilled people who will adapt most readily to living in NZ. It uses a "points" system which is intended to permit some flexibility of choice within the general migrant profile.

6.6 Another feature of the new policy is its explicit aim of increasing the number of migrants. A longer term target of an additional 20,000 migrants each year has been mentioned by the Minister.

#### 7. Will the new policies disadvantage Maori?

7.1 The 1991 working party report addressed the question of the effects of its policy recommendations on the Maori people as follows:

7.2 "Among the groups with whom we met were representatives of the Maori people. They expressed to us what we accept is a legitimate concern that increased immigration may have the effect of removing employment opportunities for the unskilled among their people. In the short term, we think that our recommendations will go a considerable way to ensuring that immigrants are generally skilled and therefore do not compete in this way, and to the creation of employment opportunities through business migration. In the longer term, improved levels of educational achievement among Maori would be a preferable solution"<sup>18</sup>.

7.3 The working party appears to be referring here to its recommendations 3 and 4. The first discusses the points system (see above), and states that "The principal factor in assessing points should be employability..."<sup>19</sup>. Recommendation 4 says that immigrants under the new business programme would have to show that their entry to NZ would "... promote the economic development of NZ"<sup>20</sup>. Taking these statements together, the working party's response to Maori concerns over employment appears to be that immigrants under the immigration categories concerned would either not compete with unskilled NZers (including Maori) or would create work for NZers.

7.4 There are no records of official responses to other concerns expressed by ANZAC members. These include the fears that: a greatly increased level of immigration would threaten the position of Maori because they would represent a smaller proportion of the overall population; that new immigrants would not be aware of the special status of Maori in NZ as Treaty partners.

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<sup>18</sup> p34, Report of the Working Party on Immigration to Hon W F Birch, Minister of Immigration, 26.2.91.

<sup>19</sup> p 30, *ibid.*

<sup>20</sup> *ibid.*

**Bennion, T. (1994). Research report: Immigration claim  
WAI223. Wellington, New Zealand: Waitangi Tribunal.**

RESEARCH REPORT

IMMIGRATION CLAIM

WAI 223

November 1994

Tom Bennion

assisted by  
Judi Boyd

**Credentials**

My name is Thomas Hugh Bennion. In 1987 I graduated from the Victoria University of Wellington with a Bachelor of Laws with honours and a Bachelor of Arts, majoring in history. From 1986 to 1988 I worked part-time as a researcher for the Law Commission on the production of the Commission report *The Treaty of Waitangi and Maori Fisheries. Mataitai: Nga Tikanga Maori Me Te Tiriti O Waitangi*. In 1988 I also worked briefly for the Waitangi Tribunal assisting with research for the *Muriwhenua Fishing* report. Later in that year I began work as the legal officer of the tribunal, a position which I held until November 1994. From February 1993 I was also acting research manager for the tribunal. I have also acted as legal adviser to the head office of the Maori Land Court. In 1993 I was awarded an ANZAC Fellowship and spent 3 months in Australia studying Aboriginal land claim settlements. I now work as a consultant on Treaty matters, and edit a monthly publication, the Maori Law Review. I have completed research reports on the Whanganui River claim (Wai 167), Parikino claim (Wai 216) and Rating claims (Wai 284 and others).

In the location of many of the historical sources and writing of this report I have been assisted by Judi Boyd, a history honours graduate from the University of Otago.

On 24 March 1994 the tribunal commissioned me to prepare a report on the background to the claim filed by the Reverend Potaka Dewes for the Auckland District Maori Council (Wai 223) relating to immigration. I was also to advise what further research might be required to bring this claim to a state of readiness for a formal hearing before the Waitangi Tribunal. This report is the result of one and a half weeks full time work.

**Further research in preparation for a hearing**

This research has been brief (see "a note on sources" below). It suggests that immigration was not seen as a distinct issue by Maori, in the way that, for example, systems of governance, the land court, fishing rights and other like issues were viewed. As this report will make clear, this was probably because immigration as an issue was difficult to disentangle from the general question of colonisation, and was not seen as an issue particularly within the control of government until around the turn of the century. There can

be little doubt however that a more comprehensive study would throw up many comments from Maori in the nineteenth century expressing concern at the growing number of immigrants. Several such comments taken from readily accessible sources are noted in the report.

Consequently, with respect to the issues of concern to the tribunal, and about which findings would have to be made, further historical research would probably only reinforce to the basic conclusions reached.

Most of the additional research noted at the end of the report could be provided relatively quickly by experts in the various fields concerned.

**Abbreviations**

IUP BPP      Irish University Press collection of British Parliamentary papers

NZPD              NZ Parliamentary Debates

### **Introduction**

In one sense, colonisation could be defined as immigration without consent. Consequently, it is difficult to separate immigration issues from general concerns held by Maori about the settlement of NZ after 1840. Also, immigration flows were often directly affected by colonising events. There was a sharp fall off after the Wairau massacre,<sup>1</sup> and after the wars of the 1860s.<sup>2</sup> Much has been written about Maori resistance to colonisation. Consequently, this report, while noting those sources, focuses on instances where Maori raised the issue of immigration distinctly within the context of the development of immigration law and policy by the Crown after 1840.

### **Maori Immigration before contact**

It is worth remembering that immigration occurred in New Zealand on a considerable scale centuries before the treaty was signed. The first Maori to settle in New Zealand were the first immigrants (although, if they settled an unpopulated country, the concept of immigration may not strictly speaking apply). Subsequent waves of Maori settlement, displacing, or assimilating earlier settlers can certainly be termed immigration. Rules about land rights, kinship links, can be seen as rules governing immigration.

Maori society was in many respects a migrant one, not just in terms of these early voyages, but also through constant movements within the country to secure better resources, build new alliances, and escape enemies, as many tribal histories demonstrate.

It might be wondered how far terms like manuhiri tuarangi, manaakitanga, aroha and marae based traditions utilising these terms reflect these constant movements, and the 'rules of

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<sup>1</sup> A H McLintock *Crown Colony Government in NZ* 1958 p147

<sup>2</sup> WD Borrie *Immigration to New Zealand 1854-1938* 1991 (from a thesis written in 1939) p46). Such actions and reactions could be termed protests and responses associated with immigration. (See for example DV Williams "NZ Immigration Policies and the Law - A Perspective" *4 Otago Law Review* (1977-1980) pp189-90

migration' in a society where all had at one time or another been migrants and visitors.<sup>3</sup> Perhaps the Maori view reflected the belief held by early jurists of international law such as Francesco de Vitoria who wrote:

it was permissible from the beginning of the world, when everything was in common, for anyone to set forth and travel wheresoever he would.<sup>4</sup>

When assessing Maori views of immigration, and the part these had to play at 1840 and after, it is worth bearing in mind older values that must have influenced Maori conduct. While there was talk in some periods of driving Pakeha into the sea, this was not widespread. Was this because of a countervailing and widespread belief that, while one could prevent settlement in certain areas, or attempt to channel settlement, in the broader scheme of things, there was ultimately no right to prevent new settlers from taking up permanent residence?

#### **Pakeha immigration to 1840**

Pakeha immigration began haphazardly, with whalers, sealers and missionaries arriving with a limited, usually short-term, purpose. By 1839 the non-Maori population was about 1000. In *The New Zealand Wars* James Belich talks of zones of European influence appearing from about 1820.<sup>5</sup> These zones expanded slowly. Until the 1830s the new settlers did not require much land for their purposes. Many did not take up permanent residence. Settlements were under the control of various tribes - Maori wanted European goods, Europeans needed Maori labour, agricultural goods, and knowledge about the advantages and perils of the New Zealand environment. It was in many respects a mutually beneficial relationship.

