

Does the New Zealand Government owe Māori an apology?

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Abstract: Recently, the Australian government apologised to the “stolen generation” for past abuses. The apology had been long awaited and when delivered was well received by the indigenous people of Australia and the world in general. The question was then raised in the New Zealand parliament as to why Māori had not yet received a similar apology from the New Zealand government. The abuse of Māori by past governments is well documented involving not only land theft and illegal confiscations but numerous human rights abuses including racial discrimination, murder, armed aggression, and illegal incarceration. If reconciliation between Māori and Pākehā is an important part of nation building then an apology would seem to be in order. The concept of trans-generational justice is as valid as trans-generational resource transfer and trans-generational obligations. The argument supporting trans-generational justice is based on the authority of government residing not with individuals but with the office of government itself. Without an apology the marginalization of Māori will be difficult to overcome. This essay examines reasons why Māori should or should not receive an apology from the New Zealand government.

Keywords: Māori; political apologies; New Zealand government; Treaty of Waitangi; trans-generational justice.

Introduction

Recently, the Prime Minister of Australia, Kevin Rudd, apologised to the so-called “stolen generation” for abuses they had endured at the hands of past Governments (Rudd, 2008). It was heartfelt, remorseful, sincere, and an apology that was long overdue. The apology was well received by most Australians and indeed by people all over the world. Soon after the apology the question was raised in the New Zealand Parliament by Tariana Turia MP, as to why such an apology had not been given to the Māori people as a whole. The Honourable Tariana Turia told Parliament:

As a nation we have never heard any government say sorry to all the *tangata whenua* for past atrocities and past injustices. It is a lot easier to say sorry to the Chinese and sorry to the Samoan communities (Young, 2008).

This statement of Turia’s caused consternation especially from some Māori Labour Party politicians, because a general apology to Māori has not been part of the ruling Labour Party’s strategy for dealing with Māori issues. The New Zealand government is engaged in a process of settling claims against the Crown for confiscations of Māori land made back in the 19th century. These breaches of the Treaty of Waitangi have been progressed by Māori to the point where many settlement claims are now either underway or completed. The New Zealand government has not been reticent in apologizing to individual Māori tribes who have been willing to settle, but has demurred when it came to Māori as a whole. As one can imagine the road to reconciliation is fraught with bitterness and frustration.

The Labour government is anxious to get these settlements behind them with a completion date of around 2020. To this end a historical Treaty Claims closing date of September 1, 2008 has been introduced to help bring this process to a close (Treaty of Waitangi Amendment Act 2006). The opposition National party is even more anxious and in 2005 claimed that

settlements with Māori would be completed by 2010 (Editorial, 2008a; Trevett & Young, 2008), if at that time the National Party had been able to win the elections. The point is not whether the two major political parties can deliver on their promises of taking Māori settlement issues off the national agenda, it is whether or not their utterances reflect the mood of white New Zealand.

Māori want an apology from the New Zealand government for past abuses including institutionalized racism, land theft, armed aggression, murder, illegal incarceration, and other breaches in, not only the Treaty of Waitangi, but also in just human decency (Walker, 1987, 1990). The list of crimes committed against Māori by the government over a period of 150 years is a long one. However, the question that must be considered here is that in terms of universal morality or social decency do Māori deserve an apology? In other words, could the reluctance of the New Zealand government to issue an apology to Māori as a whole, arise from some defect in Māori social development or from their moral wickedness as was once believed by many colonists of this country, and incredibly a thought that still prevails in the minds of some (see for example, Scott, 1995).

In this third essay the focus is on this New Zealand question regarding whether or not Māori as a whole are owed an apology by the Crown. We have tried to identify reasons for and against the idea of a general apology and to place the indigenous question in the context of political apologies as described and analyzed in previous essays on the subject (Hook, 2008a,b).

Political apologies and their humanitarian purposes

The category of apology discussed here is that given for historic wrongs. In a previous paper, this type of apology was labelled “humanitarian” (Hook, 2008b). Political apologies motivated by humanitarian principles invariably express modern day attitudes towards historic events. The actions and the attitudes of past governments especially those that have intentionally denied equality to, and exploited their indigenous peoples, are by today’s standards often considered shameful. The world has undergone a change in its attitudes to indigenous people to the extent that even the United Nations itself has moved to protect the rights of indigenous people around the world (UN Declaration).

