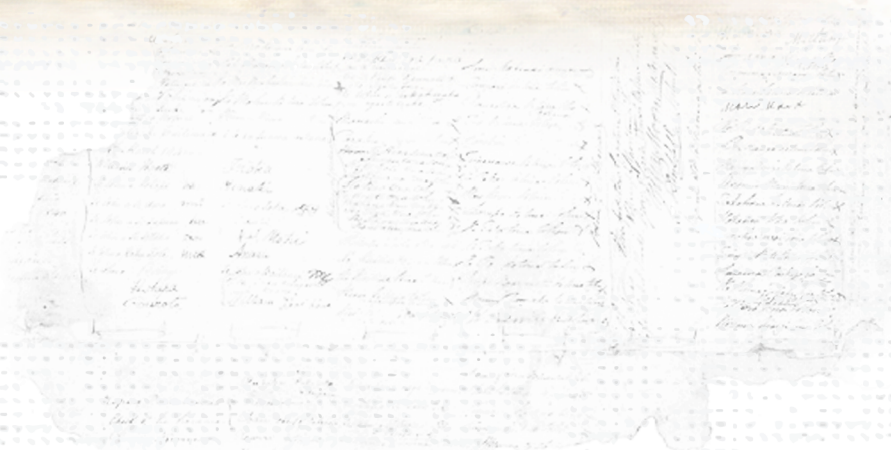
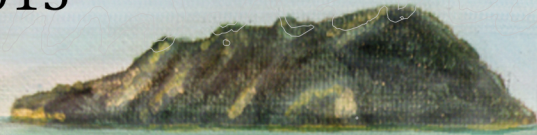
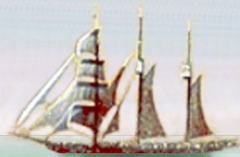


Pākehā

State of the Nation

Collected Waitangi Day Speeches and Essays

2006-2015



State of the Nation

Collected Waitangi Day Speeches and Essays

2006-2015

E-book published for Network Waitangi Whangarei.



Network Waitangi Whangarei

The Celtic Aberlemno Stone, whose seven spirals symbolise the inner stillness within us all is embraced by Mt Maniaia, guardian of the Whangarei Harbour.

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Dedication

Network Waitangi Whangarei acknowledges our relationship with Te Taumata Kaumātua o Ngāpuhi Nui Tonu that resulted in this series, and thank them for the generosity of spirit that allowed Pākehā to deliver these speeches at Te Tiriti o Waitangi marae on Waitangi Day over the years. In particular we value the ongoing support for Pākehā seeking honourable kāwanatanga of Nuki Aldridge and Titewhai Harawira and dedicate this book to them.

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State of the Pākehā Nation

Foreword by Dr Heather Came

This year makes 175 years since the signing of Te Tiriti o Waitangi. This provides an excellent marker, an opportunity to consider and reflect on the State of the Pākehā Nation (and the Tiriti relationship). The collected papers in this book represent a broad cross section of Pākehā standpoints. The term Pākehā is used in a variety of ways. It has been translated as foreign/alien in contrast to Māori meaning ordinary/indigenous. When I use the term, I mean settler in an inclusive way. Others use it as a proxy for (dominant culture) white in an exclusive way. The majority of the Pākehā voices in this book have European genealogy. Not all Pākehā/tauiwi voices however share this whakapapa but Te Tiriti o Waitangi remains the terms and conditions of our settlement in this land. Hopefully future essays/speeches will embrace more of the rich ethnic diversity of Pākehā/tauiwi experience.

Formed in 1988, Network Waitangi Whangarei (NWW), who commissioned this book, is a group of Pākehā Tiriti workers committed to providing education, resources and support for understanding and implementing Te Tiriti o Waitangi. Since 2006 Network Waitangi Whangarei have been hosting Waitangi Day speeches and commissioning essays to reflect on the State of the Pākehā Nation. The initial impetus of this project was a response to Don Brash's (2004, January) notorious Orewa nationhood speech that inspired such cultural violence. The speeches were a strategy to provide an alternative Pākehā voice on race relations. Speakers were variously asked to look at New Zealand's history with an eye to what the future might hold and to contemplate the full meaning of the concept of partnership within one nation, two partners, and many cultures.

After the passing of Reverend Joan Cook - founding member of NWW - in late 2009, the speeches became essays to honour her memory and significant contribution to Tiriti work in this country. NWW continue to have an annual presence at Waitangi on Waitangi Day and recently produced the landmark text Ngāpuhi Speaks (Healy, Huygens, & Murphy, 2012) in partnership with Te Kawariki.

This book contains the original speeches and essays and an update to allow authors to reflect on the context, content and impact of their contribution. Some of these updates were written by the authors, others are transcribed interviews. The speeches and then essays are presented in chronological order. The authors interpreted the brief in diverse and eclectic ways.

In 2006, four Pākehā speakers presented their ideas at Whangarei and Waitangi. Dr Betsan Martin's paper explored issues around ethics, sustainability and kaitiakitanga. Reverend Bob Scott drew on his international experience focussed on changing the dominant mind set. David James argued for the need for constitutional change, while Professor Jane Kelsey maintained Te Tiriti is our constitution and warned free trade agreements puts our sovereignty under threat.

In 2007, Catherine Delahunty, Professor David Williams, Glen Colquhoun and Charmaine Pountney spoke in Whangarei and Waitangi. Delahunty talked of sewage and the tendency of Pākehā to 'flush and forget' the impact of our actions both politically and ecologically. Williams provided an eclectic overview of the topical race relation issues from school curriculum, investment in Māori development, through to the declaration of indigenous rights. Colquhoun's piece 'the last Pākehā' was a personal take about whakapapa and relationships. Pountney raised a series of strategic questions exploring what Te Tiriti o Waitangi means today sharing how she applies it in the context of her own life.

In 2008, Carol Archie, Grant Powell, Rod Oram and Ruth Gerzon were the Pākehā speakers at Whangarei and Waitangi. Carol examined what a personal commitment to Te Tiriti has meant for her professional life in broadcasting. One time Treaty lawyer now Judge, Powell offered some critical reflection on the progress of resolving historical Waitangi Tribunal claims. Oram explored the economic opportunities for all New

Zealanders in a successful and just Tiriti relationship. Gerzon shared her grass roots community experiences of working with Te Tiriti and her front line involvement with the Tūhoe 'terrorist raids'.

In 2009, Dr Ingrid Huygens and Robert Consedine delivered Waitangi Day speeches. Huygens presented some of the learnings from her doctoral research into process of Pākehā change to engage positively with Te Tiriti. Long-time Tiriti educator Consedine expressed his aspirations for a multi-cultural Tiriti based New Zealand.

Since 2010 the speeches have become essays. The first of these was Moea Armstrong. She examined the implications of Pākehā recognising that Māori did not cede sovereignty. In 2011 in her Waitangi essay crone Mitzi Nairn explored the question of what the Pākehā of the future might aspire to be. In 2012 Network Waitangi Ōtautahi stalwart Katherine Peet traced key developments in Tiriti work and reflected on the possibilities of the four well-beings (economic, cultural, social and environmental) from local government being applied more broadly. In 2013 Dr Susan Healy shared some of her learnings and reflections on being part of the independent panel that produced Ngāpuhi Speaks (Healy et al., 2012). My paper in 2014 focussed on the opportunities of constitutional change, and the ongoing threats of institutional racism and globalisation and free trade. This year's essay by Tim Howard explores the implications of the Wai 1040 Waitangi Tribunal findings which confirmed Ngāpuhi did not cede sovereignty.

This book is a snapshot of the Pākehā nation, a nation that is constantly changing. It contains rage, disappointment, frustration, hope, optimism and love – it represents the blood, sweat and tears and collective learnings of many Pākehā activists. It demonstrates a long term commitment by some Pākehā to justice, honourable kāwanatanga, tino rangatiratanga and ōritetanga. To paraphrase Mitzi Nairn, may we quickly transform to being the Pākehā that Māori hoped they were signing Te Tiriti o Waitangi with.