Pakeha interested in buying large amounts of land and promoting colonisation only arrived

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<sup>3</sup> eg see these terms in C Barlow *Tikanga Whakaaro. Key Concepts in Maori Culture* 1991 and early encounters discussed in Anne Salmond *Two Worlds. First meetings between Maori and Europeans 1642-1772* 1991

<sup>4</sup> Quoted in R Plender *International Migration Law* 2nd edition 1988 p2

<sup>5</sup> J Belich *The New Zealand Wars* 1986 pp302-310

at the end of the 1830s.<sup>6</sup> Their arrival had the potential to change the nature of the relationship that had developed because their reasons for being in New Zealand were different. They wanted to build a British colony, and to do this they needed land and further immigrants. In their eyes New Zealand was an almost empty country. Initial New Zealand Company publicity material dealt quickly with Maori, claiming they longed to be "civilised" and magnanimously allocated them reserves in any European settlement so that civilisation could be passed on by some indefinable process of osmosis.<sup>7</sup> The key to the Company's ideals of organised settlement, however, was a company monopoly on the purchase of land from Maori.

By 1840 there was concern among some Maori over the purchases of the New Zealand Company and the possible arrival of more settlers. The transition from the earlier situation was noted by the Wellington based chief Wharepouri in 1840. Speaking to the young Edward Wakefield he is reported to have said:

I know that we sold you the land, and that no more white people have come to take it than you told me. But I thought you were telling lies, and that you had not so many followers. I thought you would have nine or ten, .... I thought that I could get one placed at each pa, as a White man to barter with the people and keep us well supplied with arms and clothing; and that I should be able to keep these White men under my hand and regulate their trade myself. But I see that every ship holds two hundred, and I believe, now, that you have more coming. They are all well armed; and they are strong of heart, for they have begun to build their houses without talking. They will be too strong for us; my heart is dark.<sup>8</sup>

#### **British views on immigration and citizenship at 1840**

As the quote from Vitoria above indicates, it was believed among classical theorists that there

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<sup>6</sup> P Adams *Fatal Necessity, British Intervention in New Zealand 1830-1847* 1977 p175

<sup>7</sup> P Burns *Fatal Success* 1989 p89

<sup>8</sup> *Adventure in NZ* vol 1 pp202-3 quoted in Wai 143 A1a p25

was a right at international law to travel, and in some cases to settle, anywhere in the world, and that states had a duty to uphold this right.<sup>9</sup> Magna Carta in 1215 guaranteed the right of merchants to travel to England "in accordance with ancient and lawful customs".<sup>10</sup> However, even in those times, a prerogative existed with the sovereign to expel unwanted aliens, and travel documents for foreigners were also used.<sup>11</sup>

It was not however until 1793 that the English Parliament passed an Alien Act, the first measure to enforce a regular scheme to restrict the entry of foreigners. It was enacted to prevent Jacobin "radicals" entering the country along with refugees from the French revolution.<sup>12</sup> The first passports were introduced in France in 1797.<sup>13</sup>

The Alien Act remained in force in one form or another throughout the 19th century, although policies towards aliens became more liberal in the mid nineteenth century, until a new, more onerous regime was applied in 1905.<sup>14</sup>

However there was no other immigration or citizenship legislation. And while there were these growing moves to control the entry of persons deemed a danger to the state, international law at the time supported the view that states did not have an automatic right to exclude persons seeking residence within their borders, and could do so only for good cause.<sup>15</sup>

The Swiss jurist Emmerich de Vattel, much quoted when the colonisation of NZ was in progress, in his *Law of Nations* of 1758 repeated the comments of Vitoria that "The right of

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<sup>9</sup> Plender p2

<sup>10</sup> Quoted in Plender p62

<sup>11</sup> Ibid p62-64

<sup>12</sup> Plender p64

<sup>13</sup> Ibid p65

<sup>14</sup> Plender p67

<sup>15</sup> see Plender p64 & p72

passage has also survived from the original conditions under which the entire earth was the common property of all and each individual might go here or there at will, according to his needs". He also noted the right of every man "to find habitation somewhere upon the earth" and of every refugee group to dwell in another nation, which might only refuse them entry for "very serious reasons". If rejected by all nations, they might justly settle in "the first country where they find sufficient land without having to deprive the inhabitants".<sup>16</sup>

Not only did Vattel think that in Europe the right of nations to control immigration was limited. He also considered that the people of Europe, being "too closely pent up" had a lawful right to settle on 'unoccupied' lands of 'nomadic' peoples.<sup>17</sup> This suggests that, apart from a power to expel troublemakers, he would have credited the Crown in NZ with very little sovereign authority to control immigration in 1840.

It should be remembered also that there were considerable pressures on emigration from Britain at the time, where the population had grown by nearly 11 million between 1801 and 1841.<sup>18</sup>

Citizenship was a separate matter. Concepts of it developed in Greek and Roman law at an early stage came to be adopted in English law. *Calvins case* in 1608 enunciated the principle that those born under the English sovereign were subjects of the sovereign. The case also supported the view that the people of a conquered territory automatically became subjects of the conqueror. A contrary argument was that such status had to be conferred by the conquering sovereign by treaty or statute:

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<sup>16</sup> Chapter IX translation from *The Classics of International Law* ed JB Scott, Carnegie Institution, Washington 1916. A new edition of his Law of Nations was published in 1834 (Burns p71). These rights (now much modified) are reflected in modern NZ and international law. The NZ Bill of Rights Act 1990 provides that, subject to reasonable limitations in a free and democratic society, every NZ citizen has the right to enter NZ and everyone has the right to leave NZ (s18 and s5). The Universal Declaration of Human Rights provides that everyone has the right to leave any country, including their own, and to return to their country, and the right to seek asylum in other countries to escape persecution (article 13(2) and article 14)

<sup>17</sup> Burns p71

<sup>18</sup> A Parsonson *Land and Conflict in Taranaki 1839-59* Waitangi Tribunal doc A1a Wai 143 p9). Little wonder then, that Vattel viewed settlement in countries like those of the Pacific as a natural law right

As the empire grew, [the alternative] view gradually prevailed. Natives of the new dominions did not acquire British subjecthood by the mere act of conquest. Rather, subjecthood was usually conferred as a result of a deliberate decision enshrined in the appropriate treaty of capitulation or in a statute passed by Parliament in London.<sup>19</sup>

This was the rule for conquered territories. British emigrants settling peacefully in 'unoccupied' territories were deemed to carry with them English law, and to remain in allegiance with and under the jurisdiction of the Crown. They could also establish an inchoate right of British control over an area, which could later be consolidated into a full sovereignty by an act of annexation, legislation or other formal action of the Crown.<sup>20</sup>

Taken together, these developing rules no doubt provide the background to the inclusion of article 3 in the Treaty.

#### **The Treaty of Waitangi**

With this background in mind, it is possible to gain a clearer sense of the Crown's intentions at Waitangi, both with regard to its statements about immigration, and the meaning of article 3, giving Maori the rights of British subjects.

Article 3 provided that the Queen "extends to the Natives of New Zealand Her royal protection and imparts to them all the Rights and Privileges of British Subjects." This is not quite the same as stating that Maori were British subjects, but they clearly were regarded as such in the years immediately following the Treaty signing. Governor Gore-Browne, in a speech to a Waitemata gathering of chiefs in 1860, tried to convince the chiefs that separate governance under a Maori King would be detrimental. In New Zealand, he said, a new policy had been followed:

It is your adoption by Her Majesty as her subjects which makes it impossible that the

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<sup>19</sup> Plender p15-16

<sup>20</sup> Sir K Roberts-Wray *Commonwealth and Colonial Law* 1966 p100

Maori people should be unjustly dispossessed of their lands or property. Every Maori is a member of the British Nation; he is protected by the same law as his English fellow subject ...<sup>21</sup>

With regard to immigration, it appears that the Crown did not have the desire, the ability, and, arguably, the legal belief, that it could exercise control over entry into New Zealand. This is reflected in the Preamble, which did not talk about controlling the "rapid extension of Emigration from Europe and Australia", but only of gaining sovereignty in order to "establish a settled form of Civil Government with a view to averting the evil consequences which must result from the absence of the necessary Laws and Institutions alike to the native population and to Her subjects".