Apologies for historic wrongs have been labelled “symbolic acts” and to a degree this might be true especially from a non-Māori point of view. The setting of the apology, the ceremony during which the apology is delivered, and the melodrama of seeing politicians embracing politicians over something that is of little value to them personally certainly places the act of apology into the realm of “symbolic acts”. However, from a Māori perspective the apology has the effect of reaching back to the original transgressions and bringing them into the context of today’s world not so much in a “symbolic way” but in a reality that is removed from simply a “symbolic” act. This arises because of the way in which traditional Māori view concepts of past and future. Māori do not face the future but instead face the past backing into the future bringing with them all of what they are. A *rangatira* (leader) today is a *rangatira* not only of his/her people alive today but also of all that came before and of all the relationships that were established by *tupuna* (ancestors). This perspective is the essence of *whakapapa*, one of the important principles upon which Māori society is built (Hook, 2008c). Thus, from a Māori point of view transgressions from the past may still be viewed today as a current reality and not so much as a remote historical event. However, the imposition of Pākehā viewpoints on Māori disconnected from their culture is changing even this most fundamental of Māori concepts. Thus the “symbolism” that seems obvious to Pākehā may not be viewed quite the same way by a Māori audience.

The purpose of a political apology is to begin a process towards reconciliation, or as Pope John Paul II believed, a “purification of memory”. A humanitarian political apology is not a face-saving device for politicians caught red-handed doing something they really should not. It is a means of acknowledging wrongdoing and the accepting of responsibility. An apology also validates the claims of the injured for something that might have happened even generations ago, but which may have been vigorously denied or simply ignored. An apology is a doorway to a reconciliation (Hook, 2008b) that could not be achieved without that act of apology. With reconciliation comes an expectation of never repeating the offense, an expectation that the process will result in a measure of justice and a restoration of balance. In other words an apology has a remedial effect (Tavuchis, 1991), although the degree of remediation may vary considerably with time and circumstance.

Trans-generational justice

Much of the confusion regarding the idea of trans-generational justice seems to arise from concepts of group versus individual responsibilities. Individual responsibilities end at death, but shared responsibilities endure beyond the grave. If shared responsibilities endure beyond the grave then where does it end? Is the modern day government of New Zealand really responsible for the racism of past New Zealand governments? Why should government leaders of today accept responsibilities for actions that occurred before they were born?

These are difficult questions, but ones that are becoming extremely important as modern day societies try to come to terms with their histories. Should the descendants of slaves be compensated for the suffering and lives of their forebears (Lee-St. John, 2007)? Should the descendants of holocaust victims receive compensation? Should Māori receive compensation for land that was stolen from them 150 years ago? As Malik (2007) said:

Not only are political apologies meaningless but they also pervert the notion of collective responsibility. Those who demand that Britain, for instance, should apologise for the slave trade, or Germany for the Holocaust, or indeed Denmark for Viking raids, are suggesting that people are guilty not because of the actions they themselves took but because of the particular national, religious, ethnic or racial group to which they belong. This is the modern, secular version of the old Biblical belief that the sins of the fathers are visited on their sons. It is a notion that carries with it the implication that moral worth travels down the generations - the children of Nazis, or all white Britons, are somehow morally sullied, while the descendants of Holocaust survivors and of black slaves possess greater moral authority. It is ironic that the attempt to come to terms with, say, the terrible racist consequences of slavery and the Holocaust should itself generate an idea with which all racists would be comfortable - the biological inheritance of virtue and vice, of guilt and victimhood.

The demand for political apology turns history into a series of sins to be atoned for rather than events to be learned from. The acknowledgement of past wrong-doing is certainly important. But the remembrance of yesterday's wrongs should not supplant the search for a more just tomorrow.