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Recollections of Reverend Joan Cook

29/11/1929 – 2/12/2009



Photo: Fiona Bycroft

Joan Cook (nee Harry) was born in Thornbury, Melbourne – a true blue sports-keen Australian. It was in connection with her membership as a spin pitcher in the Australian women's softball team that she met Russ Cook. They married in 1951 and came back then to live in Whangarei. While Joan was proud to describe herself as a Pākehā, she refused to swear an oath of New Zealand citizenship until she could do so on Te Tiriti o Waitangi.

From her early life, Joan held as a strong value the need to stand against injustice anywhere. Whether it was as a young woman refusing to sign an employer's dishonest cheques, or her refusal to stand for Robert Mugabe's entrance at the World Council of Churches (WCC) meeting in Harare, or her support for women or for Māori aspirations as guaranteed in Te Tiriti o Waitangi justice was Joan's clarion call.

Her first encounter with Māori was in her first week in Whangarei, when Joan was transfixed by the camaraderie between Māori council workers outside her house. Her link with Te Ao Māori and Māori activism, and with justice, became a defining thread through her life.

In Auckland, Joan was involved in the Nuclear Free and Independent Pacific movement, and in the National Council of Churches (NCC) Programme Against Racism. In 1983 both Joan and Russ, Anglican priests, were members of a group arrested at Waitangi – their prayer was an active stand alongside Māori and was a protest at the Kerikeri vicar supporting the Government's Waitangi Day event. How could you celebrate Te Tiriti o Waitangi while it was treated unjustly in this country? Her links with Titewhai Harawira and her whānau continued for decades.

In 1988 she and Russ moved back to Whangarei for her to take up a position with Northland Urban Rural Mission as a Tiriti educator amongst Pākehā, in response to Māori challenges. She was the initiator of Network Waitangi Whangarei, and a long-term mentor to many tauwiwi Tiriti educators throughout Aotearoa.

Russ remembers a kaumatua telling them, the night before the 1983 arrests, that the church told Māori to lift their eyes to heaven, while they pulled the land from under their feet. Not a situation that justice-minded Joan would tolerate. Long may Joan Cook's passion for justice and for seeing Te Tiriti really honoured in our relationships and institutions and communities, fire the spirits of those who follow her!

Tim Howard
Network Waitangi Whangarei.

I remember Joan telling a story of being out at Urquhart's Bay and discovering when she went for her morning walk that the council (or someone) had come in to widen a corner. They were just about to bulldoze through a whole lot of bush to do that. She rushed back home saying to Russ "we must rescue these plants" She feverishly dug up plants and saving as many as she possibly could. That is part of my picture of Joan her concern for the importance of the natural world and its right 'to be'. I think she was connected with the whenua, with Māori issues, and the justice she was pursuing.

Mitzi Nairn
Tāmaki Tiriti Workers

I knew Joan well, both Joan and Russ. She was an extraordinary person with many facets to her character. She was strong. I believe she was seen as a crone in the women's movement - a woman of great stature whom other women looked up to in a way that I don't understand because it was done privately and in their own ways. I understand that when she was ordained the women knew that part of the ordination process would be that men would be laying their hands on her in ordination. So, on ordination day she arrived in her robes but with a large colourful scarf across her chest. No one, except the women, knew why it was there. I believe it was laid on the night before, like a shield, to protect her; protecting her from their masculine assumptions about what they were doing for her and to her. That was a very important, even brave, step to take in one's own ordination.

I was always interested, then amazed, at the depth of trust Māori in the North seemed to have in her, especially to explain what she saw was happening within the Church. Joan became a kind of go-between, an interlocutor and Māori could pass messages through her. She could relate to both worlds and travel between the two. She was extremely good at managing that relationship as I understand it.

Bob Scott

2006

Te Tiriti o Waitangi principles for shared governance: From the Foreshore to Freshwater

Dr Betsan Martin

He mihi nui ki a koutou. Greetings to Ngāti Wai and Ngāti Hine, Ngāti Hou and Te Parawhau. All strength to you in your kaitiakitanga responsibilities. Greetings to Network Waitangi Whangarei and all of you who keep the fires of Te Tiriti o Waitangi alight. The courage and strength of your leadership inspires us to undertake all that we can in our time.

It is a priority to come to the flapping tail of the fish at this time. We are reminded of the organic relationship between those from the tail who give momentum to the way ahead, and those at the head who make decisions for the whole. Over the years I have had a good deal of time in the heart of the fish, Lake Taupō, and will speak from the heart of my experience there.

Te Tiriti o Waitangi, governance, environment

The introduction mentioned the fast I did for the foreshore and seabed¹. The fast was to signal Pākehā support for customary titles to the foreshore, and for government to abide by Te Tiriti agreements, and at least to follow the direction of the High Court.

The Crown has always asserted sovereign authority over matters of national interest. In doing so Te Tiriti provisions for two forms of governance. In Te Tiriti o Waitangi, Crown authority is to be exercised alongside indigenous tribal systems of governance, tino rangatiratanga. This means hapū-based governing authority over matters concerning the tribes. These provisions have always been over-ridden by the Crown through the assertion of a Hobbesian tradition of indivisible sovereignty (Hobbes, 1996). There is precedent for divided or shared sovereignty in Canada and the United States. New Zealand Chief Justice Sian Elias has opened a door to the legal means for divided or shared sovereignty in a not so well known paper on the New Zealand constitution (Elias, 2004).

Alongside a legal tradition means by which the Crown has claimed this doctrine to assert dominance is that our majoritarian democracy supports this position, so we have to work on the political will to support a new framework. As a matter of national interest and respect the founding agreement of Aotearoa-New Zealand, many see the way forward through a Te Tiriti based constitution. An aspect of national interest is the environment and systems for resource management. My focus is on caring for the environment through a Te Tiriti o Waitangi framework.

Te Tiriti provides for hapū authority over matters pertaining to tangata whenua. At present we have no systems or structures for this to be given effect. Under the Resource Management Act (RMA) there are provisions for recognising cultural forms of environmental practice, such as kaitiakitanga, and there are requirements for consultation. A way of moving forward with shared governance at local community levels is through co-management.

Co-management provides for bringing together the knowledge, experience and traditions of tangata whenua and hapū with the knowledge and responsibilities of crown-derived agencies. Co-management brings

¹Refers to the claim by many iwi Māori to ownership of the foreshore and seabed. The claim was lodged in the face of repeated refusals for applications by iwi for aquaculture permits by the Marlborough District Council. The articulation of the claim to ownership followed an application to the Māori Land Court to have claims to ownership heard. Despite the 2003 ruling of the Court of Appeal upholding the right for customary title to the foreshore and seabed to be heard, the government passed legislation in 2004 which deemed title of the foreshore and seabed to be with the Crown.

opportunities for processes of collaboration in land and water management. It would involve iwi management plans being implemented in co-operation with council, regional government and conservation management plans. Some research has been done on co-management as a framework and can be referred to for further detail (Sunde, 1996).

Here my focus is on philosophical considerations for ethical practice and on some local community initiatives where there is collaboration between tangata whenua and community agencies for environmental enhancement. I am speaking of an ethic of environmental responsibility rather than a rights approach, such as rights of access and recreation. All rights have corresponding responsibilities. An ethic of responsibility has the potential to move from conflict and struggles for power to respectful relational process.