Rather than talking of laws controlling entry to NZ, pre-emption was presented as the means to raise the quality of settlers coming from Australia and Europe. Maori were told pre-emption (which was waived between 1844-46 and later abandoned) would "encourage industrious white men to settle" amongst them.<sup>22</sup>

In addition, by securing the right of pre-emption the Crown could do exactly what the New Zealand Company had envisaged, buy Maori land cheaply, on-sell it to settlers at a much increased price and use the profit to fund further emigration and development. The Imperial government was primarily concerned to reduce expenditure and to make the colony self-sufficient.<sup>23</sup> The pre-emption clause also reflected the missionary desire to control the nature of settlement and emigration, and this is how it was 'sold' to Maori groups.

There was one aspect of immigration over which the Crown had direct control. Hobson was advised that under no circumstances would convicts be transported to NZ, even though he wished to use them for road building. Communications from the Colonial Office make it

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<sup>21</sup> 10 July AJHR 1860 E-1 p35

<sup>22</sup> Orange p101

<sup>23</sup> C Orange, *The Treaty of Waitangi* 1987 p100

clear that the welfare of Maori was a key factor in this prohibition.<sup>24</sup>

Emigration was obviously an accepted fact for the British. But what was the Maori view at Waitangi? As suggested above, Maori may not have thought, ultimately, that they had any right to deny residence to incoming groups. In any event, by the time the Treaty was signed, rejection of white settlement was seen to be impracticable.

The best recorded debate was on 5 February 1840 when northern chiefs considered the Treaty text for 5 hours. The record is unfortunately in English and not extensive. It appears there was no talk of preventing further immigration. The chiefs grasped the central issue, whether to concede some power to a governor to control interactions between the two groups, and punish wrongdoers. Rewa of Ngaitawake summed up this essential point:

What do Native men want of a Governor? We are not whites, nor foreigners. This country is ours, but the land is gone .... we are the Governor - we, the chiefs of this our fathers' land.<sup>25</sup>

Tamati Waka Nene's speech was telling:

Is not the land already gone? is it not covered, all covered, with men, with strangers, foreigners, even as the grass and the herbage - over whom we have no power? ... What, what do you say? The Governor to go back? ... Had you spoken thus in the old time, when the trader and grog-sellers came had you turned them away, then you could well say to the Governor, 'Go back,' and it would have been correct, straight; and I would also have said with you, 'Go back;' ... But now, as things are, no, no,

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<sup>24</sup> McLintock *Crown Colony Government* p51, 96. Lord Normanby advised: "However much immediate advantage may be derived from convict labour, the benefit is purchased at last at so heavy a price that even if the welfare of the colony were alone in question, I should regard the conversion of New Zealand into a penal settlement as a short-sighted policy. But when I advert to the effect of that measure on the aborigines ... my opposition to it is fixed and unalterable." It is ironic then, that from the earliest days, the colony paid Maori to build many of its new roads

<sup>25</sup> W Colenso *The Authentic and Genuine History of the Signing of the Treaty of Waitangi* 1890 Capper reprint 1971 p19

no.<sup>26</sup>

The recorded speeches indicate that the chiefs believed they had a choice whether a governor should come among them or not (many told Hobson to 'go back'), but there was no suggestion that immigration would or could be halted, whether the Governor came or not.

It seems then, that one intention of the Treaty, accepted by Maori, was to attempt to influence the flow of immigration which was seen as inevitable. The Crown promised, in exchange for sovereign power to make laws, to use that power to institute preemption to encourage a better quality of settler into the country.

#### **The first decades after 1840**

The extension of European settlement in New Zealand after 1840 was based on immigration. Until the 1870s all significant population increase among Pakeha was through the arrival of new settlers. Throughout the 1830s several colonisation schemes were planned from Britain - most of them with the primary aim of making money for their England based organisers. Once New Zealand was established as a Crown colony in 1840, settlement became more directed.

From 1840-1850 the New Zealand Company introduced about 12,000 immigrants.<sup>27</sup> These immigrants initially went to the New Zealand Company settlements in Nelson, Wellington, New Plymouth and Wanganui. The years 1841-43 were prosperous in England and land offered by the government and the company sold well.

The Crown itself had Empire-wide immigration schemes, sending out immigrants through the Colonial Land Emigration Commissioners, with their fares paid for from the Land Fund. Since emigration was an important part of British political life in these years the commissioners were part of a department that had been set up in Britain specifically to

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<sup>26</sup> Colenso p26-7

<sup>27</sup> AH McLintock *An Encyclopedia of New Zealand* 1966 p130

administer immigration within the Empire. Their task was to collect information about the different colonies and hand this information on to prospective emigrants, take charge of the sale of Crown lands, and also control selection and transportation of emigrants.<sup>28</sup> Despite the reservations about convicts noted above, there was even a plan to bring out boys from Parkhurst, a reform school in England. Twenty-nine were sent out in 1842 and another 59 in 1843, but the missionaries brought the scheme to a halt, claiming the boys had a bad effect on the Maoris.<sup>29</sup>

This period of immigration had more to do with what was happening in Britain than with developments within New Zealand itself. Although later immigration policy was formulated in New Zealand, the needs of Britain remained important in this area of policy well into the twentieth century.

Difficulties with land claims, combined with an economic downturn in Britain led to a slump in land sales, and immigration practically ceased until around 1850. The direction of future settlement was unclear; existing settlements were struggling, and were in bitter conflict with the governors over land policy. The Colonial Office was reluctant to help the settlers out and seemingly unsure of what immigration policy should be adopted. The northern settlers' most immediate perceived need was for military help in their battles against Hone Heke. In 1845 the Governor requested 2,500 military settlers to help protect the colony from Maori and enforce British law. In 1847 five hundred military settlers were sent out and they continued arriving periodically until 1851, most being settled around the Auckland area.

In 1852 each province took over responsibility for immigration. At first they did not have control of the disposal of public lands, nor could they appropriate land revenue. However control of both these functions was gained in 1858 and thereafter they administered lands and placed settlers as they liked.<sup>30</sup>

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<sup>28</sup> Borrie *Immigration to New Zealand 1854-1938* p6

<sup>29</sup> Immigration Dept History summarised in the agency folder in the National Archives

<sup>30</sup> Borrie p13

The provinces had their own immigration agents in Britain to promote their province, to encourage emigration and to vet prospective immigrants, acting co-operatively with the Colonial Land and Emigration Commissioners. They competed with each other and with other colonies and offered various packages to induce settlers to their area depending on their needs. Auckland was the first province to offer assisted passages to immigrants and the other colonies had to follow suit to remain equally attractive.<sup>31</sup> Auckland's policies encouraged settlers with commercial experience, the South Island settlements encouraged agricultural labourers. There was periodic debate over how much immigration each province could withstand and whether restrictions could be applied to avoid unemployment, but nothing was done. The chief source of provincial revenue was money derived from land sales and this was used to fund immigration schemes<sup>32</sup>. Policy, as it had been from the beginning of organised colonisation, was concerned with bringing out the right sort of settler - either somebody with money, or experienced agricultural labourers. Immigration was primarily to the southern provinces because they had sufficient Crown owned 'waste lands' to offer new settlers.

