

BY SETTLING THE SEALORD, TAINUI, WHAKATOHEA AND NGAI TAHU TREATY OF WAITANGI CLAIMS HE HAS ENSURED THAT A FORM OF JUSTICE HAS BEEN DONE FOR SOME MAORI. HE HAS SHOWN WHAT IS POSSIBLE THROUGH RECONCILIATION AND REPARATION. BECAUSE OF HIS EFFORTS WE NOW HAVE A BETTER CHANCE OF A MORE JUST AND EQUAL — AND CONSEQUENTLY MORE PEACEFUL — FUTURE IN AOTEAROA/NEW ZEALAND. WARWICK ROGER PROFILES

DOUG GRAHAM

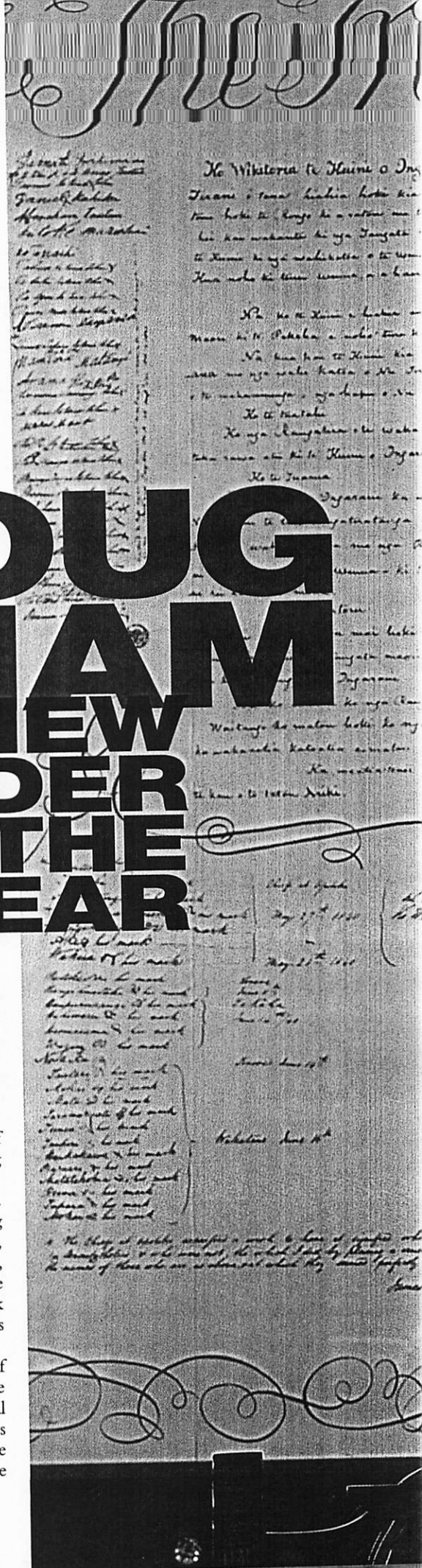
NEW ZEALANDER OF THE YEAR

BY THE END OF the 1970s people with an interest in New Zealand politics began to observe a new phenomenon in a National Party long dominated by conservative rural and provincial interests: the rise of the urban liberal. Youngish professionals mostly, they came out of the hill suburbs of Wellington, the leafy lanes of Christchurch and, in Auckland, the newly gentrified inner-city and the tonier parts of the eastern suburbs and the North Shore.

One such person was Doug Graham, a lawyer in his late 30s with a thriving practice on Auckland's Victoria Street, a spacious home near the end of Entrican Avenue in old-money Remuera and an increasingly uneasy feeling about the power and style of the then prime minister, Robert Muldoon.

Graham's family background was colonial patrician, blue-blood National. His antecedents had been major property owners in early Auckland, having held the land that is today Ellerslie Racecourse. In the Auckland province, Grahams had large holdings in the hot mineral springs resorts at Waiwera, Rotorua and Wairakei. However, the family fortune evaporated during the Depression, during which time Doug Graham's father, Robert, found work as a bus driver. Later, Robert Graham became a car dealer in Auckland's Khyber Pass.