Responsibility, obligation and duties expand and balance a human rights approach to ethics. Responsibility brings a collective orientation to balance some of the individual emphasis of rights. Responsibility addresses itself to positions of privilege. In Treaty terms responsibility engages the onus of obligation on the Crown to protect the agreements of Te Tiriti. In environmental terms, the crown has responsibility to protect the resources of land and sea, and the integrity of the natural world for future generations. Even though there is talk of sustainability, the effects of trade agreements and rights of access of corporates and multinationals to resource exploitation are driven by the priority of short term economic interests. The complexity and difficulties of implementing of legislating a binding agreement for the Kyoto protocols show the priority of economic and state interests in maintaining industrial systems of resource use based on fossil fuels.

The Seabed and Foreshore may have appeared to be about access, but it was about assets and resources. This is verified in noting the applications for iron sands mining since the Foreshore legislation (Chang, 2010). There are applications from multinationals for most of the west coast of the north and south islands, and for Golden bay, near Nelson. The responsibility of the crown to safeguard the environment and ensure sustainable resource use needs to be done in a Te Tiriti framework.

Philosophy for Te Tiriti frameworks and co-management of the environment

In order to explore a Te Tiriti framework for environmental governance, I will explore some of the conditions that could make that possible. Te Tiriti o Waitangi provides for tribal governance to continue alongside Crown governing responsibilities. In very broad terms I am referring to a system which underwrites two world views, two traditions, two legacies of peoples who have adapted to their geographic contexts: indigenous and western world views, which, in my view are profoundly different world views.

The legacy of western liberal tradition gives prominence to the value of private property, the pre-eminence of the individual, and are shaped by patriarchal history. Such world views are shaped by a church and state where a sovereign god, a sovereign state became transposed into the concept of sovereign individuals. We can remember that these were fought for by our ancestors and forbears for liberative purposes – to free people to have a say in government, to be entitled to the products of their work, and to pursue knowledge. Transplanted as Westminster democracy in New Zealand they have had the effect of oppressing indigenous systems and world views.

Our task is to give priority to traditions evolved in response to this place in environmental and resource management. These express the wisdom of centuries of navigating this ocean and sustaining life here. In preparation for coming to Whangarei and Waitangi I re-read Justice Eddie Durie's (1996) paper *When will the Settlers Settle?* It is an exposition of Māori ancestral law and land tenure. It corresponds with my own quest to make provision for the co-existence of two world views; for indigenous governance along with the Crown, as handed down to us in Te Tiriti o Waitangi.

Many of us are contributing to reworking western systems and the world view we come from and of which we are part. From our knowledge of colonial history we seek to regenerate what can be thought of as our liberal legacy to bring forward an appreciation of what it means to live in Aotearoa as later settlers, respectful of

tangata whenua. We do so as part of becoming calibrated to live and work respectfully of tino rangatiratanga and kaitiakitanga.

In the swell of responsiveness to the environmental crisis our quest must be to heal the split between nature and culture. Ecology is a system which recognises the interconnectedness of all life forms. Interdependence and the health of the ecosystem comes from understanding that if the gecko no longer appears, it is because the rivers are polluted and therefore the fish will be endangered, and food sources threatened.

Hapū environmental leadership

After working with Te Tiriti o Waitangi in education, an opportunity was brought to me to be associated with a hapū initiative for environmental enhancement and kaitiakitanga - caring for land and people.

I was introduced to a landscape I had never seen. The guiding tikanga comes from Rongomai, the atua of cultivation and harmony. Pihanga is the female mountain, who shapes the contours of the land, with nearby hills as her fingers and the flatter fields as the palm of her hand. Her extended hand of welcome, referred to as the 'ringa pōwhiri', expanded the female symbolism to convey the karanga, the calling of women to initiate the protocols of meeting between hosts and guests. From her palm, water flows to the lake. This is earth the mother.

My observation became trained to observe a landscape in danger - sluggish turgid water in streams, no sound of the ruru, smelling sewerage and seeing the signs of black water seeping into a lake. This is a hapū that is undertaking environmental enhancement on ancestral land – restoring a wetland by planting indigenous trees, growing kai mara/organic produce, installing sustainable energy systems in the whare kai under construction, no main grid electricity or council water systems. Kaitiakitanga practice is not only for the people of the hapū, for whom the vision is to become self-sustaining, but for the wider community by being open to community participation to support the practices and by providing active responsibility for the waterways by careful practices on adjacent land.

The word enhancement is a deliberate proactive concept to account for degradation in a scenic place where native fish are replaced by trout, management of fisheries by hapū is replaced by Department of Conservation, and pine forests are everywhere. My wonder in the scenic environment of Lake Taupō has been redirected to seeing the sewage plant too close to the lake and listening to the accounts from kuia of the refusal of the council to make and implement plans for a system that is safe for the lake.

Talk of Te Tiriti it is always framed in terms of tino rangatiratanga by hapū, to chart a course for Treaty based governance with provision for Te Ao Māori. I say to myself often – what would it take for us to establish trustworthy agreements and implement shared governance?

A Te Tiriti Framework: Hapū and Crown

Nearby another activity is going on between a committee of hapū and Corrlands, the arm of Corrections which manages the prison estates. A protocol has been in place for seven years after about twenty five years of negotiation, and against a back ground of the theft of land and desecration of wāhi tapu during milling operations. What has been noticeable in researching the parties to the protocol and the programme of land management has been that this is about forging a relationship. The driving force was to achieve a process of respect and protection of taonga tapu through an environmental enhancement programme. Those who created the protocol were well aware that a framework of taonga tapu does invoke the Treaty, and the dimension of Crown obligation (Martin, 2005).

Corrlands have environmental obligations in their land management under the RMA, and obligations to protect taonga under several acts, such as the Historic Places. Under the protocol where ever taonga are found, logging ceases and a process of planting the area on native trees protects the ancestral, historical and the environmental taonga. The protocol provides the system and structure. However the personnel are a key to the effectiveness – the manager said to me 'well it's all Māori land anyway! Here we can see the evolution of co-

management through a practice of collaboration and mutual respect in a local site. It happens in many parts of New Zealand. What is still needed is policy frameworks to establish this in all resource management.

It is important to say that the protocol has been transgressed with government failure to consult with this committee, which was signed by the Minister of Justice in 1989 over the expansion of the prison. The committee are objecting to the expansion on environmental grounds – the pressure on the lake environment and water systems, on the biodiversity of birds with the introduction of more toxic materials.

So there are some examples of local hapū centred initiatives for which we have no national structure or systems to drive implementation.

Aotearoa-New Zealand in a Pacific context

In the story from Tūrangi we see what is being played out in Pacific nations – the effect of commercial resource exploitation which over-rides the rights and responsibilities of indigenous people, and conflict that comes of it. A recent colloquium in Samoa brought my attention to the Pacific and to governance and the environment and resources of the ‘water continent’ (Tamasese, Suaalii-Sauni, Martin, 2007). In many Pacific nations Westminster systems introduced to exert western interests in the Pacific are a not in accord with systems that derive from indigenous traditions.

In Pacific countries, including Aotearoa-New Zealand, land and sea are under more and more stress from the escalating scale of deep sea trawling, logging of indigenous forests and mining, the poisoning of water and reefs from transnational corporates and foreign companies. In Bougainville, Solomon Islands, Fiji and Papua commentators refer to the exploitation of natural resources lying behind many of the political conflicts and the breakdown in national security. The mining activities and environmental damage (of Conzinc Rio Tinto) in Bougainville, the exhaustion of hardwood forests through logging in the Solomon Islands, Fiji, Samoa, and mining in New Zealand, such as at Waimangaroa near Westport, point to the wider context of globalised economic pressure and impact.

Urgent regional action for governance of transnationals and for safeguarding for the sustainability of the region is required. We need Pacific indigenous people with knowledge and experience of Te Moana Nui a Kiwa to lead this process. Alongside indigenous leadership we need environmental responsibility to be driven by wisdom of ecology. Commercial exploitation cannot be the guide of provisions for environmental governance.