Despite these developments, immigration proceeded slowly and settlements remained localised. Even after provincial government was established and settlements particularly in the south became more powerful, Maori retained control of many areas. Until the early 1870s Belich estimates Maori still effectively governed about half of the North Island.<sup>33</sup> George Clarke writing in 1846 admitted that "the safety of the outsettlers depends more upon personal influence and the degree of respect entertained for them by the chiefs, than upon the protection they derive from the Government".<sup>34</sup>

Consequently, this and the obvious benefits from a Pakeha settlement which was not seriously threatening the tribal land base meant that, apart from the odd expression of

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<sup>31</sup> Borrie p18

<sup>32</sup> Idem

<sup>33</sup> J Belich "The Governors and the Maori (1840-1872) *The Oxford Illustrated History of New Zealand* ed K Sinclair 1990 p75

<sup>34</sup> IUP BPP vol 5, p565

concern (see Wharepouri above), Maori reaction to immigration was muted. Throughout the 1840s Pakeha residents were still very desirable commodities in many areas. For example, Ngati Kahungunu of the Wairarapa and Hawkes Bay wrote letters to the Wellington press asking for settlers:

Should the Pakeha wish to purchase land here, encourage him; no matter how small the amount he may offer, take it without hesitation. It is the Pakeha we want here. The Pakeha himself will be ample payment for our land, because we commonly expect to become prosperous through him.<sup>35</sup>

European officials even noted set values for Pakeha:

A pakeha trader was ... of a value, say about twenty times his weight in muskets ... A book-keeper, or a second-rate pakeha, not a trader, might be valued at, say, his weight in tomahawks - an enormous sum also. The poorest labouring pakeha ... might be estimated at, say, his weight in fish-hooks.<sup>36</sup>

On a day to day basis, in a settlement like Auckland, Maori and Pakeha interaction worked well. Thousands of Maori came into Auckland to trade, according to George Clarke jun, the Aborigine Protector. He described the scene in 1844 of the:

natives with their chiefs ... perambulating our streets, joking with our handful of soldiers, entertaining our children, or engaged in the more serious pursuit of spending their money, or exchanging their produce for articles of British manufacture.<sup>37</sup>

In areas where land was under dispute however, mainly the New Zealand Company settlements of Nelson, Wellington and Taranaki, there was mistrust and dislike on both sides.

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<sup>35</sup> Belich *Oxford History* p84

<sup>36</sup> quoted in Belich *Oxford History* p81

<sup>37</sup> IUP BPP 1844 [369] p78 see also Orange Chpt 6

Clarke jun wrote in 1843 that Maori in the Cloudy Bay area believed that Europeans there were determined to dispossess all Maori of their land, by any means possible, and that the government would support the settlers' actions.<sup>38</sup>

There is no apparent record of Maori attempting to set a limit on immigration or request that it be stopped. Early Maori-European clashes, such as Hone Heke's battles, were about control and land ownership but not the principle of settlement in New Zealand. Heke, while virulent against the Imperial government, was careful to protect local settlers and aware of the economic deprivation the departure of Europeans from his area would cause.<sup>39</sup>

Another factor mitigating against widespread Maori protest about the numbers immigrating may have been the disparity between the numbers of Pakeha settling in the North and South islands. The balance had swung acutely in favour of the South in the 1860s because of the gold rush there and the early wars in the far North.

In 1863, thirty-five thousand, mostly self-financed migrants arrived. This was more than the entire non-Maori population ten years earlier.<sup>40</sup> Unlike earlier immigrants though, many of the people coming in over these years probably did not intend to stay in the country. It was a less committed stream of immigration than the earlier, assisted migrants. Many of them left once the supply of gold decreased.<sup>41</sup>

#### **Immigration used as a weapon**

In the North Island the government was beginning to look to immigration as a solution to its Maori problems. "Native troubles" had not occurred where there was a large, stable European population, according to the Premier Alfred Domett. There was concern

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<sup>38</sup> IUP BPP 1844 [369] p76. He also mentioned other smaller dispute situations, prices paid for sailing vessels, the price of agricultural goods

<sup>39</sup> Belich *New Zealand Wars* p33

<sup>40</sup> 1988 *New Zealand Yearbook* p194

<sup>41</sup> E Olssen *A History of Otago* 1984 p58

about the uneven development caused by provincial control, particularly as the North Island, which was losing badly the competition to attract immigrants. Dommett developed the idea of military settlements.<sup>42</sup> He wanted 2,500 military settlers brought over and arranged a scheme of land allocation with the acreage given depending on military rank. The settlers were to initially provide a military defence, but later were supposed to become ordinary colonists. The act of 1858 to regulate the disposal and administration of Crown waste lands had a declared aim of introducing military settlers throughout the North Island and entitled military settlers to land free of cost.<sup>43</sup> In 1863 this scheme received more serious attention and money was raised in the New Zealand Loan Act of that year to introduce settlers into the North Island. The NZ Settlements Act provided the necessary land, taken in confiscation.<sup>44</sup>

For Maori, the wars of the 1860s could be said to have been a protest (as opposed to a consequence) of immigration measures. But the Kingites wanted to keep Europeans out of their lands and to be free to establish their own laws - they did not want a European-free New Zealand. They envisaged the two systems of government operating side by side. Ward records a meeting where influential voices (Te Heuheu Iwikau and Rewi Maniapoto) "were inclined to the extreme course of driving the Pakeha into the sea", and that one answer was provided by a chief who "went about the room blowing out the candles until the meeting was plunged into darkness."<sup>45</sup>

<sup>Paul</sup>  
Peter Clark in his study of the Pai Marire movement comes to a similar conclusion. According to his research, Te Ua didn't want to "drive the pakeha into the sea, rather he envisaged European settlement within defined boundaries".<sup>46</sup> Salvation for Te Ua's

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<sup>42</sup> Borrie, p21

<sup>43</sup> Borrie p20

<sup>44</sup> Idem

<sup>45</sup> *A Show of Justice* 1974 p99

<sup>46</sup> P Clark 'HauHau', *The Pai Marire Search for Maori Identity* 1975 p70-71

people involved adjustment to European settlement and its implications for Maori.<sup>47</sup>

The Kohimarama conference in 1860, the most representative gathering of Maoridom that had been held up to that point, reaffirmed the Maori view of the Treaty as a basis for an equal partnership between Maori and Pakeha.<sup>48</sup> There was disappointment with the government's treatment of Maori, but again no strong protest against the numbers of European immigrants. However, settlement at that time was still fairly contained with the larger South Island towns, away from the majority of Maori population centres.

Another reason for the lack of any concerted protest against immigration may have been, despite the efforts of the Kingitanga, the continuing tribal nature of Maori society, which a concerted protest about immigration would probably have needed to overcome. This was allied with staggered settlement in different areas. These factors are illustrated in a petition of 1865 from 363 East Cape Maori asking to be part of the Province of Hawkes Bay, not Auckland:

We do not like that some of our lands and some of our relatives be included in the Province of Auckland; that place is not ours, also the tribes of that place are strangers to us.....We have sold land to the Government in Hawkes Bay; our desire is that Europeans in large numbers be located thereon.<sup>49</sup>

It is certainly conceivable however that a closer investigation of the attitudes of Maori groups living in particular areas would reveal some protest against the arrival of immigrant groups.

Under the scheme enshrined in the NZ Settlements Act 1863, the Native Minister, Dillon Bell, began recruiting settlers. Different ranks of soldiers were allocated different amounts of land, from 400 acres for field officers to 50 acres for privates. Disagreements with the Auckland Provincial Council over the administration of the scheme, among other matters,

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<sup>47</sup> Ibid p102

<sup>48</sup> Orange p150

<sup>49</sup> AJHR 1865 G-12

meant it was not carried out to the extent planned and it seems that only about 3,000 soldiers actually immigrated. It was however a forerunner of Julius Vogel's immigration plans of the 1870s and it was the first time that the central government attempted to adopt an immigration plan on a large scale.<sup>50</sup>

Government correspondence about this scheme indicates concern to obtain the best land possible to encourage immigrants, to make the settlements defensive and to recover as much of the costs as possible from land sale revenue. Henry Sewell, acting for the Colonial Secretary, wrote to the Superintendent of Auckland:

the objects of the Legislature may be inferred from the Loan Appropriation Act, 1863, to be the formation of permanently defensive settlements, and the recovery of the cost of such formation from the province concerned, either from the sale of land within it, under the New Zealand Settlements Act, 1863, or ultimately from its revenue .... The formation of thriving permanent settlements will moreover be the best means of fulfilling the objects of the Legislature in the pacification (actually and prospectively) of the country; in the civilisation of the natives; and in so enhancing the value of adjacent Crown lands as to make it the means of refunding in a considerable degree the expenditure incurred.<sup>51</sup>

Dommett apparently wanted to introduce 50,000 settlers into the North Island.<sup>52</sup>

Vogel's immigration scheme was equally ambitious. The stimulus for his ideas were economic rather than military. He believed New Zealand would remain economically depressed unless a more modern infrastructure could be built and that could only happen if the population increased.<sup>53</sup> He also wanted central government to plan immigration.