Malik's argument regarding the inheritance of responsibility is one of the major arguments mounted against apologies to native peoples and compensation for past injustices and one that immediately hit the chat rooms following Prime Minister Rudd's apology to the “lost generation” of Australia. “Why am I responsible for something that happened a long time ago? I wasn't alive then, I know nothing about this, and I am certainly not responsible.” It seems a little unfair for an individual of today's generation to accept responsibility for the actions of his/her parents or grandparents. One could spend one's life wondering who might come through the door seeking retribution for something one knows nothing about. If

individual responsibility is indeed transmitted inter-generationally then Malik's criticism is valid and the groans of right wing conservatives well groaned. Thus the concept of inter-generational responsibility being carried by individuals is not a good one.

For some, the very idea of political apologies is an anathema that muddies the naive presumption that one should enter this world unburdened by history. The reality is that existence is to a large degree defined by history. Those who inherit wealth access the best schools and are provided with the best medical care money can buy while the rest of us make do. Not only can one inherit substance, but one can also inherit obligation, a system entrenched in the concept of *noblesse oblige* (http://en.wikipedia.org/wiki/Noblesse_oblige) which simply put says that with wealth, power, and prestige come social responsibilities. For Māori, the inheritance of substance and responsibilities is no different. *Whakapapa* (genealogical inheritance) defines Māori through the social group that a person finds him/her self associated with; however, that *whakapapa* also defines the responsibilities that come with that inheritance including moral indebtedness. Thus the concept of inherited obligation is in fact a central part of being Māori.

The question of trans-generational responsibilities is a difficult one that has and will continue to plague generations to come. Trans-generational institutions such as the Roman Catholic Church or for that matter any other religious organization accept responsibility for past acts. This makes good sense because the acts of past authority performed on behalf of an institution do not disappear simply because the leader dies. The authority is vested in the office governing the body corporate and not in the individual who might for a time hold that office of leadership. The same is true for governments. Prime Ministers come and prime ministers go but the institution of government is undoubtedly trans-generational in its nature. Legislation passed by a government does not disappear when a prime minister dies, those laws remain intact and persist from generation to generation. Basically, the argument is that because of the trans-generational nature of government the acts of those governments are also passed down from government to government regardless of who is in the driver's seat. Because of this it is clear that Howard's position (McGuirk, 2008) regarding responsibility is specious insofar as the government is responsible and that responsibility must be accepted. Therefore, it would seem that the people who are represented by that government must also accept collective responsibility.

Apologies made to native peoples by their colonizers

Is the expectation of an apology from the New Zealand government to Māori out of line with what has been accorded other indigenous people around the world? In terms of abuses of Māori by past New Zealand governments there is sufficient evidence to indicate that the abuses suffered by Māori were not dissimilar to those suffered by other indigenous people around the world at the hands of their colonizers. There are many things that governments apologise for especially to those who have borne the brunt of policies that have resulted in severe marginalization, genocide, racial prejudice, killings, experimentation, loss of land, loss of kingdoms, and loss of dignity.

Recently (February 13, 2008), the Prime Minister of Australia, Kevin Rudd, apologised for the misdeeds of previous governments towards the Aborigines (Rudd, 2008). This apology was preceded in February 20, 1998, by an apology from the Anglican Church of Australia for its involvement in the policy of forcibly removing aboriginal children from their mothers. Around about the same time as Australia was coming to terms with its past, South Africa was learning to deal with its policies of apartheid and on August 29, 1993 the South African President F.W. de Klerk actually apologized for apartheid. Prior to this bold act it was totally out of the question that any South African government would dream of apologizing for its apartheid policies.

Over the ten years of the 1990s huge changes in attitudes occurred between colonizing governments and their indigenous under classes. In January 1998 the Canadian government formally apologized for its historic mistreatment of its indigenous peoples. Around the same time Britain was apologizing to the Irish. In June 1997 British Prime Minister Tony Blair expressed regret for English indifference to the plight of the Irish people during the Potato Famine of the 1840s (Lyll, 1997) although in the scheme of things expressions of regret do not really constitute apologies; in January 1998 British Prime Minister Tony Blair almost apologized for the 1972 'Bloody Sunday' massacre of 19 civilians in Northern Ireland (Hoge, 1998). In 1993 the Congress of the US, in a joint Senate and House resolution to mark the 100th anniversary of the overthrow of the Kingdom of Hawaii resolved:

[Congress] apologises to Native Hawaiians on behalf of the people of the United States for the overthrow of the Kingdom of Hawaii on January 17, 1893 with the participation of agents and citizens of the United States, and the deprivation of the rights of Native Hawaiians to self-determination ... Nothing in this Joint Resolution is intended to serve as a settlement of any claims against the United States (Joint Resolution 19, 1993).