Douglas Arthur Montrose Graham was born in January 1942, the third of four sons. He initially attended the local Parnell Primary School and then, the family's finances having improved, went on to the exclusive Southwell Preparatory School in Hamilton. Many of his peers progressed to King's College, but Douglas was sent instead to the state secondary school with the country's best academic record, Auckland Grammar, during the peak of the reign as headmaster of the formidable Henry Cooper.



These were secure and happy times in an Auckland doing well, and in the late 1950s no set of people did better than teenage boys who lived in Auckland's inner east. There were concupiscent Epsom Girls' Grammar girls, parties, rugby games, school balls, long summer holidays to look forward to and, if you were academically up to scratch (and even if you were not), a future that was pretty well assured in a booming economy.

Bright Grammar boys who hadn't excelled at maths and science did law, and so Doug Graham went off to the University of Auckland law school where a contemporary was David Lange. While there he kept up his passion for rugby, playing for Grammar Old Boys, and in 1963 made an Auckland junior rep team, but his promising career as a halfback was curtailed by an arm injury sustained in a game against Waikato.

He graduated LLB in 1965 and, in the manner of the times, married Beverley Cordell, an air hostess, the next year. He was 24. The couple would have two sons and a daughter. Two years later, Doug Graham set up in sole practice and in 1972 became a partner in Graham & Co, Solicitors. By the end of the 1970s he was successful, prosperous and, some who know him say, a little bored by the ease of it all.

ROBERT MULDOON — urban, but certainly no liberal — was at the height of his very wide powers. Bill Rowling was leader of a not very effective Opposition. A lot of people, Doug Graham among them, feared for democracy. The lure of politics began to make him itch and so he became an active — some say avid — self-publicist, writing articles for the *Eastern Courier*, the *New Zealand Herald* and other publications on topics as diverse as nuclear disarmament, New Zealand's role in the South Pacific and the need for the reduction of direct taxation. These are some of the things he was saying back then; they are quite prophetic:

- "I'm a great believer in privatisation. Air New Zealand, the Post Office and the BNZ should all be sold... the Ministry of Works was OK in the days when we didn't have the skills in the private sector to build viaducts and that sort of thing, but we do now and I'm not sure that the MOW should continue... the Valuation Department is another."

- "I see New Zealanders ending up totally dependent on the state and I think this unhelpful, financially unwise and spiritually wrong."

- "People are giving up [on the nuclear family] far too easily. I see a move to a liberalisation of society's standards — understandable but counterproductive... in the long term I think we're going to create more problems than we solve."

- "Fundamentally I take this view of all legislation: (a) Is it a function of the government? Then I ask (b) Is this law going to be effective? If it's not, then I don't support it."

- "I believe that the individual should be given the greatest liberty he can get and that the individual should be left to work out his salvation as best he can."

All this was aimed at a good end. Allan Highet, the MP for Remuera since 1966, was making it known in National Party circles that he wanted to retire. Doug Graham was making it known that he wanted to be Highet's successor.

A LOT OF PEOPLE in those days thought Doug Graham a bit of a dilettante, but there was depth to him, even if he managed at times to keep it hidden.

The young man had, for a long time, had a close mentor/acolyte friendship with the senior Auckland barrister Paul Temm QC who would later become a member of the Waitangi Tribunal and would write a book, *The Waitangi Tribunal — The Conscience Of The Nation*. Subsequently Temm became a High Court judge. Each fortnight the two would meet for lunch with another senior Auckland lawyer, Ian Barker, who would also become a High Court judge, and they would discuss the issues of

the day. Increasingly the talk turned to questions of race and of land. His interest was piqued and Graham began reading around these matters.