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<sup>50</sup> Borrie p23

<sup>51</sup> AJHR 1865 D-2 p4

<sup>52</sup> Borrie p24

<sup>53</sup> R Dalziel *Julius Vogel* 1986 p104

The Immigration and Public Works Act 1870 had two main prongs as the title suggested. Vogel wanted to spend ten million pounds, eight and a half of which were borrowed and the remainder to come from land sale profits. The government would only authorise a loan of four million pounds however. Central government and provincial governments were "partners" in the scheme, although this changed under an 1871 amendment, and central government, under protest from the provinces, assumed full control.

Although at the time the impetus for this new push for immigration was primarily economic development, Vogel later claimed it was an attempt to solve once and for all the Maori problem:

the one chance of gaining adequate control was to introduce such a system of public works and workmen into the north Island as would 1st give protection in case of need 2nd occupy to some extent the natives 3rd open up communications 4th keep the natives in touch with the colonists ... It was a matter of life and death to secure its adoption.<sup>54</sup>

Later, in 1893, in a speech to the Imperial Institute in London, he said the public works policy "seemed to the Government the sole alternative to a war of extermination with the natives."<sup>55</sup>

Discussion of the scheme in the House in 1870 centred on several issues. One was a pre-occupation of earlier years - the need to introduce the right kind of settler. Under Wakefield's schemes, immigrants of the right kind were of a certain class, later the right kind meant those of British origin and a suitable occupational category.

Because this scheme was also tied up with economic management debate also centred on the amount of money that should be borrowed and land that would need to be purchased from Maori. It was recognised that colonisation on the scale envisaged required large tracts of

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<sup>54</sup> Dalziel, p105

<sup>55</sup> Dalziel p106

land. The best means of acquiring the necessary land were discussed. Some MPs opposed government control of land purchase, as well as the amount set aside for purchasing Native lands. According to Richmond, this was just "largesse" which would encourage Maori to squander their land. "Great Dangers impended over the Colony in several districts from the improvidence of the Natives", he claimed. North Island MPs feared that without the provision to purchase Native lands the whole scheme would just be for the benefit of the Middle Island. Vogel had no such reservations, believing that it was important to acquire as much native land as Maori were "willing to part with on advantageous terms".

The debate in the Legislative Council over these measures also concerned the reliance on the acquisition of Native land to help finance the scheme. Mantell announced that to do this was "not only taking a hair of the dog that has bitten us, but the whole animal".<sup>56</sup> He believed the Council has been "dazzled" by the bill and the prospect of profit. It was generally acknowledged that the bill, by opening up the country, will help solve the 'Native problem'. It offered:

a prospect of achieving a bloodless conquest of peace and of rendering the recurrence of any serious Native insurrection impossible. But ... the advantages ... are not confined to Native Affairs. If this Bill becomes law, you will be able to fulfil the highest functions pertaining to this Legislature, namely those of colonisation.<sup>57</sup>

who?

Immigration started off slowly. The government had to set up publicity and agents, organise the funding for assisted passages and decide on a system of veto of potential immigrants as well as work out administrative details for their arrival to the various provinces. Emigration agents in Britain were supposed to find suitable people to send out and also try to maintain an age and gender mix. By June 1872 only 613 people had arrived but momentum began to build and in 1873 the government introduced free passages. By September 1875, 50,747 adults had arrived. The majority went to the South Island.<sup>58</sup>

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<sup>56</sup> NZPD vol 9 1870 p232

<sup>57</sup> Ibid p185

<sup>58</sup> AJHR 1875 Immigration Statement D-8

By 1873 when details of the scheme underwent amendment, there was further debate over the issue of Native lands and whether the Government should be the only purchaser. The link between immigration and pacification of Maori was again evident. McLean spoke at length in favour of the Government as purchaser and as settlement agent:

When the Government purchased land from the Natives, they took upon themselves certain responsibilities in regard to the peaceful settlement of the land acquired, which they always endeavoured to carry put faithfully, with the view of averting hostilities between the two races. He considered therefore that the country was more likely to be precipitated into a Native war if individuals, who took upon themselves no responsibility whatever, were permitted to purchase lands from the Native owners .... the whole island would have been in the hands of a few adventurous speculators ... without any attempt being made to secure a proper system of colonisation.<sup>59</sup>

He assured the house that all Native land title would be thoroughly investigated under the provisions of the "new" Native Land Act. The issue was further debated in the Legislative Council. Mantell questioned the morality of the Government's plan to buy land from Natives at 2s an acre and sell it at 10s per acre. Sewell objected to central government purchasing the land, believing that power should be returned to the provincial councils. The key arguments were how much money should be spent purchasing land and who the purchaser should be - government or private.

It should be noted that Maori derived some benefit from this large scale immigration, not just in money from land sales. Some were employed on public works - partly in a deliberate policy to incorporate them into the European economy. As has been seen however, their economic advancement was not the purpose of this immigration scheme.

The beginnings of an economic recession at the end of the decade made the government less willing to spend so much money on immigration and fewer assisted passages became

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<sup>59</sup> NZPD vol 15 1873 p1242

available. From 1870 to 1880, more than 100,000 people had arrived.<sup>60</sup> Over the next 10 years, as the recession dominated events, less than one-seventh of this number arrived. From about 1885 to 1891 there was a net loss of population, presumably because of economic conditions.

Non-British immigrants settled in New Zealand in relatively large numbers for the first time in these years. Again there is little recorded systematic opposition from Maori to this. More typical was probably an incident involving an immigration officer, guiding a group of new Scandinavian settlers to Palmerston North, who had to camp under a bridge on the way. He noted that Maori from nearby Ngawhakarau brought food for the group. Their chief addressed words of welcome, saying the Maoris "were glad they had come to make roads and seed".<sup>61</sup> The Scandinavians spoke no English but presented a gift in return.

A speaker at the Orakei Parliament in 1879 spoke of the Waitangi treaty as having been a protection against "people from foreign lands". Without the Treaty, he argued, the island would have been occupied by foreigners. The "foreigners" brought in through the 1870s did not seem to be a major concern.

At this Orakei meeting most complaints were about Native Land Court procedures, surveys, road building and the need for more Maori representation in government. Similarly when Ballance travelled around the country in 1885, the complaints were about control of land, the workings of the land court and more governmental power for Maori. There were definite objections to the attitude of some settlers and to the dominance of Europeans in law-making, but the speeches seemed primarily concerned with devising a way for the two races to live productively together. Major Kemp told Ballance "we want Europeans to settle among us permanently".<sup>62</sup> Wiremu Parera, of Ngaiterangi, painted a vivid picture:

... the Maori and the European should be as one people ... I think that we are not yet

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<sup>60</sup> McLintock *Encyclopedia of New Zealand* p133

<sup>61</sup> AJHR 1871 D-2 p20

<sup>62</sup> Orakei Parliament NA p7

living together as one people, for when the Europeans are in the house we stand outside the door, and instead of being invited to enter, we are told to go away. When the Europeans call to us and tell us to come into the house and sit down with us under one roof ... then I will know for the first time that we are really living as one people.<sup>63</sup>

Te Whero, while complaining about the impact of settlement, stated "It is the English people alone who cause the trouble, no foreign foe, the Government - the English seized the land and the foreshore", but thought the Treaty should be kept the way it was made - with an equal say for both parties.