At that time there was no talk of reparations until December 11, 1999. At a hearing with federal officials in Honolulu, Native Hawaiians demanded some form of redress for the 1893 overthrow of the Hawaiian monarchy by the U.S.

King Harald apologized for Norwegian injustices committed against the Sami when he opened the Norwegian Sami Parliament in October 1997 (Anonymous, 1997):

The Norwegian state is founded upon the territories of two peoples—the Norwegians and the Sami. Sami history is interwoven with Norwegian history. Today, we must apologize for the injustice the Norwegian state once imposed on the Sami people through policies of Norwegianization.

And in 1998 an apology was issued by the Swedish government to the Sami for their suffering under Swedish rule (Anonymous, 1998).

The church was the first to acknowledge wrongs against the native peoples of Canada. On August 17, 1986 the United Church of Canada officially apologized to Canada's native peoples for past wrongs inflicted by the church. The Canadian government waited over ten years to act similarly and in January 1998 the Canadian government formally apologized for its historic mistreatment of its indigenous peoples (Depalma, 1998).

The Canadian Government's 1998 'Statement of Reconciliation' included a declaration that:

As a country, we are burdened by past actions that resulted in weakening the identity of Aboriginal peoples, suppressing their languages and cultures, and outlawing spiritual practices. We must recognise the impact of these actions on the once self-sustaining nations that were disaggregated, disrupted, limited or even destroyed by the dispossession of traditional territory, by the relocation of Aboriginal people, and by some provisions of the Indian Act (Statement of Reconciliation, 1998).

The Statement included an apology for the Government of Canada's role in the development and administration of special residential schools:

Particularly to those individuals who experienced the tragedy of sexual and physical abuse at residential schools, and who have carried this burden believing that in some way they must be responsible, we wish to emphasise that what you experienced was not your fault and should never have happened. To those of you who suffered this tragedy at residential schools, we are deeply sorry.

On September 5, 2000 Canada's Anglican, Roman Catholic, Presbyterian, and United churches apologized to Eskimos and Indians for decades of abuse by white church officials.

Thus it can be seen that many national governments and institutions have over the last 20 years made serious attempts to come to terms with their indigenous peoples and this trend continues today. None of the governments or institutions attempted to avoid or diminish their historical breaches of indigenous human rights, knowing that reconciliation demands apology and the acceptance of full responsibility.

However, there is always another side to a story and in this case probably the book by Scott (1995) says most of it. His Eurocentric perspective is positively quaint by today's standards as he elaborates the other side of the indigenous quarrel. Beginning with the "discovery" of New Zealand by James Cook for "King George III of England" (Scott, 1995, p.11), the introduction of the "rule of law into New Zealand," to "protect the Māoris from themselves" (Scott, 1995, p.12), and the fact that Māori in their "natural state" were an "extremely savage race" (Scott, 1995, p.15), forgetting perhaps the penchant of his own Pākehā people for mass killing, forced sterilizations, and genocide. Scott goes on to dismiss the Māori migrations to New Zealand as understood by current day historians and anthropologists as "entirely mythical" (Scott, 1995, p. 97), and then likens Māori social structure to that of the animals, "The dominant male in each community set himself up as leader – as in any animal community – and remained in command until he was overcome either by a rival from within his own group or by an invader of his territory" (Scott, 1995, p. 97). Freedom of speech is one thing but how people can make such racially prejudiced and inflammatory statements and not be taken to task is beyond belief but, on the bright side, if racism has a hilarious side to it then it is surely found in this torrent of illusionary excuses for racism and intolerance.