"Of course, at university I'd done History I as one of my arts units for law, and I'd read Keith Sinclair's book [*A History Of New Zealand*]," he would later say. "But other than a vague interest borne of necessity I didn't know much at all about the history of Maori-Pakeha relations. Sure, I knew about the confiscations, that things weren't quite right between Maori and Pakeha, but it wasn't my bag, nothing to do with me."

Up to that point in his life he had had no contact with Maori other than on the rugby field. Sure, there were a few Maori artefacts in the family home, legacies of the Graham ownership of the Wairakei land, but there had been no Maori boys at Southwell and very few at Auckland Grammar. Now, however, as he took all the legal work that walked in his door, particularly that paid for by legal aid, he began to make tentative Maori contacts, among them Betty Wark, the saintly Ponsonby social worker. However, he would later tell an interviewer, "I wouldn't say that I became enraptured by the Maori race as a result of my work in those days."

But if he was serious about becoming a politician — and increasingly he was — he realised that he would have to acquaint himself more fully with race matters — and much else besides. "I had little idea about endless topics, only one of which was Maori and Maori matters," he would say. "I didn't know anything about the economy either. So I took some time out from the law. I went to see people such as Ray White, the governor of the Reserve Bank, and Kerry McDonald of Comalco and got them to explain how the economy worked. I went to the Salvation Army. The chap with the hat — Dave Morgan of the Seaman's Union. [Maori lawyer] Pauline Kingi. Bishop Paul Reeves. I saw 300 people all over the place — it was the most informative year of my life."

"One night I went out and just sat on the marae at Panmure with this chap, a most unprepossessing fellow, big fat gut hanging out of a singlet, no teeth, but obviously with an enormous cultural calibre about him, and we just sat and talked, and I've never forgotten it."

"He kept asking: 'What's the value of a loaf of bread?' and I kept saying that I didn't know. There were very long silences, but he kept asking and I began to get irritable and so I said that I thought it was about \$1.50. And he said, 'The value of a loaf of bread is what it is here,' touching his stomach, and all of a sudden the penny dropped and it dawned on me that the way I'd been brought up and the way I'd come to think about things was lacking a dimension that seemed to be quite important."

DOUG GRAHAM BECAME the Member of Parliament for Remuera — it must have seemed a job for life — at the 1984 election that swept National and Muldoon from office. He did not achieve this without making enemies: there were people in the National Party who thought he'd had it too easy, who were miffed that he hadn't done what others had had to do and contested a couple of elections in some hopeless seat. His smooth run to Wellington had done nothing to lessen his dilettantish reputation.

He largely followed Sir Keith Holyoake's advice to new MPs to breathe through their noses during their first term, but nevertheless people were soon tipping him as a future leader of the National Party. For his part he expressed loyalty to the party's new leader, Jim McLay, and got on quietly with further educating himself. He went to university to study Maori, a Saturday 9am-5pm crash course which he says was Stage I Maori condensed into six weeks.

Early on during National's two 1984-1990 parliamentary terms in opposition, he was involved — along with Jim Bolger who would no doubt have noted his growing empathy with the Maori world — in developing the party's Maori policy. "Winston [Peters] was meant to be preparing it but nothing happened, we never got one," he remembers.

For the conservative Nats to be even considering matters of race relations was a big shift in attitude. "For a long time the party conferences had shown no interest at all," recalls Graham, "and some of the old chaps in the party who thought that they knew it all — not only about matters Maori — took a lot of persuading." But the views of Jim Bolger [who had replaced Jim McLay as leader in 1986] were similar to Graham's and the two of them were able to prevail. "Coming from Taranaki, he knew the history of the land and knew that things had to be fixed," says Graham, who is also adamant that what he calls a mindset change came over the Nats in those years as the post-World War II generation and the urban liberals gained ascendancy. "I'm not saying that everyone was comfortable, but what was happening in the party was a reflection of what was going on in society at large, a huge sea-change which I very much welcomed."