Collective ancestral indigenous governance of land and sea is still being exercised in many parts of the Pacific, a system that continues in fragmented ways in New Zealand but always in the shadow of hostility from the Crown. The world view of the land and sea being in continuity and all to be managed to sustain biodiversity and the ongoing viability of the community is in juxtaposition with far bigger forces of rights to property, unencumbered entitlements to research and exploit resources, the imperative of commerce, trade and profit, and multinational corporates unrestricted by procedures of ethical governance.

Conclusion

Conflicts over the resources of land and sea need to be removed from contestations for power, particularly on the Crown side. The future lies in ethical relationships of respect for difference from which collaboration can proceed. Efforts to implement Te Tiriti, such as in provisions for co-management, must be made through ethical process, processes of engagement that respect of the mana of tangata whenua and that step aside to make space for tino rangatiratanga in governance and in environmental management.

It is often said that supporting rangatiratanga is good for all New Zealanders. The Treaty provision in the State Owned Enterprise legislation meant that our forest lands weren't sold (even though cutting rights have been sold). In Chile, multinationals have bought most of the Mapuche land, and planted pines and eucalyptus, so that the Mapuche have little remaining land, and the water table is so low they cannot grow native trees or

²See for example <http://wrm.org.uy/oldsite/bulletin/106/Chile.html>

food². The health of the environment is broken, with ill consequences for the Mapuche as well as for Chile as a nation.

In many of our experiences, where we follow our ethical responsibility to support tangata whenua and hapū in the exercise of rangatiratanga, or hapū authority an ethic of generosity and shared wisdom, come into play. The future open through the settlement of Treaty claims process is that we will evolve into becoming people of Te Tiriti and New Zealanders of the Pacific.

Reflections on context of the Waitangi speech

Waitangi Tribunal reports and Treaty settlements in the last ten years are changing the landscape. The foreshore was fresh in our minds in 2005 and now freshwater has come to prominence. Sovereignty, governance, co-management, grievance and reconciliation are themes that are alive in the treaty settlements and Waitangi Tribunal reports. The Tūhoe settlement, the freshwater and geothermal report (Wai 2354, 2012) and the Ngāpuhi He Wakaputanga me te Tiriti report on stage one of the Te Paparahi o Te Raki Inquiry (Wai 1050) all extend the reach of Māori aspirations, without adequately realising them.

The Waitangi Tribunal Ngāpuhi finding that the chiefs did not agree to cede sovereignty to the British Crown could open the way to a consitutional development of shared sovereignty. Ngāpuhi keeping the light of dual sovereignty alight also serves to keep alive the contestability of western systems and the incremental evolution of systems that express our shared heritages. Co-governance is finding its way through the door of Treaty settlements, signalling an advance on co-management as a way of including Māori interests in national parks and other arenas of resource use. The Tūhoe settlement came close to opening the door to handing over ownership of Te Urewera National Park, the aspiration of Tūhoe.

The government proposal for the sale of state assets re-ignited Māori interests in water and prompted an urgent claim to the Waitangi Tribunal (Wai 2354, 2012), and the New Zealand Māori Council filed a case on Māori rights and interests in water in the Supreme Court in 2013 (SC 98/2012 [2013] NZSC 6).

The Waitangi Tribunal hearing pivoted around Māori propriety interests, ownership, rights and historical grievances of hapū having their waters polluted and access prevented by local authority interventions of their water resources. Pouakani is an example of having the fundamentals of life, health and authority over water removed or compromised. It can be found in Wai 2354.

Alongside Māori interests in water being brought into the public arena the Land and Water Forum has convened a major collaborative initiative to address water governance. While there is iwi representation this Forum is not convened for a Treaty based resolution of water governance.

Reflections on the content of the Waitangi speech

This is a ripe moment to give an intimation of a proposal for a new legal and philosophical framework for the governance of water which has the potential for a confluence of Māori and general interests in water. The New Zealand Māori Council will shortly circulate a discussion paper on vesting water as a Public Trust. Provisions for such a Trust include regulation of inputs and consents for use, of a system of payment for commercial use, free use and access for basic needs and incentives for safeguarding water quality. The revenue stream would be for infrastructure beneficial to water, including Māori beneficial interests such as safeguards for ancestral waters and marae needs.

The public trust proposition embodies principles of responsibility which have origins in indigenous customary law and in Roman law. It marks a paradigm shift from a rights approach, although it is intended to satisfy Māori rights and interests, as well as wider interests in safeguarding water.

Public trusteeship is inspired by indigenous Hawaiian litigation for the return of waterways to healthy flows after being diverted and plundered for commercial use by sugar companies. Commercial priorities overthrew

trusteeship principles. After twenty years of hearings the Waiāhole case for trusteeship of water succeeded in 2000, and beneficial public interests in water are being reinstated in Hawai'i (Sproat and Moriwake, 2007). Public trusteeship in Hawai'i may resonate in Aotearoa New Zealand now that the governance of water has surged onto the agenda.

Reflection on the impact of the Waitangi speech

I prefer to consider the relevance of this Waitangi speech, rather than impact, as a way of determining whether the topics raised are of ongoing value and interest.

A year ago, early in 2014, several conversations with leaders interested in the Waitangi Tribunal freshwater claim and Supreme Court finding brought up the idea that an indepth consideration of different approaches to the governance of water was timely. A team including myself, Linda Te Aho from Te Piringa, the Law Faculty of Waikato University, and Sir Taihakurei Durie duly followed through and hosted a symposium on law, responsibility and governance in November 2014. The Durie discussion paper was launched at the symposium supported by the New Zealand Māori Council and will be available early in 2015.

The other interest was climate commitments at COP21 in Paris 2015. With Pacific Islands on the frontlines of climate this brings to mind another theme mentioned in the 2005 speech of relevance today, which cannot be pursued here. An approach of responsibility may be fruitful, in that it is being taken up for public dialogue in the debates about water. Public good is a concern in many circles both social and environmental – with changes to the RMA expected very soon.

Responsibility is not an easy principle to discuss because it is readily associated with the individualised responsibility that serves the ideologies of the neo-liberal market and a reduced state. The discussion here is in the spirit of kaitiakitanga and stewardship understandings of responsibility.

The move to consider public trusteeship of water suggests that rather than receding, there is momentum in the idea of public good. Fresh thinking has sprung from Waitangi Tribunal findings and Treaty settlements over the past ten years, with fecundity in the exchange between 'two worlds'.

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Photo: Paul Titus

As Director of RESPONSE Trust, Dr Betsan Martin is working with the University of Waikato and collaborating organisations to establish RCE Waikato, a United Nations University Centre of Expertise on Education for Sustainable Development. This is a cross disciplinary collaborative initiative in partnership with tangata whenua/ Māori and Pacific representatives.

Betsan is a member of the International Alliance for Responsibility in Sustainable Societies, focussing on transitions to governance aligned with interdependence with earth's ecosystems. Other national and international work involves organisations such as IUCN (International Union for the Conservation of Nature) and ECO (Environment and Conservation Organisations), of which Betsan is Co-chair; she is Co-ordinator of Methodist Public Issues. A special interest in water governance and provision is an entry point for regional interests, given the context of the Pacific region.

Betsan was a researcher in the Greens parliamentary office during the Foreshore and Seabed events and fasted for a week in protest at the Crown's failure to recognise Iwi Māori interests in the foreshore and seabed by passing legislation to this effect in 2004. Betsan is an independent Treaty educator with practical experience of supporting kaitiakitanga.

Betsan's academic research in ethics and responsibility provide a theme across her work in social, environmental and economic areas; it takes inspiration from the principles of a Charter for Human Responsibility. Publications areas include water governance, responsibility and ethics, education for sustainability, responsibility in law.

