



ACE AOTEAROA

# Adult and Community Education Newsletter April 2007

## The relevance of the Treaty today

By Katherine Peet, Network Waitangi Otautahi

"The Treaty was signed in 1840 - but what has it got to do with today?"

The Treaty is not widely seen as a framework for considering the future - more often it is regarded as the cause of grievances! The Waitangi Tribunal and the Office for Treaty Settlements were set up to address historical grievances but there is a growing number of people in this country who have taken the opportunity to understand what caused the grievances and to encourage the political will to deal with them fully, and to think about what the Treaty means today and into the future.

What is not so widely understood is what is at risk when, as at present, the Treaty is being undermined as a framework for the future in this country.

A useful question to encourage discussion on this topic is to consider *what would be lost if the Treaty was taken away?* Another approach is to encourage people to think about their own stories, beginning with where they were born or grew up, and then considering their journey to the present time. They then share with each other:

*What do you want to pass on to the next generation?*

*What keeps you going when you are down in the dumps?*

*What really matters?*

Responses to these questions are remarkably similar, in our experience. As a group exercise there are occasionally some responses that are not shared - for example hunting and shooting is not something favoured by vegans. But usually people find it easy to develop a common list about what sort of future people want.

Recurrent themes are: respect for self and others, peace, family, whanau, friends, healthy relationships, achieving full potential, justice, wise sharing of

natural resources and preservation of them for future generations, etc. Conversations extend into considering the limitations of the market approach to development, the value of gift relationships and that the whole is always greater than the sum of its parts. A good image to describe this latter point is that we are no longer "simply" dealing with complicatedness - we are dealing with complexity. This like the difference between a bicycle (complicated) and a frog (complex) - you break a bike down into its component parts and you can put it back together again but if you do that to a frog - oops!

In this way of working it is better to be approximately right than precisely wrong. The outcome of these conversations is often referred

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ACE Aotearoa

Ma te ora ka mohio - Through life there is learning

to by visitors to this land, as the common decency of people in this country - people do want to be honourable. This is not a new phenomenon, historically. The summary phrase of what the people of this country wanted in the work of Royal Commissions, both in 1972 and 1986, was a "Fair Go, for everyone". Common sense and conversation easily identifies what we value, yet we are vexed by the question *how to achieve steps towards this future?*

This is the essence of the relevance of the Treaty.

The Treaty gives everyone a place to belong - it is not just a Maori phenomenon. The right to be here for those whose ancestry is not from the local indigenous peoples stems from the relationship made with those peoples - the relationships outlined in Te Tiriti o Waitangi. It is the Treaty that gives a framework for us *all* to be able to hold on to the things we value.

At the time of signing the Treaty the word used for everyone who was not Maori was "Pakeha". These days people who do not have Maori ancestry and who are committed to a Treaty-based future often describe themselves as Tangata Tiriti:

Edward Durie Rangitane, Ngati Raukawa, Chief Judge of the Maori Land Court, Chairman of the Waitangi Tribunal, stated at Waitangi, 1989:

..... we must also not forget that the Treaty is not just a Bill of Rights for Maori. It is a Bill of Rights for Pakeha too. It is the Treaty that gives Pakeha the right to be here. Without the Treaty there would be no lawful authority for the Pakeha presence in this part of the South Pacific. The Pakeha here are not like the Indians in Fiji, or the French in New Caledonia. Our Prime Minister can stand proud in Pacific forums, and in international forums too, not in spite of the Treaty, but because of it. We must remember that if we are the tangata whenua, the original people, then the Pakeha are the Tangata Tiriti, those who belong to the land by right of that Treaty...

The key phrase - *there would be no lawful authority for the Pakeha presence in this part of the South Pacific* - is the essential element of what would be lost if the Treaty was taken away. Further, our Chief Justice, Dame Sian Elias, at a conference at the University of Melbourne in 2003, referred to the argument that:

..... sovereignty obtained by the British Crown was a sovereignty qualified by the Treaty....

The Hon Dr Michael Cullen referred to this argument in a press release in 2004:

..... *There is an interesting academic literature which can be used to back such a view. It is one I do not accept.....*

This lack of agreement amongst our political and judicial leaders clearly needs further scrutiny.