When National swept back to power in 1990 Doug Graham was the obvious choice for the newly created cabinet position of Minister in Charge of Treaty Of Waitangi Negotiations. Far from seeing the job as a poisoned chalice, as many did, he was keen to get it. So, he notes, was Winston Peters. "I knew it was a daunting task," he has said, "but I had no idea of the massive undertaking ahead of me."

The previous Labour administration had not had a minister in charge of Treaty matters, but instead had left the Minister of State-owned Enterprises, the rambunctious Richard Prebble, to try to sort things out with Maori should the need arise during his dealings. As a consequence, relationships with Maori were not good — "talking past each other" was a description frequently used during the researching of this article. Certainly Prebble had managed to alienate Tainui when he was trying to sell Coalcorp. "Basically he'd offered them about \$20 million all up to go quiet," says Graham.

"We took over at a time when there was no real contact with Maori on the claims," he continues. "We had to pick up the ball and run with it. We started with Ngai Tahu in the August of '91, got them to the table, then Tainui shortly thereafter, and away we went."

Chief Tainui negotiator Robert Mahuta remembers his early meetings with the new minister: "From the way he spoke I was convinced that he had good intentions right from the beginning. Over time we came to know each other reasonably well, and I can say that one's faith was not misplaced in terms of what eventuated."

In Mahuta's mind the contrast between Graham and his predecessor couldn't have been greater: "Richard didn't want to know... he didn't want to understand. He thought he could bully his way through to a settlement."

Doug Graham's goal was to settle the major claims — not all the claims — by the year 2000. "There was a recognition," he says, "that Maori people had yet to blossom in the way they ought to have, and to the extent that that was the fault of the Crown or the government, it was the government's obligation to right the situation. How we would set about that we didn't have the faintest idea, other than that we were determined to be consistent and equitable."

These were not economically propitious times to be entering negotiations the inevitable result of which would be the giving away of large amounts of taxpayers' money. "[Welfare] benefits were being reduced, Doug Kidd's razor gang was making cuts all round," says the minister, "when in came Doug Graham to the cabinet room asking for more money for Maori."

"But cabinet could also see that it was dealing with an issue whose time had come. As the papers started to come up [from officials] to cabinet on the various grievances, even if you didn't care much for Maori, in the face of the historical arguments it was hard to say 'no'."

Doug Graham has settled four major Treaty claims: \$170 million each has gone to Tainui and Ngai Tahu, there is the \$150

WHEN NATIONAL SWEEPED BACK TO POWER IN 1990 DOUG GRAHAM WAS THE OBVIOUS CHOICE FOR THE NEWLY CREATED CABINET POSITION OF MINISTER IN CHARGE OF TREATY OF WAITANGI NEGOTIATIONS. FAR FROM SEEING THE JOB AS A POISONED CHALICE, AS MANY DID, HE WAS KEEN TO GET IT. "I KNEW IT WAS A DAUNTING TASK," HE HAS SAID, "BUT I HAD NO IDEA OF THE MASSIVE UNDERTAKING AHEAD OF ME."

million Sealord fishing deal and the \$40 million settlement with Whakatohea in the Bay of Plenty.

In the light of the government's famously rejected \$1 billion fiscal envelope, are the numbers big enough?

"You have to ask yourself how much can the country realistically afford," the minister replies. "Nobody believes billions. Nobody in their right mind would say to Whakatohea, 8000 Maori, 'Your confiscated lands are now worth \$5 billion, so here's a cheque for that amount.' That's completely unrealistic. But you do have to give them enough to get them going again economically."

"If another government had a rush of blood to the head and concluded that we were too miserable with, say, Tainui and wanted to double the amount, then there's nothing to stop them — you can only conclude that we were indeed too miserable. But I think that what we were trying to do — and what we have done — was to give enough to get them going."

THERE IS NO NEED to dwell, in a piece of this nature, on the minutiae of the negotiation processes. Suffice it to say that Doug Graham took his job with a great degree of seriousness and sincerity and won the respect of Maori who had hitherto been notoriously difficult to impress.