State of the Pākehā nations' mind-set

Bob Scott

Greetings to this house and those who have passed before. Especially I want to pay my respects to those who have, in many different ways, continued the debate about the place of the Treaty of Waitangi in our society. This marae has been a source of inspiration for many of us who have been here for hui of one kind or another.

I particularly recall one visit. The NCC, of which I was a staff member, was summoned here by the elders to explain the church's attitude to the Treaty. I think the elders were concerned at the Council's apparently radical stance. It was in 1981 – twenty five years ago this year. We travelled here for the hui. The discussions were long and difficult and we shifted uncomfortably as we tried to explain that, as church members, we felt some responsibility for what happened at the signing of the Treaty. But the elders were still not sure about us.

But then one of our staff spoke. The Rev Dr Alan Brash, father of someone who has become quite well-known around here. Dr Brash spoke of the outrage he and other Pākehā felt, at being denied the true stories of our country; of his shame at the treatment accorded the Ngāti Poneke by the settlers in the Wellington area, and his Christian conviction, not of guilt for what had happened but of the need to address what had happened in the past. So, if you will allow me, I would like to honour that man today, the father of the present leader of the Opposition, and whose words were so vastly different from what we hear from his son in recent days.

I was away from Aotearoa during the 1990s, returning for holidays each year but also keeping my eye, through the internet, on what was happening in this country. I was and am proud to be a New Zealander. Proud of the high regard Aotearoa is held in most parts of the world; because of our anti-nuclear stance, because of our environmental consciousness and because of what people perceive as our relaxed and safe lifestyle in a significantly beautiful part of creation.

I rejoiced at the improvements there were being made in the whole spectrum of relations between tangata whenua and Pākehā. The superb work of the Waitangi Tribunal, through the submissions it receives and the research it does, virtually re-writing the history of this country. Satisfaction at the succession of compensation claims that have been resolved; admiration for increasing Māori entrepreneurship; absolute delight at the strengthening of Te Reo and the rich renaissance of Māori literature, art and music.

But that was balanced by something else. As a staff member of the WCC in Geneva I was a regular participant, for fourteen years, in the annual sessions of the UN Working Group on Indigenous Peoples, at which tangata whenua were always represented. Indeed I felt one of my responsibilities in Geneva was to provide support and nurturance for those Māori delegations.

Each session was an opportunity to see the Treaty of Waitangi in action. On one side of the huge conference hall would be the New Zealand Government delegation. On the other side, the other partner of the Treaty, the Māori delegation. Each year the Māori delegation brought the stories, statistics and analysis of the other side of the coin. You know them well - the prison, crime, education and poverty statistics, the denial of rights, disputes over land, and rejection of the principles enshrined in the Treaty. No-one could attend those sessions without grieving – while at the same time filled with admiration at the mana (authority /dignity) carried by the Māori who attended.

After fourteen years I have returned home. What have I found? The statistics are correct. There have been some improvements, but the basic indices remain negative. Despite all that governments say “is being done for Māori” the character of the relationship between Māori and Pākehā is still largely a history of poverty, marginalisation, imprisonment and ill-health (each of them recognisable characteristics of an oppressed people) for most Māori and, in comparison, privilege for most Pākehā. A situation used as a political football by some; rejected on many talk back programmes; and sneered at by many of the elderly, certainly at one meeting of Grey

Power I attended recently in Auckland.

I am prepared to say that, despite all the community education that has been done in the last twenty years, bicultural and treaty workshops and department staff training, there are still huge gaps in the confidence and strength of relationship between Māori and Pākehā, at all levels.

A breakdown in effective consultation has brought about the need for the Māori Party and some actions of the present government have reinforced confusion, animosity and confrontation. Despite the so-called successes; despite the protestations about sensitive consultations, despite the fact that tikanga Māori have emerged so strongly in many aspects of our society, such as in the Anglican Church. What is it that is still missing?

I begin with something which is startlingly obvious but has to be repeated over and over again. In this country we have two cultures which view history in entirely different ways. In my predominantly Western culture we describe the future as being in front of us, which we are moving towards. Our language is: "You cannot go back"; "What is done is done"; "You must always move forward never look back"; "The future is what it is all about"; and you can probably think of other such phrases you might have used yourself.

Whereas my experience in working with indigenous peoples in various parts of the world is that when they speak about the future they will pass their hand backward over their shoulder. Because the future is what you cannot see. What you can see is the past. That is what you face – not the future. The future is unknown and only has meaning if you face the past.

Isn't that obvious? But it highlights fundamentally different ways we look at history. Among Pākehā there is far less willingness to face the past. The language used is "I am not responsible for what my forbears did". "We are not responsible for the sins of the fathers". "They (Māori) are always going on about the past". This is a very powerful image for me. Two peoples each regarding history in as different way. The Western view of the future pervades a lot of our general community thinking about Māori related issues and does not provide a good environment in which to consider the injustices of the past. The only exception I have seen to this general inability to face the past is the annual outpourings of history and resolutions on Anzac Day – then we do go on about the past.

Let us remember that injustice has no cut off point – especially if your culture has a strong oral tradition. The "forget it and move on" theory does not work when one's history includes massacre, alienation from the very source of spirituality – the land; and countless discriminatory and divisive actions.

I know we have made some progress in Pākehā attitude change. But let not any of we Pākehā exclude ourselves from the challenge to review our mind-set about these things. Are we really addressing the past or merely trying to tidy up a troublesome political issue? Have we merely calculated the cost of putting it right and how long that might take, so we can at last "consign it to history"? Are we like Cornwall, the wealthy settler who gifted that great park in the centre of Auckland, prepared to smooth the pillow of what we perceive to be a dying race?

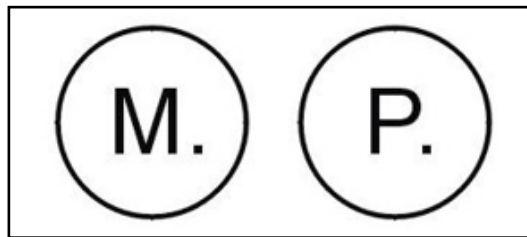
The gravity of the relationship between Māori and Pākehā – a gravity given it by the Treaty itself – demands that we think much more deeply. To reinforce that I wish to speak about redeeming history. I suppose you might have thought an Anglican priest would get on to a religious concept at some stage and the atheists here will be ready to press the "cut off" switch. But please bear with me. What does redeeming mean? "Make amends, recover. Deliver from damnation, save oneself from blame, save from a defect" and so the Oxford Dictionary goes on. Think of the pawnbroker – I go to redeem my goods – to recover what was mine and restore it to me. History can be like that – we can recover it and restore it.

Answer the question: why was there a Treaty of Waitangi at all? Why did the British, who were not known for

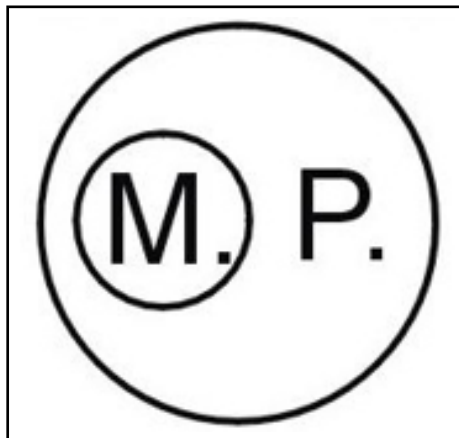
their willingness to enter into treaties with the “native peoples” in their empire building (although they did sign a few), agree to negotiate a treaty in this case. Why was Hobson instructed to treat with the Māori in as much as he could recognise them as a sovereign people? Was it because they had declared their sovereignty in their Declaration on Independence in 1835? (which most Pākehā do not know about by the way); Was it because the British Resident James Busby had urged them of the dignity or mana of this people?