Records in England show that by 1835 the British Government was clear that Maori had title to the soil and to sovereignty (their tino rangatiratanga). The Treaty, if it was honoured would make the difference between this country being established honourably and being established dishonourably. If it is honoured, the Treaty would give a place for *everyone* to stand tall.

In order to honour it, however, the parties to the Treaty need to work together. The right of any group to participate in decision-making that directly affects the group is elementary to democracy. The guiding principle should be fairness to all, which means that no one group should always be on the losing side - but tangata whenua have been on that losing side for a long time. Yet they have made several attempts to influence the other party - for example - the Foreshore and Seabed Act cut short the opportunity for a deeper discussion of the issues and denied them access to the law. Tangata Tiriti need to work together to address this situation.

The 2006 National Tangata Tiriti Educators Conference, held in Hamilton October 27-29 challenged the latest attempts to undermine the status of the Treaty of Waitangi. The conference - attended by more than 40 community and institution based educators - marked 20 years of Treaty education undertaken since the launch of Project Waitangi. (Project Waitangi, initially funded by the Government, was established to raise awareness of the Treaty in the lead up to the 150<sup>th</sup> anniversary of the signing in 1990). The press release from the conference states:

New Zealanders have nothing to fear from acknowledging the Maori text of the Treaty which clearly shows that Maori retained their sovereignty while also allowing the Crown to exercise a form of governance... In our experience, people readily accept the major differences in the two texts and feel empowered by being able to compare them... Rather than creating confusion, for many this understanding is the key to unlocking the historical puzzle, creating a balanced framework from which to view the effects of colonisation which form the basis of our current cultural and constitutional issues. In international law the meaning of

treaties written in indigenous languages are given preference over texts in the coloniser's language... We are alarmed that the new draft New Zealand curriculum document barely refers to the Treaty..., that the Treaty Information Unit of the State Services Commission [is] now closed down ... [and] that the Government continues to oppose the United Nations Declaration on the Rights of Indigenous Peoples... The conference marked the 171st anniversary of the signing of the precursor to the Treaty, the Declaration of Independence of New Zealand by the Confederation of United Tribes... It is a tragedy that most New Zealanders are still unaware of this important political statement made by Maori in 1835 which was recognised internationally...

(Independent Tauiwi Treaty educators can be contacted via: TreatyPeople@yahoo.com)

In working for a Treaty-based multi-ethnic sustainable future we need to address not only issues of equity (which is really just Article Three of the Treaty) - even though these issues of equity are very important. It also entails much more than addressing need, monoculturally and monolingually.

Te Reo Maori was only recognised as an official language of this country in 1987 - it is important to ensure that this recognition also extends to the recognition of two world views. Language underpins culture and defines it. The worldview embedded in the language provides insights into Te Ao Maori that are unique. A useful insight into this challenge is provided by Murray Parson's article "Another world view? The use of the metaphor in communicating knowledge" (Proc. Murihiku hui Aug 2000: www.otago.ac.nz/Zoology/hui\_wananga.html)

The United Nations Rapporteur Report on the Foreshore and Seabed Act called for provision to be made for Maori "as a distinct people possessing an alternative system of knowledge, philosophy and law". The Treaty at its core requires such recognition, yet there remains a disturbing lack of recognition of the indigeneity of Maori in the country.

- The Treaty was essentially an invitation by Maori - to those who are not of Maori descent - to share this land:
- The Preamble is about PEACE for all (deep peace with justice)
- The first article enables KAWANATANGA inviting people who are not of Maori descent
- The second article involves not undermining TINO RANGATIRATANGA
- The third article requires that Kawanatanga is ACCESSIBLE BY MAORI as well as by those who

are not Maori

- The fourth protocol ensures that every person's cultural and spiritual belief systems be protected

Tangata Tiriti need to give priority to working out what sort of Kawanatanga is wanted - ensuring that it does not put road blocks in the way of Tangata Whenua regaining and retaining Tino Rangatiratanga.

On Waitangi Day this year there was a call for the establishment of a Treaty Commissioner which could bring a focus on the Treaty in contemporary NZ life. It is proposed that the Commission be set up to:

- honour the vision of those who signed the Treaty
- promote the Treaty's commitment to partnership
- support Maori rights to control and authority over their treasures
- ensure that Waitangi Day is meaningful to all citizens of Aotearoa
- review any decision made in respect of the Treaty by government
- raise awareness and understanding of the Treaty
- be an advocate for the Treaty
- promote the proper application of the treaty in legislation.