Robert Mahuta: "Certainly he has been the best minister we've dealt with. He has a genuine understanding of the issues and has tried to move towards a settlement for the greater good of the nation."

Former Te Puni Kokiri [Ministry of Maori Development] chief Wira Gardiner: "I'll be frank. Without Doug Graham we wouldn't be where we are today. He's consistently pushed, from the moment he was appointed. You have to be wedded to the justice of an idea to be able to push it through the sorts of resistance that I suspect he got."

Doug Graham reports that apart from a few small and not unexpected pockets of resistance [the One New Zealand Foundation, *Sunday Star-Times* columnist Frank Haden], Pakeha New Zealand has accepted what he has done.

"Initially, when I'd speak to Rotary clubs and suchlike, I don't think Pakeha had much idea of what we were on about," he reports. "But you only needed to give them one or two examples of what had happened in the past between Maori and Pakeha and their mouths would drop open and they couldn't believe it. Then I'd say: 'Do you think that's fair?'"

"No'.

"And then I'd say: 'Do you think we should try and fix it?'"

"Yes

"How?'"

"Just get on and do it and don't go soft in the head — *but* the settlements have got to be final. If they're not final, forget it."

After the Sealord settlement he received 380 letters in a week "and only three said 'you're giving away my money, you don't know what you're doing'. Overall my mail tells me that 80 per cent of New Zealanders are in favour of what's been done, 10 per cent are not too sure and 10 per cent remain opposed."

The matter of finality is crucial. "I tell Maori that if a settlement isn't final it's just not going to get the wider public's support," says Graham. "And understandably, Pakeha tend to ask: 'But how are you going to make these things durable; how do you know they'll last?'"

"To those people I say [in the case of the Tainui settlement], 'You get the agreement signed by Elizabeth R and Dame Te Ata.' What more can you do than have the mana of both sides behind the signature? Then you just have to sit back."

WHAT HAS IMPRESSED many has been the way Doug Graham, a man whose background speaks so much of the rationality of the law and so little of cosmology, has so obviously been moved by his dealings with the Maori world. He speaks in fascinated tones of the creation stories of Maori, which he likens to the stories in Genesis.

It was Doug Graham, looking for a symbolic gesture that would show the government's sincerity, and wanting to return something of importance to Tainui, who arranged the return of the korotangi, the sacred jade "weeping dove" said to have travelled in the Tainui canoe from Hawaiki, from the National Museum to the care of Dame Te Atairangikaahu. He tells of how a light misty rain fell on the Turangawaewae marae as the final settlement was signed, as the bird was handed back; of the keening of the kuia who came forward to stroke it; and as he speaks he wipes a tear from his eye.

He tells too of the ceremony at Opotiki following the posthumous pardoning of the Bay of Plenty chief Mokomoko, convicted of the 1865 murder of the missionary Reverend Carl Volkner and subsequently hanged in Mt Eden jail: "The speeches on the marae went on and on and on and I didn't know what they were talking about anyway. Strangely, there didn't seem to be much emotion at all.

"At last I hopped up with the framed pardon and waffled on for a while until the time came to present it. Then a very old woman was helped to her feet, and as she came slowly forward the whole place just erupted — haka at the back, tears and singing that were just amazing as a century of emotion poured out."

And then there was the morning after the signing of the heads of agreement with Tainui. "When I got up I had a few radio interviews and was feeling a bit drained, but by the time I hopped into the rental car to head off back to Auckland I was feeling pretty pleased with myself, just mulling it over as I drove along.

"Then, as I came over the bridge past Taupiri Mountain, where we'd been to pray the night before, suddenly I started sobbing with the emotion of it all. This lasted until I'd passed the graves, and then it suddenly stopped."

Again the Minister in Charge of Treaty Negotiations pauses to wipe his eyes.

OF COURSE, DOUG GRAHAM has his political critics; significantly, however, they do not attack his handling of Treaty negotiations.