Whatever it was the fact is that two peoples discussed a treaty. Forget for a moment the many different motives among the assembly at Waitangi in those days. Merely recognise the fact that a treaty implies two distinct peoples - each willing to regard the other as a partner in the treaty - each willing to trust the other.

That position can be described thus (M for Māori and P for Pākehā).

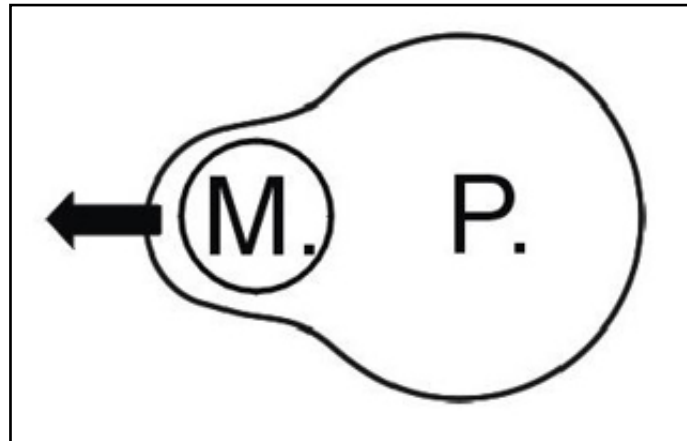


Now we have to face what happened; Māori, unable to control the flow of immigration were soon overwhelmed and the passage of land into Pākehā hands had begun. Described thus:

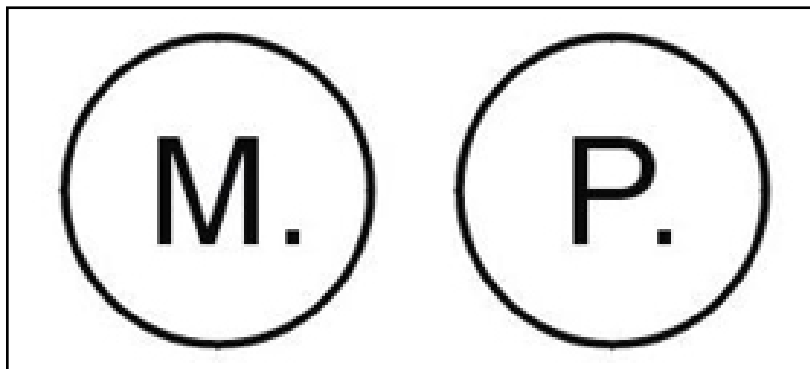


All of us here will know that the protest movement within Māoridom has been continuous from the late 1840s. Each step of Pākehā legislative action in this country was accompanied by a Māori reaction. The King Movement, the land marches are examples of the persistent protest by Māori trying to escape the cultural, spiritual and social domination of Pākehā.

That can be described thus.



The logical conclusion of that movement is this:



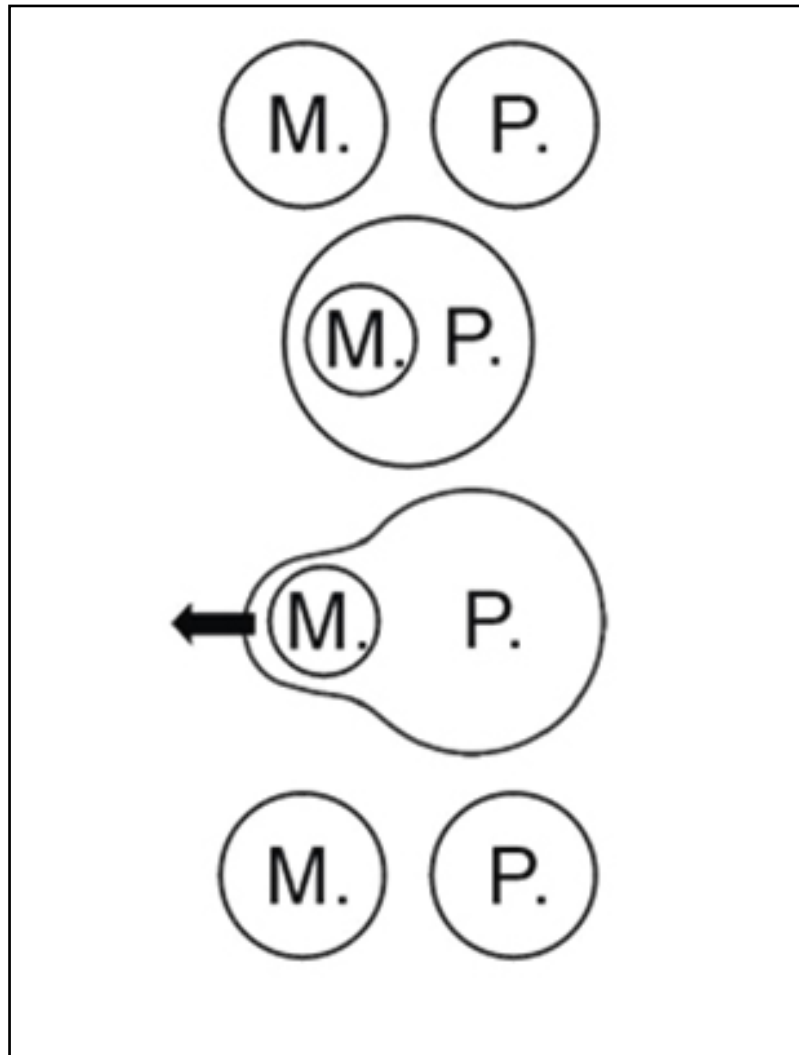
I know some people will immediately claim that represents apartheid. Not so. There is nothing wrong with such a definition. Apartheid, on the other hand, was a legislative framework to ensure privilege for the whites in South Africa. That privilege was maintained by the philosophy of 'separate development' which effectively denied basic human rights to the majority. Being separate is not a problem. It is when the separation brings privilege to the one and not the other that it is a travesty of justice.

Two clear circles recognise the integrity of each and provides a framework for what? Perhaps to go back to 1840? Have we come full circle? If we Pākehā had the mind-set to see ourselves as part of that diagram we would be in a position to understand and pursue the redeeming of all that went on after 1840: to recover, to restore.

Back to the situation in the 1840s, as far as the dynamics of the meeting is concerned: two peoples deciding a treaty between them. In 2006, two peoples deciding the meaning of the treaty for these days. It would require significant expansion of hitherto narrow attitudes; it would require respect and honour which has not always been forthcoming. It would give the term 'partnership' a new and vigorous meaning and it would certainly provide the basis for a much more enlightened and creative dialogue about the future.

The mind-set is fundamental. That is, regarding Māori not as a problem to be dealt with, nor even a challenge to be faced (although it is certainly that). Not a political football to kick around in parliamentary caucuses, but the engagement of the first people of this nation with those who came later. An engagement between an indigenous nation, with all the dignity and stature that embodies, with another people, living in the same land; an engagement between two peoples who realise they must and can live together; an engagement which has the desire to promote and support each other; an engagement which no longer requires the endless patience and generosity towards the Pākehā which Māori have had to use for so many years.

I am speaking about a mind-set – what goes on in the head of each person involved in these engagements, at all levels. In theological terms it is called metanoia, a Greek word meaning a change of mind; a radical revision and transformation of our whole mental process. Metanoia means a new mind. It could be said that metanoia speaks of the need for conversion.



Is this too difficult? Is it too much to ask of our politicians and community leaders? Is it too much to ask them to ditch their reliance on the versions of New Zealand history they learned at school, which were almost certainly sanitised? For them to regard their encounters with Māori on the same level and with the same attitude as if they were meeting official representatives from nations overseas? I wonder if many of you know the history of the relationship between the Rātana Movement and the Labour Party – of the significant encounter between the Māngai T. W. Rātana and Michael Joseph Savage on April 22nd 1936. The Māngai offered the Prime Minister some articles “for his study and observance” and as a memorial of their meeting.

