

IN THE MATTER OF The Treaty of Waitangi
Act 1975

AND

IN THE MATTER OF Claims by **HUHURERE**
TUKUKINO and
OTHERS known as the
HAURAKI CLAIMS

**STATEMENT OF EVIDENCE OF JOHN McENTEER ON
BEHALF OF THE CLAIMANTS**

1. My name is Terrence John McEnteer. I am of Ngati Maru descent through Te Ngako to Naunau. My whanau is Watana. I have spoken before the Tribunal previously and have given a more detailed introduction to myself.

Introduction

2. Today I want to discuss my experiences over the last twenty years in regard to taonga or cultural property. When I use the term cultural property I am referring to things such as korowai, flax kete, wooden carvings, patu pounamu, hei tiki, taiaha, numerous stone implements, nets, sinkers and decorative objects worn on the body. While many of these things, if not all of them, can be termed taonga, I reserve that

term to those things that hold special or unique meaning, have a history, whakapapa or connectedness, if you will, not only to those past, but also to some objects of the present. We impart them with meaning, significance and importance hoping those quantities will endure into the future.

Te Korowai

3. Many years ago, as a younger man, I was told about the family taonga handed down from generation to generation. Some you could say were a bit more glamorous - or public - in the sense that they were associated with a quite famous painting of Pare by Lindauer. The painting hangs in the Auckland Public Gallery. Her image is in use all over the country on many items from teatowels to picture post cards. The caption reads Pare Watene but our family holds to the belief that there was a mistake in the name ascribed to the image and it should read Pare Watana. We say this because of the korero handed down to us and it was not long ago. But more importantly the items she was wearing when painted have been handed down through the family -I currently look after the korowai and a cousin cares for the large hei tiki and other items.
4. Not so well known, but of great pride and importance to the family, is another korowai. That one, which I would like to show you, I refer to as "Te Korowai o Watana". It presently resides at Waikato University in Hamilton. For the most part it has been kept in the University vaults in the Administration Block but it is now displayed in the Library Building. This is a large magnificent kiwi feathered korowai decorated in a traditional style, but it had a flaw, because a portion of it was eaten by rats while under the protective care of an institution.
5. Let me hasten to add that this institution was not the University of Waikato.

6. This korowai dates back to the pre-European or early European contact period and was used by Pare Watana, and her sister Te Arani. Te Arani Watana handed it down to Tahimana Rangituangahuru and Pare Whakaarorangi Watana-Hogg. Pare Whakaarorangi was my grandmother. She married Martin McEnteer. Tahimana or Uncle Tasman married Auntie Blanche O'Neill. Aunty Blanche had a cousin, Jim Day. It was through that association that our korowai came to the Waikato University.
7. By this time the precious taonga - the korowai, hei tiki, patu, pounamu and other items - were in the keeping of the eldest remaining son. When Uncle Tasman left Thames as a mining engineer during the depression, he went down to the West Coast and later retired to Christchurch. He gave the korowai to the Canterbury Museum in Christchurch for safe keeping. Years later, when he was nearing the end of his life, he went to see the korowai. When the staff retrieved it from their basement storage, a part of it had been eaten by rats. Uncle Tas was so upset he immediately took it home, but wanted to return it to the family residing in the area. My grandmother, who died in 1968, but was still alive at the time did not want the responsibility to care for it since she was living in a small, and at times, damp old house.
8. A new University was being built in Hamilton. A cousin, Mr Jim Day had got a job as a Registrar Assistant at the new university. There was no Waikato Museum to speak of in those days and the family were keen that the korowai should also be protected. So the kaitiaki-ship was passed to Jim Day to bring it back home and look after it at the University. I would have been at secondary school then.
9. When Aunty Blanche died aged in her 90's we were told by her daughter Bonita of the arrangements that went with this taonga. When I went to Waikato University in the 1970's I was told by Jim Day of the responsibility to take care of this taonga, and this I do today along with my cousin who has custodianship of the hei tiki and has formalised

arrangements with the University. Prior to these more formalised arrangements, the only one who knew anything about it at the University was Bob Grant the Buildings Registrar. I think he must be near retirement now. On significant and highly important occasions to the family we go and get it from the University vaults.

10. Since the 1970's, I can remember only two such occasions, the first upon the death of my Aunty Mary who died in Thames just a few 100 metres from our last hearing venue and the second on the death of Aunty Bonita in Christchurch. In both cases the korowai was draped over their casket and taken with them to their burial place. It was then kept by the family for some days and then returned to the University.
11. Such is the current relationship with the University that we are happy that it is being looked after properly under appropriate security and protocol, so that it remains today as close to the place where it began life as is possible in modern circumstances.
12. I record this experience to illustrate the place this taonga has in our family, the upset and worry caused to the family by the Canterbury Museum's treatment and so called "protection" and the arrangements for its traditional and continual customary use by one more enlightened institution in the University of Waikato. These experiences are not unique - korowai have many uses: to cloak one at times of celebration and to cloak and protect one in times of death.
13. I would like to think that the unrestricted use by family and the arrangements made with the University could in their essence be repeated in respect to some Hauraki taonga held in the Museums of New Zealand.