Labour's justice spokesman, Phil Goff, last year described Graham as "indolent", accusing him of failing to "drive" his department, choosing instead to react to situations as they arose. Goff's colleague, Judith Tizard, came up with the description "idle", adding, "You can't accuse him of itching to do anything."

Such criticisms are difficult to sustain. As Minister of Justice, Graham has introduced and overseen the passage of more legislation than any minister in the past six years. He has been

responsible for a rewrite of company law, pushed through domestic violence and human rights legislation, updated copyright and defamation laws, supervised the electoral reform referendum and oversaw the introduction of MMP.

In his capacity as Minister of Cultural Affairs he got the controversial Museum of New Zealand under way — "at a time when we were cutting benefits this was no mean feat, due in no small way to Sir Wallace Rowling's astute submissions" — restructured the Arts Council and succeeded in getting more money for its reincarnation as Creative New Zealand. "The New Zealand Symphony Orchestra we still have some problems with," he admits.

Yet for someone who has done so much, this unusual man, who likes to read *Winnie The Pooh* at bedtime, play the piano and go for long walks with Bruin, his chocolate Labrador, is unimpressed with the major achievements in settling land grievances that will be his legacy.

"I didn't really do all that much," he insists. "It's been much harder for the Maori people." And he tells of his admiration for Ngai Tahu negotiator Sir Tipene O'Regan, whom he spotted walking around outside Parliament Buildings at 3am "crying his eyes out wondering whether he should sign the Sealord deal... the enormous burden of the future effect it would have on his people.

"It didn't matter to me so much. I always thought that if I could conclude these deals, then that was fine. If I couldn't, then it was 'next please', a bit like a lawyer. Unlike Maori, the Minister in Charge of Treaty of Waitangi Negotiations can be here one minute and gone the next — and it's not my money as such."

Unduly cynical?

He hopes not. "I'm a great optimist," he says. "And I'm imbued with the sense of fair play of New Zealanders which, although it's strained a bit from time to time, is largely still there. I think that if the Maori people, as a result of the settlements, become a part of the broader New Zealand society, have an economic base to work from and strengthen the marae, then there's no need for any fear of any problems of race at all.

"But if we hadn't done this I think it would be fair to say we'd have had problems, especially with the intergenerational challenge occurring in the Maori world with the rangitahi [youth] going to marae and challenging the elders by asking, 'What have you achieved?'"

"[But with continued Treaty settlements], those who want a declaration of independence for Maori, a separate Maori parliament, separate laws and that sort of thing, will be marginalised and that thrust will fizzle out. And, frankly, I don't think that any of that has a place in New Zealand. We're far too integrated. We're not Canada. We all live in the same street, play football together and drink beer together. I just don't think you can have two systems.

"But I do think that the government needs to provide a much bigger Maori dimension. I don't mean falling over ourselves, flagellating ourselves and generally feeling guilty, but a greater Maori dimension in areas such as health and education. Actually it's happening already, much more than people think."

Ahead of whoever would become minister in charge of Treaty of Waitangi negotiations in the next government is The Big One: the Taranaki claim (see *Stolen Dreams, North & South*, September 1996). "It will be very much more complicated than, say, Tainui," warns Graham, "because there has been a diaspora of the people from Taranaki."

He is comforted, however, by the fact that New Zealand governments of goodwill have now had some practice at settling Treaty claims and have developed methods and policies — to say nothing of the 130-odd major papers to cabinet on Treaty issues, more than on any other issue the Bolger administration faced. "If we can make good progress in Taranaki," he says, "we'll have broken the back of the Treaty settlement process."

North & South: "You say 'we'. Do you mean Doug Graham?"
"No, it may not be me. I mean 'we, New Zealand.'" ■

THEY MADE US LAUGH
THEY MADE US CRY
THEY CHANGED LIVES

NORTH & SOUTH
NAMES OUR
**NEW
ZEALANDER
OF THE
YEAR**
& THOSE WHO
MADE A
DIFFERENCE