This meeting sealed a bond between the Rātana Movement and the Labour Party. It became an important political alliance – one of respect and political agreement. I have never seen the word ‘covenant’ used to characterise that relationship but the behaviour of both parties subsequently seems to suggest that it was.

Why do I refer to this now? Because I believe that relationship, or the original intention of that relationship, is something near to what I am speaking of in the state of the nation’s mind-set. Not just meetings – but covenants; with a changed mind-set; with metanoia.

Before I complete this I must make a few remarks. I know there will be people who hear what I have said and will instantly feel offended or hard done by. The local Member of Parliament (MP) and the corner shop-keeper, the school-teacher and the bus-driver, those who hold authority in high places, the ministers and the priests,

the Grey Power members and the local Mayor will recoil at my analysis and assure me that they do understand Māori. They do understand there are many wrongs to be righted, that it is a major issue we must face and I must not be so general in my remarks.

They will quickly refer to all the sensitive treaty compensations discussions and countless other encounters; they will remind me who it was set up the Waitangi Tribunal. They will point to their own efforts and their admiration and respect for Māori. They will feel I have got it wrong or that I am generalising. Let me be clear. I do admire the sensitive work that has been done in many dialogues. What I am asking for, and I believe the healthy state of the nation is dependent on a new sense of purpose and commitment; a new mind-set that moves into even deeper waters and is committed to even deeper understandings - in ways that will continue to change Pākehā in how we think, feel and govern. It will take time but it will indeed prepare the way for a great nation in which the wisdom and skills of two peoples work together to enhance the whole nation.

Reflections on the context of the Waitangi speech

The 1980s was a time when the friction between Māori and Pākehā was strong. Māori were demanding of Pākehā: “go back to where you’ve come from. This is our land”. A slogan of the time was “the Treaty is a fraud”. Despite New Zealand’s international reputation as a well-integrated country the reality was very different. One response came from the National Council of Churches of the time (later the Conference of Churches in Aotearoa-New Zealand). The NCC established a full-time Programme on Racism. This was the very early days of anti-racism education work and the NCC decision was quite remarkable for its time.

As the person responsible for the programme I saw the primary focus must be to work with Pākehā, although I am sure that some of the NCC council members imaged the programme was to work with Māori. Some years before when I was in South Africa, the black activist, later murdered, Steve Biko said to me, “If you understand our plight, don’t work with us, work with your own people. That’s how change will come about. That way we have the space and time to work on what we’ve got to work on. Go back to your people and talk. Don’t just reflect our anger. Be angry yourself about the iniquities of racism and the whites’ role in that. Because your own anger is the engine that will keep you going”. It was a strong lesson for me which influenced much of my work in subsequent years.

As they demanded justice many Māori were indeed concerned about the role to be played by Pākehā people, in response to their calls for justice. The partnership between Māori and Pākehā in this struggle was a gradual process over a number of years as trust developed and co-operation became possible. It came about as Māori and Pākehā individuals tested the different roles within the education process.

By 2006 when I made my presentation at Waitangi, some significant changes were afoot. Since the Waitangi Tribunal was established in 1975 and in 1985 given power to investigate claims back to 1840, its research and hearings of compensation claims began to produce the real history of this country, revealing the real pain, corruption and illegality of so much of the past. The annual Waitangi Day was still a day of distress for many, with condescending speeches by Pākehā leaders and anger from the Māori side. It was a time of great tension and trial. The white underbelly of New Zealand was visible. If I was to go to a Rotary club in those days, to speak about Māori sovereignty, I would likely have met a hostile reaction, especially in the north of the country. That is, not quite the same in 2015 even though there are still Pākehā who do not know the history of our country. Attitudes and awareness is changing thanks to incredible authors like Claudia Orange. Anne Salmond, Michael King, Paul Moon and others.

Nevertheless, as I said in 2006, there continues to be a profound conflict of how we understand history. In my Pākehā culture we talk about the future as being out there, ahead, ready to grasp. There is very little talk of going back. We hear “you cannot change the past” or “we are not responsible for what our forebears did”. Yet in my work with indigenous peoples in many parts of the world I something very different. The future is what they cannot see. And so we have two different understandings of history. Pākehā who see history as something which was past and we move on to the future; and indigenous peoples who say the past is what we know and still rely

on as it shapes the future. It is a profound difference in understanding history.

However, that is also changing, little by little, helped by the increasing number of Pākehā learning Te Reo; young people no longer being taught the sanitised view of New Zealand history and increasing is more intermarriage with offspring embracing two cultures. Statements, gestures and policies of successive governments have also had an impact. Governments are obliged to receive compensation claims from Māori for past injustices, requiring large financial resources transferred to many tribes of tangata whenua. The Minister for Treaty Negotiations or the Prime Minister, in the face of the Waitangi Tribunal decisions are obliged to offer an apology to tribes or iwi, as happened for the Tūhoe recently. The challenge now is whether an apology and a sum of compensation is enough.

Reflections on the content of the Waitangi speech

If I was back speaking at Waitangi again I would refer to the recent government actions, gestures and apologies. My Pākehā culture has a different view of what an apology means to that understood by indigenous peoples. I remember being present at a significant ceremony of apology in Asia. A United States based missionary church, which had dominated a particular indigenous community, had convened a meeting to apologise for the harm and pain they had caused in the past. The church leaders were suitably robed as they surrounded the head of church when he delivered the apology. It was greeted in silence. The church leader was clearly confused. I think he had expected the indigenous representatives to respond. They did not; that just sat. Finally an elder at the back rose: 'I see you're a little non-plussed. I must explain to you. In our culture when someone apologises we say nothing until we understand what it means.'

I recall a Radio New Zealand interview with Sir Paul Reeves after he retired as governor general. He then felt he had freedom as Māori, to complain about and to negotiate with the Crown, he was involved in the Te Ātiawa claim. He said after those negotiations, "It's getting too easy for the government to apologise. It does it almost automatically now. We thought about that and got more and more uneasy. Leaving the last word with the Crown and that has always been a problem". So in the Te Ātiawa settlement there is a statement of the Crown's apology and there is a statement of the forgiveness of Te Ātiawa. That leads on to the next thing, put in theological language, called reconciliation. He spoke of that as the beginning of relationship, involving Te Ātiawa and all government departments.

There was a similar learning in South Africa during the Truth and Reconciliation Commission set up after the fall of constitutional apartheid. The Commission chairman, Archbishop Desmond Tutu described the pain leading up to an apology as difficult, but the pain afterwards, the journey afterwards, is also difficult. Sometimes to say, 'I forgive you', means you have to forgive every day because every day you can't forget. And that's a trial.

The present government is keen to have Treaty settlements to be completed by 2016. My response to that: "Sorry. Your apology has begun a process which does not end in 2016. You cannot stop history like that. I am not sure the present government sees the settlement as the beginning of the journey.

Reflection on the impact of the Waitangi speech

I believe that 2006 was the first time Pākehā were invited to speak at Te Tī Marae on a Waitangi Day. It was a little bit nerve racking for me but a huge honour.

Four of us made our presentations that day and we were each graciously praised for our effort. After my presentation I sat next to my dear friend Titewhai Harawira, She said, "It is good Bob Scott, that's as near as you get...its good Bob Scott." I said, 'Are you sure?' 'Yes'she replied. Not gonna get any more out of her, I thought. That's it.

What did we contribute to the day? I appreciated the honour of being asked to speak and I was conscious that it was a move by tangata whenua to widen the debate, that always take place every year on that day. I was personally appreciated the spirit and warmth of the marae setting. On another personal note, it was the first

time my then new partner, now my husband, Frantisek, had come on to a marae. He was nervous and clung close to me. His youth in the Czech Republic had been under communist rule and he left the marae that day with deep respect, even wonder, at what he had seen and heard.