An earlier letter, sent in 1883 to the Aborigines Protection Society by the Maori MPs made the same basic point. The Treaty of Waitangi, they wrote, gives us all of our lands:

Our white friends .. tell us that we must not obstruct the progress of colonisation, and it is not our wish to do this. We merely desire to get the control of our lands into the hands of an elective body of Maoris.<sup>64</sup>

#### **First restrictions**

The recession brought a fresh development, the passage of the first measure restricting immigration. Aimed at Chinese immigrants - there were about 5,000 in the country at the time - an Act in 1881 set limits on the number allowed in. There was very little debate in the House over this measure. Each speaker was concerned that Chinese immigrants would lower the standard of living in the colony and pollute the Aryan stock. The Legislative Council looked more extensively at the bill with some speakers suggesting it was hypocritical for white New Zealanders to impose restrictions when Maori at no stage tried to restrict British immigrants:

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<sup>63</sup> Orakei Parliament NA p56

<sup>64</sup> IUP BPP vol 17 1883-1896 p128

What will the Maoris say? Have we not plundered them of their gold? and still we will not allow the Chinese to come in. Let them come in I say, and plunder as we are doing - plundering the Maoris of their gold and wealth. We should be ashamed to express such views before our honourable friend Mr Ngatata who must blush for us ...<sup>65</sup>

Other speakers, however, were as virulently anti-Chinese as most of the members of the lower House. They feared the arrival of thousands of Chinese, and they had a firm prejudice against Chinese nationals, sometimes expressed in the most bizarre outbursts. One member argued:

I have the strongest objection to these Asiatic Turanians, with their loathsome diseases and their accumulated dark and hideous vices consequent on 5,000 years of arrested civilisation, coming here and robbing our land of gold and our people of bread.<sup>66</sup>

The debate continued in a similar vein when further legislation was introduced in 1888. Ballance claimed that New Zealand parliamentarians had the "*right*" to admit who they liked to "our country" - which is interesting because at that time anybody, other than the Chinese, could enter the country as they chose. Whatever their self proclaimed rights, the debates show that New Zealand parliamentarians were most concerned about the impact a NZ measure might have on Britain's diplomatic relationship and treaty obligations with China.

Various amendments to the Act restricting Chinese immigration were made through to the end of the century and into the next. Although in 1871 a Parliamentary Commission had reported that New Zealand really had nothing to fear from Chinese immigrants - they were hard-working, law-abiding and generally did not intend staying in New Zealand anyway - public opinion continued to focus on the need for restrictive legislation and most

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<sup>65</sup> NZPD vol 38 1881 Colonel Brett p244

<sup>66</sup> NZPD vol 38 1881 p212

parliamentarians willingly obliged. Interestingly, NZ seems to be a leader in a general paranoia about Chinese immigration which swept the globe after 1880. The United States federal government passed a Chinese exclusion act in 1882, Australia in 1901.<sup>67</sup>

No official record has been found of Maori reaction to these measures. Maori MPs made no comment.

The 1881 Act introduced a change in immigration policy that has continued up to the present day. All previous policy had focused on inducement, that is, *how* to bring immigrants to New Zealand. Increasing the supply of immigrants had been a key feature of government policy for a decade and a fundamental cornerstone of the provincial governments before that. From the 1880s and more specifically in the 1890s and thereafter, the first concern became the economic protection of the workers already in the colony. Policy makers decided the key to a higher standard of living was by increasing production and improving existing conditions, rather than relying on an influx of new settlers to generate a more productive, wealthier society. The 1881 legislation also coincided with the development of the view that governments could actively control the type of immigrants, although not the overall numbers, and the introduction of legislation to this effect.<sup>68</sup>

In 1899 immigration restriction was again an issue. In 1896 the Imperial Government had rejected a bill for being discriminatory simply on the basis of race. This time an act was proposed to restrict immigrants through an education test. Those objecting to it suggested that literacy was no test for suitability as a colonist. "There are some very worthy people in this colony who cannot read or write."<sup>69</sup> The Bill was described as being "needlessly underhand", by imposing the test (to be completed in any European language)

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<sup>67</sup> Plender pp68-9

<sup>68</sup> Plender p67-68

<sup>69</sup> NZPD vol 110 1899 p374 J W Thomson - Clutha. Another stated: "I believe the man who knows how to handle the pick and shovel is of more use to us in many instances than the man who can only write." NZPD *ibid*, Capt Russell - Hawkes Bay, p374

instead of being direct and imposing straightforward restrictions on Asiatics.<sup>70</sup> Seddon, ever the populist, was concerned that the present restrictions were directed only at Asians and there were thousands of other "inferior" races that could come in unless this legislation was passed. He gave the "influx" of Dalmations onto the gum fields as an example, and urged the House to "exclude undesirable aliens and keep pure your own race".<sup>71</sup>

Debates in later years over later measures were to use the same arguments, concentrating primarily on the need to protect the workforce from non-British immigration.

From 1891 to 1903 there were no official government immigration schemes, although non-Chinese self-financed migrants were free to arrive as they pleased. In these years most immigration was from Australia.<sup>72</sup> In 1903 a limited scheme of assisted immigration was re-introduced and in 1906 nominated immigration was again put in place. For the next twenty years this was the substance of government immigration policy - limited encouragement, and restrictions on "aliens". British requests brought in an extra flow of people after the First World War. In 1920 the New Zealand government signed an agreement with the United Kingdom to take 10,000 British people per year, with the two governments sharing the cost of passage.<sup>73</sup> The scheme was suspended in 1927, and during the depression and war years there were few arrivals.

Again, it is difficult to find any Maori comment on any of these measures. When further restrictions were imposed in 1920 however, the issue of Maori citizenship was raised and whether or not, under the wording of the proposed law, Maori would need a permit to re-enter the country. It seemed that this could be the case and it was agreed to amend the proposed act. All MPs appeared to accept a statement that "The Maori is a European for our purposes". Apirana Ngata affirmed this, "The Maori wants to be in exactly the same

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<sup>70</sup> Ibid p376 McKenzie, Dunedin City

<sup>71</sup> Ibid p466

<sup>72</sup> Borrie p150

<sup>73</sup> McLintock *Encyclopedia* p133

position as the British born European". Along with the other MPs he objected to both Chinese and Indians coming into New Zealand in large numbers. He told the House that the British, while having some inefficiencies, were the most just and moral race and he would prefer to fill the waste lands with British rather than other nationals.<sup>74</sup>

#### **Twentieth century immigration**

The present form of immigration law in NZ had its origins in legislation passed in 1914 by the wartime British government which imposed draconian controls on aliens entering and living in the United Kingdom and introduced the idea of passports for all aliens. The legislation extended the logic of earlier immigration measures to an extreme. Now all immigrants, not just those screened out as undesirable, were subject to controls. This legislation, with its prime objective of "national security" continued to be applied long after the war had ended.<sup>75</sup>

Acts before the First World War, the Immigration Restriction Act 1908 and its amendment in 1910, continued the thoroughly racist policy restricting non-British, but particularly Chinese, entry. The Immigration Restriction Act 1908 for example, required that persons not of British or Irish birth should pass a test which could be put in "any European language". Those failing the test could gain entry through payment of a "deposit" of £100 which allowed them to enter the country, but was forfeited if the person could not obtain a certificate from local legal officials within 14 days allowing them entry. In essence, a legislated bribe.<sup>76</sup>

Acts passed after the war however, followed the British concern about national security. The Undesirable Immigrants Exclusion Act 1991 required all persons entering NZ to deliver to customs officers a form stating whether they were returning permanent NZ residents or not. If not, a further series of questions had to be answered. Subjects of the

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<sup>74</sup> NZPD 1920 vol 187 pp930-31

<sup>75</sup> Plender p75-77

<sup>76</sup> S14 & 15

states of Germany and Austria-Hungary (as defined by their 1914 boundaries) could only gain entry via a licence from the Attorney-General.<sup>77</sup> The Immigration Restriction Amendment Act of the following year introduced a permit system for all persons not of "British birth or parentage". The Act particularly noted that aboriginal natives of Crown territories were deemed not to be of British birth, except those of NZ birth.<sup>78</sup> The Maori status under the treaty was thus maintained. As noted above, this aspect was the subject of a brief debate in Parliament.

