

Treaty is about rights of all NZers

Non-Maori need to recognise that the Treaty of Waitangi is about their rights as much as it is about Maori, writes Katherine Peet.

The Declaration on the Rights of Indigenous Peoples, recently adopted by the UN by 143 votes to four (this country was one that opposed it), says that "nothing in this declaration may be interpreted ... as authorising or encouraging any action which would dismember or impair, totally or in part, the territorial integrity or political unity of sovereign or independent states".

The imperative to maintain "political unity" seems to us to invite discussion on these topics. Rather than trying to sweep matters under the carpet, could we be open and frank about them?

The Treaty of Waitangi is not widely seen as a framework for considering the future. More often it is regarded as the cause of grievances.

As an educational organisation working in this field, we have found it useful to take a different tack, and consider what would be lost if the treaty was taken away. Would it be more than the haka at football matches?

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. 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.

Common sense and conversation easily identify what we value, yet we are vexed by the question of how to achieve this future.

This is the essence of the relevance today of both the treaty and the UN declaration.

We should not forget that the treaty gives everyone a place to belong – it is not just a Maori matter. At the time of signing the treaty, "Pakeha" meant everyone who was not Maori. These days such peoples are being referred to as tangata tiriti.

The former chairman of the Waitangi Tribunal, Eddie Durie, said at Waitangi in 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 to us the essential element of what would be lost if the treaty was taken away.

Chief Justice Dame Sian Elias, at a conference at the University of Melbourne in 2003, said that "sovereignty obtained by the British Crown was a sovereignty qualified by the treaty".

However, Deputy Prime Minister Michael Cullen, in 2004, expressed the opposing view: "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 between our political and judicial leaders urgently needs further examination.

The key to successful relationships requires an agreed framework for shared aspirations and values. The treaty, along with the UN declaration, could enable continuing, respectful dialogue so that we all can hold on to what we value. We should welcome the adoption of the declaration as central to the dignity of those of us – tangata tiriti – who are not of Maori descent.

The parties to the treaty need to work together. 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 the losing side for a long time.

The right of any group to participate in decision-making that directly affects the group is elementary to democracy. This is not about separatism but about understanding the legitimate aspirations of indigenous peoples as set out in the recent UN declaration.

On Waitangi Day this year, there was a call for a treaty commissioner. The role was suggested to be similar to the Commissioner for Children. Such a commissioner would provide a practical focus for a treaty-based future.

Development of a treaty-based, multi-ethnic, sustainable future will require acknowledging our differences and respecting what it is that makes these distinctions, while looking for the shared spaces.

This could offer a new future for this Pacific nation and a model for the rest of the world.

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