Taonga held in Auckland Museum

14. The Ngati Maru meeting house, Hotunui, stands in the Auckland Museum. It was loaned and is under the kaitiaki-ship of the Taipari

whanau. You will hear more about this in other hearings next year. I just wanted to recount one or two experiences in regard to Hotunui and contrast this with the treatment of the Marutuahu mauri which is also held in the Museum.

15. On different occasions I have along with other tribal members been asked to sit on that paepae in the museum. An occasion I remember well was when we welcomed an international conference of archaeologists six or seven years ago. Uncle Shu was alive then and the most senior speaker on that occasion.
16. On the bus going up, there was a great sense of excitement, anticipation and expectation of what the day would bring. We all mihi to Hotunui. The older kaumatua recounted stories playing in it before it was moved to the museum, and we spent some hours listening to the instruction and korero that was told about the ancestors inside - it was, and still is, a living and warm place to us.
17. On another occasion when I was visiting Hotunui with my children and giving them instructions about the tupuna, the conch shell sounded and the commercial naka group started the 2:00 pm pay by ticket welcome to the many tourists that visit. I was told to get out and move off the paepae by the group organiser - I think he was impressed by my pale looks - but I felt so upset at this treatment. It was a mistake and the apology duly made, but to be separated in that way was a most awful feeling; a mixture of great sadness, anger, embarrassment. Still, the pleasant and fulfilling experience surrounding this taonga far outweighed anything else. Again this taonga has a life, and we give it life and warmth.
18. It is curious then to see how the Marutuahu mauri is treated within the same institution - not too far from Hotunui. Tai Turoa, talked about it in his report which is volume two of the Hauraki Maori Trust Board series on the record of documents.

19. Last time I looked it was stuck in a glass case down on the bottom shelf away in a corner. I don't know too much about this taonga, apart from its overriding significance and more than symbolic importance to the iwi of Hauraki. It is I guess, the Hauraki equivalent of the Waikato-Tainui Te Korotangi which was handed back to Waikato-Tainui by the Crown when the Deed of Settlement was signed. Te Korotangi had been in a museum for years -I think the national museum.
20. I would like to think the Marutuahu mauri will be relocated to a place of warmth and be able to be reunited with our people again, not put in some glass cage, which is impersonal and where it will be disregarded and out of sight. It doesn't have the commercial appeal and showcase quality of Hotunui, but it is highly significant to Hauraki.

The Antiques Act 1975 - Return of Taonga

21. In 1995, I think it was, I was approached by a friend who was working for the National Museum and happened to notice a series of artefacts which had been sent to the museum for evaluation under the Antiques Act prior to being auctioned.
22. In terms of that Act Maori artefacts or items over 100 years old are given a "y" or "z" number. I cannot recall the difference between the two but in essence if the item has a "y" number it can only be sold to a registered "collector of artefacts" and must not leave the country.
23. My friend had noticed a pre-European stone net weight or sinker which had come from around the Coromandel area. In the registration papers there was a detailed description of its origin. He thought I might be interested to return it to Hauraki.
24. The "catch" of course was that I had to bid for it at the auction house of Dunbar Sloane.

25. I didn't know what to do, but I knew I had to do something. Through consultation with the kaumatua, some of whom are here today, I was instructed to approach the auction house and endeavour to exchange something in return for the stone sinker. It is not much bigger than your hand with an interesting swirl pattern carved into it - quite rare and unique according to the museum.
26. To this day I do not know who the vendor was. Despite a couple of approaches to Mr Sloane, the auctioneer, I could not make progress on the exchange or gift in return approach or even buy it. I would have to bid for it in the auction.
27. By the time the auction came round some weeks later, I had not secured the sinker. The museum had agreed not to bid for the item, but I thought I might let the kaumatua down. What was the price to be paid? How much value did we place on it versus how much financial value would another bidder place on it.
28. These auctions are held in Wellington about once or twice a year - the most recent one being held 3 months ago. Hei tiki sell for about \$3,000, korowai \$10,000 - \$15,000, taiaha \$800 - \$1,000, stone adzes up to \$1,600. Museum and individuals who hold certificates can buy these items. There is a limited but interested active market trading in Maori taonga, which are termed artefacts.
29. At the auction when it was time for the stone sinker to come up for sale, I could contain myself no longer. I jumped up in front of the auction to haka to the people and mihi to the taonga and to explain to the people present that this was a Hauraki taonga. The kaumatua had instructed me to return it home and no amount of negotiations had been successful.
30. It had the desired effect in the audience and no one bid against me. But, I had not contended with the telephone bidder from a private

collector in Christchurch or Otago who consistently bid against me. Eventually the auctioneer could see that many in the room were surprised, perhaps shocked, at what was happening, and he hung up the phone, leaving me as the only remaining bidder.