Apologies issued by the New Zealand Government

One of the questions that must be addressed concerns the track record of New Zealand governments involved in the issuing of apologies. Have Māori simply been overlooked in terms of the apologetic stakes? Most of the apologies issued by the New Zealand government over the last 150 years for misdeeds against its ethnic minorities have been issued within the last 15 years by the current Labour Party government and the preceding National Party government. Quite clearly past governments of New Zealand have not really been sympathetic to the process and purposes of apology and the recent upsurge suggests a responsiveness to the millennial drivers identified previously (Hook, 2008a).

While the current administration has been actively apologizing to Māori tribes that conform to government expectations regarding land settlement issues, somewhat surprisingly it voluntarily chose to apologize recently to the Samoans, Chinese and the Vietnam veterans. On June 3, 2002 the New Zealand Prime Minister apologised to the Samoans for past stupidities inflicted on the Samoan people by inept New Zealand administrations. This apology was given by the Prime Minister of New Zealand, Helen Clark, in Apia, the capital of Samoa, on the occasion of the 40th anniversary of The Regaining of Samoan Independence:

In particular we acknowledge with regret the decision taken by the New Zealand authorities in 1918 to allow the ship "Talune", carrying passengers with influenza, to dock in Apia. As the flu spread, some twenty two percent of the Samoan population died. It is judged to be one of the worst epidemics recorded in the world, and was preventable. There were also the shootings in Apia in December 1929 of non-violent protestors by New Zealand police. At least nine people died including Tupua Tamasese Lealofioaana III, and fifty were injured. The early colonial administration also banished Samoan leaders and stripped some of chiefly titles. These actions split families apart and many families lost their titles forever (Crown Apology, 2002c).

On February 12, 2002 the Prime Minister, Helen Clark also apologised to the Chinese community in New Zealand for past discriminatory policies and practices that severely disadvantaged the Chinese people throughout the late nineteenth century and through the mid twentieth century. Discrimination against Chinese was racist and endemic throughout the country. Helen Clark said:

While the governments which passed these discriminatory laws acted in a manner which was lawful at the time, their actions are seen by us today as unacceptable. We believe an act of reconciliation is required to ensure that full closure can be reached on this chapter in our nation's history (Crown Apology, 2002b).

Thus the general and specific abuses by past New Zealand governments to the Samoans and the Chinese, and some of those abuses were rather horrific, have been deemed worthy of apology. However, there is nothing in particular in terms of those abuses that exceeded the abuses of past governments against Māori. Māori, Chinese, and Samoans have all been treated poorly in the past, and all three ethnicities probably deserve apologies from the New Zealand government not just the Samoans and the Chinese.

Just recently (May 28, 2008) the New Zealand government apologised to the Vietnam veterans recognizing after 36 years that those who served in Vietnam had served New Zealand well, and upon their return had been mistreated by their own government (Clark, 2008).

The Crown extends to New Zealand Viet Nam Veterans and their families an apology for the manner in which their loyal service in the name of New Zealand was not recognised as it should have been, when it should have been, and for inadequate support extended to them and their families after their return home from the conflict.

The willingness of the New Zealand government to apologise to those who served in Vietnam is laudable, but when one considers the nature of the government's abuses of those veterans and compares it with what Māori have had to suffer over a period of 150 years, then one has to conclude that something is amiss. Basically, the Vietnam veterans were ignored by the New Zealand government and denied medical attention for claims of chemical toxicant exposure that occurred during the use of defoliants in Vietnam; this resulted in misery and suffering to those who were thus exposed.

From a Māori perspective being ignored by the government might be considered a good thing because the attention that Māori received from the government during the first 100 years of colonization almost resulted in the destruction of their culture and the extinction of their race; the abuses that Māori have had to endure seem sufficiently serious to warrant a serious apology. However, in making these comparisons we wish in no way to diminish the suffering of those brave soldiers who served their country during the Vietnam era or make light of the struggles faced by their families.