The role was suggested to be similar to the Children's Commissioner. Such a Commissioner would provide a practical focus for what a Treaty-based future might look like.

But practical steps require us all to first accept that this journey will not always be a comfortable one, that mistakes will be made and that we can learn from them! Aotearoa New Zealand can provide a space for an emerging identity from this longer conversation between Tangata Tiriti and Tangata Whenua. Pakeha will need to deal with our amnesia caused by the severing of ourselves from our history, our homelands, so that we find the collaborative stands to take for the future.

Mairehe Louise Tankersley, Kai Tahu, Kati Mamoe, Waitaha, Trust Chair of Te Runaka ki Otautahi o Kai Tahu, concluded in a recent paper she presented on Te Tiriti o Waitangi and Community Development that it is about us all taking responsibility in our respective journeys with the Treaty:

- It's about the culture on the strong end of the power differential giving away some of that power, in order to empower Maori to

develop within the community, in a way that is appropriate to them.

- It's about us seeing community development for what it is - tino rakatirataka - self-determination.
- Working to empower Maori.
- Enabling them to identify what they need to develop and offering your expertise to help them to get it
- Learning what are appropriate levels of involvement, when to be there and when to withdraw.
- It's about appreciating the privilege it is to walk alongside the Maori community as they work towards improving their long-term social, economic, cultural and environmental conditions of their community.

Shifting Mindsets	
<b>Dominant Mindset</b> <ul style="list-style-type: none"> <li>• Growth is always good</li> <li>• Markets alone can solve all problems</li> <li>• We are separate from Nature</li> <li>• Problems are caused by the behaviours of "others"</li> </ul>	<b>Emerging Mindset</b> <ul style="list-style-type: none"> <li>• We exist in a world of limits</li> <li>• Markets don't measure everything that is important</li> <li>• We are an integral part of Nature</li> <li>• Often the structure of systems causes problems</li> </ul>

*The Sustainability Institute*

- It's about the sense of fulfilment we get when we know we have empowered, enabled and assisted Maori in creating a better overall quality of life for their community, and for the wider community as a whole.
- And long-term, it's about working with the Treaty in order that we can all move positively into a future built on mutual respect and understanding.

Finally, the development of a Treaty-based multi-ethnic sustainable future will require acknowledging



## Send in your news



WE WANT YOUR CONTRIBUTIONS & IDEAS FOR ARTICLES  
– INCLUDING "COMMENT"

**EDITORIAL COMMITTEE:** Lorraine Webber, Liz Tully, Philippa Conroy. **EDITOR:** Jo Lynch

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our differences and respecting what it is that makes this distinctiveness while looking for the shared spaces. It requires a shift of mindset in the dominant society, as suggested in the box:

Adult and Community Education is an appropriate method to develop this Emerging Mindset.

Treaty-based co-governance where Tikanga Maori is no longer excluded, and Tangata Tiriti work in a politics of generosity - instead of self interest - offers a new relevant future for this Pacific nation and a model for the rest of the world.



**Katherine Peet**

## SOME OTHER RESOURCES ON THE TREATY

### Treaty Resource Centre, Te Puku Matauranga o Te Tiriti

The Treaty Resource Centre (TRC) was established in April 2004, under the auspices of the Auckland WEA as part of its recognition of the significance of Te Tiriti o Waitangi. The objectives of the centre are to:

- promote understanding of Te Tiriti throughout Aotearoa (Treaty education delivery and resource development, networking, supporting professional development for Treaty educators)
- encourage and assist organisations to develop and implement Treaty-based policy (resource development re models being used, guidelines on audits, evaluation of effective processes)
- facilitate research which contributes to understanding of Te Tiriti and its application (identify priorities, undertake research, support others to do so)
- establish and maintain a repository for materials relevant to the Centre's other objectives (website; database/library of published and unpublished materials)
- share with and learn from relevant efforts overseas

The Centre does not focus on Maori development or Treaty history as these are already addressed by other institutions.

Contact information: Treaty Resource Centre, Box 78-338, Grey Lynn, Auckland; Phone: (09) 274-4270; Email: [coordinator@trc.org.nz](mailto:coordinator@trc.org.nz); Website: [www.trc.org.nz](http://www.trc.org.nz)