31. Having paid the price I could not take it away from the auction because I was not a registered collector. By this time my blood was boiling and I was worked up. Dr Rodger Blakely was the CEO of Internal Affairs so I approached his office and asked the Department to issue a Certificate of Registration then and there instead of the normal three weeks processing time.
32. Fortunately they did this but they said that it had to be issued in the name of a person. I convinced them to issue it in the name of "the Hauraki kaumatua" and was able to return home with the sinker. It was at the Ngahutoitoi marae that this taonga was transferred into the hands of Hauraki kaumatua and it is held at the Board Office along with other taonga for safe keeping. It is appropriate then that I show you these at Ngahutoitoi marae. On that occasion it was a deeply moving experience for me personally, as the karanga rang out. A great sense of spirituality and solemnity was evident in the people who attended that ceremony.
33. I still keep a watching brief in Wellington for our taonga which may become known to us in this way. I do not feel it is appropriate, indeed it is painful for us to have to buy back our taonga in this way -I wish there were another way.
34. I find it ironic and mystifying that our kaumatua and iwi organisations have to become a registered collector of artefacts under the Antiques Act 1975 to be allowed to hold on to our taonga. Perhaps an amendment to this Act could be made to recognise that as of right iwi organisation and kaumatua can hold such taonga in trust for iwi/Maori.

Nisga'a Treaty Negotiations - A Positive Mode!

35. I would also like to invite the Tribunal to consider the Nisga'a model relating to the repatriation, access arrangements, protection and ownership of cultural property, and taonga. The Nisga'a Nation are an indigenous people in northern British Columbia, Canada. I have met with some of their chiefs and representatives and the Director of the Museum of Civilisation, Canada while on a visit there at the time this agreement was made.
36. The Nisga'a treaty negotiations culminated in an agreement in principle issued by the Government of Canada, the Province of British Columbia and the Nisga'a Tribal Council in February 1996. The agreement runs to about 180 pages, so I have just appended to this evidence the section which deals with Cultural Artefacts and Heritage (Appendix "A"). I will not go into all the details at this stage, but if after reading the appendix you have questions I will be happy to answer them.
37. The main aspects which show a positive model are:
- All legal interests and possession to artefacts transfer to Nisga'a.
 - Custodial arrangements are negotiated from time to time.
 - The Canadian Museum of Civilisation (CMC) remain responsible for the care, maintenance and preservation of Nisga'a artefacts in accordance with resources made available for such activities.
 - There are different categories of artefacts which require different custodial arrangements.
 - The agreements relating to custodial arrangements respect Nisga'a laws and practices as well as statutory law relating to the CMC.
 - First rights to refusal to purchase artefacts.
 - Subsidiary or provincial museums which hold Nisga'a artefacts apart from the CMC will transfer to Nisga'a in the same way.
 - Canada and British Columbia province will use reasonable efforts to facilitate Nisga'a access to artefacts held in other public and private collections.

- Archaeological and heritage sites are protected and properly managed to protect them.
 - Artefacts found or discovered on provincial crown lands other than Nisga'a reserves will be loaned and transferred to Nisga'a.
 - Special arrangements are made in regard to the disposition of archaeological human remains.
38. In practical terms, the arrangements which I thought could easily be applied in our situation are:
- The totems housed in the CMC are returned to the first nation people after they have been funded and upskilled to carve replica totem poles.
 - Portable display cabinets, with all the special atmospheric controls, display materials etc. have been built so that artefacts can be transferred out from the museum in Ottawa to the reservations, community schools, long houses and those places where Nisga'a meet. Our equivalent is the marae. This avoids the need to construct special purpose buildings, and means that a collection can be moved around different locations.
 - Trained professional museum curators look after these decentralised collections and train first nation people in the skills to protect and enhance certain artefacts.
 - Medicine bags are transferred to the appropriate tribal elder, or a tohunga in our case, for their protection and use.
 - Any replicas or images of artefacts used commercially in museum shops or sold are done with agreement and on a shared royalty basis.

Conclusion

39. The approach adopted in the Nisga'a agreement is innovative and worthy of serious consideration in Hauraki. I am aware of the protocol arrangement recently negotiated with the Auckland Museum by the Taipari whanau taking account of some of these points above, but that

is a matter for them to speak about. On a broader front, however, I have suggested to Ngati Maru that the old railway station on the reclaimed foreshore in Thames, or the marae, could be developed to incorporate some of these initiatives which are being successfully applied in Canada. No doubt other iwi in Hauraki will have special places where taonga can be made more accessible to the people.

40. The Museum of Auckland and Te Papa (the National Museum) should be encouraged to negotiate suitable arrangements along the lines suggested above. As a transition and immediate step, the type of access arrangements I described in regard to my whanau and the Waikato University could be the subject of a recommendation or observation of this Tribunal.

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Nisga'a Treaty Negotiations