As mentioned above, settlement negotiations with individual tribes are underway and it has become customary that upon signing of the Deed of Settlement the Crown makes a formal apology to the *iwi* (tribes) for past abuses in the way land was extracted from those *iwi*. The government acknowledges past errors in confiscations and dealing with Māori under the obligations of the Treaty of Waitangi signed in 1840 (see for example, Barber, 1995; Crown Apologies, 1997, 2002a, 2003, 2004, 2005). The Crown has been willing to make this formal apology to individual *iwi* who have complied with Crown expectations and accepted their offers made, but an apology to Māori as a whole has not been forthcoming (Editorial, 2008b).

What would an apology mean to Māori?

The verbal apology as it exists is a Western concept. According to Wikipedia an apology has two basic definitions. One is a, “justification or defense of an act or idea”, and the other, “an expression of contrition and remorse for something done wrong”. Our concerns are with the second meaning. In traditional Māori society the concept of apology as defined here is absent. While acts of violence were committed that by Western standards might be deemed worthy of an apology, for Māori the concerns were more about restoring balance or justice especially around the concepts of *mana* (respect). Restoration of *mana* required restoration of balance and such restoration was not achieved with apologetic words. Balance was achieved only through restitution or by the application of equal misfortune. Surprisingly, the Māori cultural perspective has shifted towards this Western concept of apology as being an item to be lauded and striven for probably because of its value in establishing Western concepts of responsibility. This is an important point because in dealing with land settlement claims Māori have always demanded an apology as an initiation leading to settlement or reparations.

For Māori, the apology was more to do with the concepts of *muru* and *utu* (Ministry of Justice Reports, 2001). This report from the Ministry of Justice is very informative regarding the nature of *muru* and *utu* and the importance of these two concepts in maintaining balance between groups and between individuals. In response to an offence the injured party might invoke *muru* whereby physical objects might be taken by the injured party up to a previously agreed upon level. *Muru* essentially governed the relationships between kin and groups (Ministry of Justice Reports, 2001), whereas *utu* was more involved with the maintenance of balance and harmony within society with the aim of *utu* being to return the effected parties to their prior position (Ministry of Justice Reports, 2001). Thus, the Māori way of settling personal or group injury was to extract material compensation for the offense or to act in such a way as to restore the *mana* of the offended individual. The traditional ways of *muru* and *utu* have been put aside and replaced by the Pākehā pathway to reconciliation that begins with an apology (Hook, 2008b).

Does the New Zealand government owe Māori an apology?

When all settlements are complete the Crown will have apologised many times, but only to those Māori whose *iwi* have settled with the Crown and only for breaches in the legality of land purchases or confiscations. This ignores the thousands of Māori who will have either not settled with the Crown or who are not *iwi* affiliated. Were those *tupuna* (ancestors) of non-affiliated Māori not subject to the same abuses of past New Zealand governments as those of Māori who have settled with the Crown, or are they somehow exempt from the Māori race? Is this polarization of the race by apology simply another means of dividing Māori into those that matter and those that do not? Do those Māori not affiliated with *iwi* deserve an apology or are apologies only for those Māori who have complied with the conditions laid down by the Crown? In addition, is the apology actually being used as a carrot to entice Māori to comply and settle with the Crown?

This essay began with the question regarding whether or not the New Zealand government owed Māori an apology. By all criteria considered here which includes apologies issued by other national governments to their indigenous peoples, the seriousness of past governmental abuses, the nature of apologies issued by the New Zealand government itself to some of its ethnic minorities, the nature of trans-generational responsibilities, and the urgent need to bring about reconciliation one would have to conclude that indeed an apology is owed. In terms of justice an apology to all of Māori appears warranted. Denial of such an apology by government could risk charges against the government of institutional racism.

In addition, based on the experiences of other nations around the world, it seems unlikely that reconciliation between Māori and Pākehā can be fully achieved in the absence of an apology (Hook, 2008b). The settlement process will continue and Māori will continue to remember the misdeeds of the past but the coming together of Māori and Pākehā and the setting aside of those grievances will continue to elude the national agenda. Today, the call has been for Māori to move beyond the grievance mode with typical New Zealand exhortations to, “Get over it.” but the reality is that little will be achieved in terms of nation building without a foundation built on the simple words, “We are sorry”.

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