Meanwhile, the status of NZ citizens continued to be defined with Britain. The British Nationality and Status of Aliens (in NZ) Act 1928 adopted a similarly named act from the Imperial Parliament which held that persons born "within Her Majesty's Dominions and allegiance" were "natural-born British subjects".<sup>79</sup> So Maori retained the nationality status secured under the Treaty. It was not until 1948 that a separate NZ citizenship was created, so that persons born in NZ became both NZ citizens and British subjects.<sup>80</sup>

After the Second World War a parliamentary commission investigated ways of increasing the population and concluded most of the increase must come from within the Dominion itself. However, it recognised there were some shortages in New Zealand's workforce that could be compensated for with carefully selected immigrants.<sup>81</sup> The criteria for selection was to be "occupational aptitude". An Immigration Council representing major national organisations was established to advise the Immigration Minister.<sup>82</sup>

In 1950, mainly because of acute labour shortages, the immigration program was

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<sup>77</sup> s3 & s4

<sup>78</sup> s5(2)

<sup>79</sup> s6, and British Nationality and Status of Aliens (Imperial) Act 1914 s1(1)

<sup>80</sup> British Nationality and NZ Citizenship Act 1948 s3 & s 6 and see NJ Jamieson "The right to leave NZ" *NZ Law Journal* 1990 p43 and FM Brookfield "The Subject the Alien and Immigration" *Recent Law* May 1980 p125

<sup>81</sup> McLintock *Encyclopedia* p133

<sup>82</sup> McLintock p134

stayers more effectively while also trying a more humanitarian approach to refugee groups. The legislation also signalled the beginning of "economic migrants", letting in people who do not qualify under the occupational skills category but who can prove they have capital and entrepreneurial ability.

Maori concerns in the twentieth century over immigration policy rarely reached a public record. <sup>Maori</sup> They were undergoing their own dramatic internal migration to the cities in the 1940s and 1950s.<sup>88</sup>

In 1973 immigration policy was reviewed, and the Auckland District Maori Council submitted that immigration ought to be suspended until the housing shortage of the time was overcome, because the first duty of the government was to the people of NZ.<sup>89</sup>

In 1976 a group calling itself "Amnesty Aroha" sought a general amnesty for overstayers. There does not however appear to have been overt Maori involvement.<sup>90</sup>

#### **The 1991 review of immigration policy and the present claim**

The immediate cause of the present claim was a review of immigration law and policy announced in 1991. The background to this review, stemming from a Cabinet decision in October 1989, is set out in papers collected by Tim Stephenson for the tribunal.<sup>91</sup> Whether Cabinet in 1989 considered the need to consult with the community, and Maori in particular, or considered the need to investigate Treaty issues, is not known.

Immigration law in 1989 contained no explicit requirement to consult about the Crown's immigration policy. It did not even mention policy matters, simply providing applications

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<sup>88</sup> See GR Hawke *The Making Of NZ* 1985 p200

<sup>89</sup> *Review of Immigration Policy. Submissions made to the Minister of Immigration* 1973 Dept of Labour Library

<sup>90</sup> *Amnesty Aroha pamphlet* 1976. Dept of Labour Library

<sup>91</sup> Attached to this report

for residence could be refused as the Minister thought fit.<sup>92</sup> There was a requirement to state reasons,<sup>93</sup> which presumed an immigration policy, and there had been previous consultation about policy - as noted above.

The Immigration Amendment Act 1991, introduced to 'strengthen and more clearly define the legal framework for the operation of Government policy', inserted provisions for a Government immigration policy to be published from time to time "relating to the rules and criteria under which eligibility for the issue or grant of visas and permits is to be determined"<sup>94</sup>. Within the overall immigration policy, the Act provided that a "Government residence policy" could be announced. This set criteria for residence permits and visas.<sup>95</sup> The Act did not set out any process for determining that policy. It did however set out the matters a residence policy might contemplate. These included "general or specific objectives of Government residence policy".<sup>96</sup>

At the same time as this legal change was being effected, the government undertook consultation over the residence policy it should adopt.

Maori groups were consulted, along with other community groups, over the policy. The detail and timing of that consultation is set out in the paper prepared for the tribunal by Tim Stephenson and attached to this report.

The claimants, supported by submissions from the Race Relations Office and the Human Rights Commission, argued that they were entitled to special consultation on the basis of a Treaty right. The Race Relations Office thought that Maori should play a full part in the development of immigration policy, and suggested that membership on a working party

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<sup>92</sup> See Immigration Act 1987 s35

<sup>93</sup> Ibid s36

<sup>94</sup> S13A, and see media release of the Minister of Immigration 3 July 1991

<sup>95</sup> S13B

<sup>96</sup> S13B(3)(b)

would assist this.<sup>97</sup>

At the time of these consultations, the then Minister of Immigration, the Hon Bill Birch, publicly rejected a claim for input by Maori beyond "regular and down to earth consultations". He argued that constitutional arrangements required this approach.<sup>98</sup>

In debate in Parliament on the legislation, the opposition MP Judith Tizard, drew attention to the Royal Commission on Social Policy comment about the fundamental status of the Treaty in determining social policy, and the dilemma that Maori wished to be consulted in a meaningful way about the selection of persons to enter NZ, but that such power sharing was difficult "in the one demographic process that the Government reserves the right to control".<sup>99</sup> The Minister of Immigration questioned which Maori had raised this point. An attempt was also made to rule discussion about Maori consultation out of order.<sup>100</sup>

As to the consultation undertaken, Ms Tizard reported that the Auckland District Maori Council viewed it as "cursory at best". She later stated that only 3 submissions had been received from Maori by the select committee. Submitters argued that the Treaty required consultation, and that they were "so totally disgusted that they were not prepared to go on making submissions on this issue."<sup>101</sup>

Files from the Manatu Maori,<sup>102</sup> the government agency then responsible for advising the Crown on Maori issues, show that the Ministry had limited input into the legislation and development of the policy. The Ministry appears never to have been a member of any

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<sup>97</sup> See attachments to Tim Stephenson paper

<sup>98</sup> Transcript *National Radio* 8 May 1991

<sup>99</sup> NZPD 1991 vol 516 p2970

<sup>100</sup> *Idem*

<sup>101</sup> NZPD 1991 vol 520 p5025

<sup>102</sup> Files are LEG 7/2/2 and POL 6/9/1

officials groups or working party considering the policy or the legislation. Officials seem to have perceived consultation with them as hasty.<sup>103</sup> The files do record a brief opinion, which did not give reasons, that the legislative change would have no significant policy implications for Maori. In one sense this was correct. The legislation simply clarified the power of the government to make immigration policy. The immigration policy itself was possibly a different matter.

The consideration of largely technical changes to immigration law at the same time as immigration policy, may have given rise to confusion. One wonders if Maori groups were aware of the difference between the two. Submissions to the Labour Select Committee on the proposed changes to the Immigration Act, including submissions by the Human Rights Commission and the Race Relations Office, suggest they were seen as one and the same thing.<sup>104</sup>

### **Consultation**

These legislative changes, and the approach of the government to the development of the current policy, means that, almost certainly, there is now a legally enforceable requirement to consult before major changes to immigration policy are made.<sup>105</sup> How far such consultation should extend is another matter. Government conduct in the development of past policy (the Immigration Council after World War II and consultation in 1973), and in the development of current policy suggests that broader public input, including input from particular groups, might be a legal requirement.

As to discussion with Maori arising from a Treaty right, several Court of Appeal decisions discuss consultation and the Treaty, as Tim Stephenson points out in his paper.

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<sup>103</sup> John Clarke to General Manager 28 August 1991

<sup>104</sup> Bruce Gregory complained that the bill was "long on procedure but with "almost an absence of policy" NZPD 1991 vol 520 p5049

<sup>105</sup> This can be tested by asking whether immigration consultants who have established businesses and made considerable investment on the basis of current policies would be able to sue the government if a major change in direction were made without notice

A useful summary of the current legal position with regard to consultation, is contained in "The Crown's obligations to consult with Maori in negotiations under the Treaty of Waitangi" in *Environmental Information and the Adequacy of Treaty Settlement Procedures*.<sup>106</sup> An important factor in assessing any legal obligation arising from the Treaty is the fact that immigration law in NZ contains no requirement to consult with Maori, nor any mention of Treaty requirements, and never has. There is however some acknowledgement in practice that Maori have a special place in immigration matters. The department undertook special consultation with Maori, which "deferred to the status of the Maori people as Treaty partners" - although it is not clear how this was different from normal consultation.<sup>107</sup> It may also be significant that new passports (uruhenua) make extensive use of the Maori language. In addition, the Immigration Service has recently produced a pamphlet about the Treaty for new migrants, informing them that they are "automatically ... affected by the Treaty. Your right to settle here comes from the British right to settle and govern which was obtained through the Treaty." It also comments that "Living in New Zealand you have a responsibility through the Treaty of Waitangi to protect the social, political, cultural and spiritual rights of the Maori people."<sup>108</sup>

#### **Current policy and the claim**

The current immigration policy recognises 4 types of immigrants, general (using a 'points' system), business investment, family and humanitarian.<sup>109</sup> It also has an objective to steadily increase net immigration to around 20,000 persons per annum.

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<sup>106</sup> Parliamentary Commissioner for the Environment Sept 1994

<sup>107</sup> Tim Stephenson report para 4.3, which includes the statement that the difference was that Maori views were taken into account rather than "merely received"! This comment would require further checking with the Department.

<sup>108</sup> A copy is contained in the document bank. A pamphlet on the Treaty was prepared under the previous Minister of Immigration, but was not released (Personal communication. Maori Perspectives Unit. Department of Labour)

<sup>109</sup> Set out in Annex c to doc 2.3 Wai 223

Maori objections to the current scheme, from the claim and other submissions on the record, fall into 2 major areas:

*Treaty rights*

- Failure to determine immigration policy in association with Maori as an equal Treaty partner. There are associated statements about loss of mana.

The answer to this is dependent on argument about the Treaty and its guarantees in this area. The history of immigration law set out above arguably supports the view that the degree of control of immigration which is enjoyed today was not contemplated by either party to the Treaty when it was signed. Possibly, the term "sovereignty" as it was used in 1840 did not contemplate that governments could exercise very much control over immigration at all.

- Failure to adequately consult in the creation of policy.

Government policy seems to be that Maori are a special group when it comes to consultation about immigration policy. Whether or how their status is any different in practical terms from other community groups consulted is not clear however.

- Failure to require that immigrants demonstrate some understanding of the Treaty and the special place of Maori in NZ.

There does not seem to be any legal requirement for immigrants to demonstrate an understanding of the Treaty and its implications. As has been noted, the Immigration Service has published a pamphlet outlining the implications of the Treaty for new immigrants. It has been published only in the English language however.

*Factual matters*

- Concern about the effects of immigration on the economic condition of Maori. This echoes the 1973 concern about housing shortages. The impact of current

policy on the job prospects of unskilled Maori was specifically mentioned during consultation, and was answered with the assertion that most immigrants under the policy will be skilled, and so not affect prospects for unskilled Maori.<sup>110</sup>

Current studies strongly suggest that the impact of controlled immigration is not great on job prospects and economic prosperity, and that in the long term there is a positive effect.<sup>111</sup>

- Concern about dilution of the Maori population through immigration.

Population growth projections for Maori would demonstrate whether this is a valid concern.

#### **Further research**

Further research might concentrate on the following issues:

- What were the 'rules of immigration' before 1840 and how might these have affected Maori attitudes to white colonisation
- Whether there are other precedents in British treaties for article 3
- Further information on eighteenth and nineteenth century views of sovereignty and when it came to include the right to control immigration in British colonies
- The current position re consultation with Maori over immigration
- The likely impact of immigration specifically on the Maori economy

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<sup>110</sup> Annex A doc 2.3 Wai 223

<sup>111</sup> Jacques Poot et al *International Migration and the NZ Economy. A Long-Run Perspective*. Institute of Policy Studies 1988 especially pp144-147, and Wolfgang Kasper *Populate or Languish? Rethinking NZ's Immigration Policy* NZ Business Roundtable 1990



**A note about sources**

Only printed sources and official collections of papers have been consulted for this report.

Series lists of agencies which might have recorded the impact of immigration policy on Maori were checked at the National Archives. There do not appear to be files dealing in an explicit way with Maori reaction to European immigration. Files from the Department of Immigration concentrate on the details of immigration, the rules for arrival, passenger lists, and other details of settlement. The Maori Affairs series list contained no obvious file references. Some Maori Council Minute Books were viewed, covering the years 1908-1911, but there was no mention of immigration as an issue. After 1931 immigration became part of the Labour Department portfolio, but again the files generally hold only details of settlement. A file called "Immigration, Suggestions and Criticisms" 1947-51, is full of complaints from various bodies, such as the Trades Council, warning the government to carefully limit the number of non-British immigrants. But there is no record of any protest from Maori groups. The Justice Department series appears to hold no useful material. The series list for Internal Affairs, which includes minutes of the Governor and Colonial Secretary outward letters in the first years of the colony, on a brief survey, likewise revealed nothing explicit about Maori attitudes to immigration.

In the petitions in the Appendices to the Journals of the House of Representatives in the years 1865-1883 there are no petitions to the government from Maori that deal specifically with concerns about the numbers of new immigrants. The immigration reports in these years and earlier record the experiences of immigration agents in settling new immigrants on the land and some disturbances with Maori as the agents progressed around the country. Despatches to the Colonial Office in the British Parliamentary Papers from 1840 onwards do not record Maori concerns with the overall numbers of immigrants to New Zealand.

Parliamentary debates concerning immigration bills in the years 1870, 1873, 1881, 1886, 1896, 1899, 1910, 1920, 1923, show that, for both Maori and European MPs, the effect of immigration on Maori was little discussed (see references in the main report).

Immigration numbers, costs, and rules were considered primarily from the standpoint of the needs of European society. Maori, when mentioned, were assumed to form a part of that society. Maori MPs made little contribution to these debates.

Published sources also immigration was raised very seldom as a distinct issue by Maori groups. Alan Ward, in *A Show of Justice*, describes Maori efforts to control the spread of British authority and retain ownership of their land. James Belich in his article in *The Oxford History of New Zealand* and his book *The New Zealand Wars* and Claudia Orange in *The Treaty of Waitangi* cover similar points. Peter Adams, *Fatal Necessity*, Patricia Burns, *Fatal Success*, Ian Wards, *The Shadow of the Land*, Paul Clark's 'HauHau', *The Pai Marire Search for Maori Identity*, and A H McLintock *Crown Colony Government in New Zealand* similarly, do not record immigration as a distinct source of Maori grievance. Raewyn Dalziel, in her biography of Julius Vogel, examined his immigration schemes and suggested that, particularly in his later years, he saw them as an important means of pacifying Maori and integrating them more fully into European life (see main report). In chapter 14 of *A Destiny Apart*, Keith Sinclair's attempt to define New Zealanders' sense of national identity concludes that, for most of the period of European settlement in New Zealand, Maori were conscious of a need to maintain a separate identity but within a Pakeha New Zealand.

An overview of immigration policy is provided by AH McLintock in *An Encyclopedia of New Zealand* and in the *1988 New Zealand Yearbook*. These look at the gradually changing composition of immigrants as well as changes in government policy, but do not mention Maori concerns. A more detailed study, WD Borrie, *Immigration to New Zealand 1854-1938* describes government policy in detail and the personalities involved in developing that policy. Maori are barely mentioned except in relation to land sales and the effect of the land wars on immigration. An article by WT Roy, "Immigration Policy and Legislation" in *Immigrants in New Zealand* (edited by KW Thomson and AD Tribin), discusses the racial prejudices underlying New Zealand's immigration legislation.