Photo: Frantisek Riha-Scott

Reverend Bob Scott is a retired Anglican priest. Soon after his ordination as a priest at St Peter's, Willis Street in Wellington, he was a member, and then director, of New Zealand's first ecumenical team ministry which concentrated on local body and national issues affecting the people of the city.

However, he has spent over half his fifty year ministry working internationally. He was the first executive secretary of a newly-formed international coalition on development based in London followed by a three year period as a Non-Governmental Organisation (NGO) consultant at the UN in New York. Before retirement he was fourteen years a staff member of the WCC with responsibility for anti-racism programmes, human rights and development of links with indigenous peoples. During that time he attended the annual sessions of the UN Working Group drafting the Declaration on the Rights of Indigenous Peoples. Much of his WCC time was spent working with Dalit People in India, otherwise known as the "Untouchables", who are little recognised as among the first peoples of that country who were enslaved after the Aryan invasion in the 1500s BC.

In the 1980s he had headed the Programme on Racism for the NCC. In his retirement he has continued his advocacy for human rights, especially indigenous rights in Aotearoa and has been involved in advocacy for gay rights within the Church. He lives in Auckland with his husband Frantisek. His autobiography, *In the Middle of It* was published in 2014.

Inquiries or sale of Bob Scott's recently published autobiography "In the Middle of It" can be made at bobscottnz10@hotmail.com

Te Tiriti o Waitangi, the state of the nation, constitutional change

David James

My mountain is the White Horse Hill; my river is the Upper Thames. I came here to the North as a complete stranger, 45 years ago. Māori and Pākehā, you took me in and taught me how to live here.

I could talk about legal, political, historical matters, as I often do. But today I'm starting from two places:

- Moana Jackson, at a seminar I attended, was challenged about the kind of constitutional change he wanted. He responded by saying that we need to think first about tikanga, the values we share and want to see reinforced by a constitution, and only after that to talk about the kawa, the processes and machinery;
- And I want to respect the fact that Ngāpuhi, as the guardians of Te Tiriti, have said from the start to the present that they see it as a sacred kawenata (a covenant).

In Te Ao Māori as I've understood it, everything hinges on relationships. Some are inherited through whakapapa. Other relationships are newly built, and then have to be maintained so that they stay sound and balanced. And kawenata are exactly relationships. So it's worth talking a bit about covenants in the world of the tāngata tiriti, and seeing if we have a common understanding with tāngata whenua about them.

I find the work of Douglas Gwyn (1995) helpful here. He's a historian who's written a major work on covenant through history and in the present. He says that some covenants are spoken or written, and others are just understood. There are covenants at every level of society. Friendship is a covenant; relationships such as marriage are covenants. Gwyn suggests that covenant – faithful, promise-keeping relationship – is what really holds society together – not contracts, not law, not government. These covenants carry and maintain values such as fairness, compassion, and honesty.

When a covenant is a formal one, it's been described as a voluntary agreement made by mutual promises between people. They agree to act cooperatively together, respecting the integrity (we might say 'mana') of all those who are involved. 'Every covenant involves consenting, promising and agreeing. Most are meant to be of unlimited duration.' That's a definition by an American political scientist who's probably never heard of Te Tiriti o Waitangi, but it seems to describe exactly what Ngāpuhi and others have always talked about in relation to the Treaty.

Right up until the middle 1860s, Māori kōrero about the Treaty was about a relationship between the rangatira (as the spokespeople of the hapū) and the Governor. In the early years the missionaries were also part of that relationship. As Michael Belgrave puts it, 'The Treaty of Waitangi was not seen by Māori as a legal document at the time of its signing, and was still considered to be a general agreement, which guaranteed Māori rights without necessarily spelling them out as a text. The treaty remained for Māori more of a tripartite alliance between missionary, governor and Māori.' At Kohimarama in 1860, the first national gathering of iwi called by the Governor, 'the treaty was often discussed, and was generally seen as simply a part of this relationship.'

From the middle 1860s, the missionaries are out of the picture. And the figure of the Governor of the time, someone you could know and build a relationship with, fades into the background. Governor Grey drinking tea on the verandah at Selwyn Wilson's ancestral home at Taumarere, that's in the past. It's replaced by impersonal governments and the courts, especially the Native Land Court. The personal relationship disappears and the sense of alliance. And to be heard in these new arenas, Māori spokespeople and their lawyers begin a new kōrero. It's based on the written text of Te Tiriti o Waitangi, not the oral treaty, and they focus on protecting

the rights that were being invaded. It gets treated more as a contract, where the wording is all-important and the parties don't have any obligations that aren't clearly spelled out on paper. However, the talk of relationship continues on the marae, behind the public scenes.

What about the other party? Did the Governors, and the governments that replaced them, ever think of the Treaty as an alliance, a relationship, a covenant? Almost certainly not. They came from a world and a time when colonial capitalism was on the rise. Land in New Zealand was a commodity to be exploited, and government was tuned to the same drive. So the ideas of partnership, honour and good faith that the Court of Appeal read into the Treaty come from Te Tiriti and the Māori covenant response to it, and today are still not in the thinking of major government or Opposition parties. Don Brash's first Orewa speech, and equally the disastrous foreshore and seabed legislation, made that clear enough. So does our government's determined attempt to water down the Draft Declaration on the Rights of Indigenous Peoples at the UN. A safe future for Aotearoa New Zealand and for constitutional change has to alter that government thinking, and bring it to the point of taking the Tiriti relationship seriously.

If that can't be done, we face a grim future. In the late twentieth century capitalism became multinational, with corporations more powerful than most governments and that market culture has created global exploitation, a spiritual desert, and environmental decay in every nation. And the global media have made us all consumers of their product, and left ordinary individuals feeling isolated and powerless.

That mix of huge forces at work, and disempowered groups and individuals, has led to wars in many countries, and social violence in almost every country. We are no exception. We experience a low-level civil strife that comes out in domestic violence, child abuse, road rage and looking for scapegoats. The tone is set by parliament and the media. As Douglas Gwyn says of the United States, 'A surly, defensive posture has come over all racial groups, and hate crimes are on the rise.' There are parallels here, for example in the public reaction to the Treaty settlement process. Even attempts to restore traditional place names and spell them right in Te Reo create great waves of resentment. And it seems to me, though I can't prove it, that some of that ugliness goes right back to our colonial past. We as Tauwiwi seem easily threatened by Māori asserting themselves as hapū and iwi or as a people, perhaps because, even when we deny it, we have at some level a sense of the injustices they have experienced.

To overcome that alienation of individuals from the wider world, that sense that if we're helpless to change things then we might as well go shopping, we need to be part of groups that engage with the larger world, reliable human groups, to give us meaning and help us make sense of the bigger issues. They nurture us, and they give us ways to act together to change things. The internet can do a lot, but it's no substitute for that sense of community networks, kanohi ki te kanohi. Some groups will be predominantly Tauwiwi, some predominantly Māori, some mixed. They need to be held together by something more than temporary interest – some shared values, or long-term commitment to each other.

Some of them will be able to network with others, and over time build alliances that can by-pass the big businesses or change the culture of government. Some examples:

- At basic level, marriage and other relationships bring together Māori and Tauwiwi partners into one kind of covenant that involves their wider whānau and families, and create a great reservoir of mutual understanding and goodwill that we sorely need.
- The way the Māori Party is operating has quite thrown the media and other political parties in parliament. They've been ready to talk non-defensively to everyone else, to walk alongside some fairly unlikely colleagues, and to speak clearly but without putting others down. It could catch on, and would be a major cultural change for parliament.
- At the time of the Pakaitore/Moutoa Gardens occupation in Whanganui, the local Quaker group, with hardly any Māori members, saw a role for ourselves and a broader group of Tauwiwi well-wishers as allies for the iwi's goals. That alliance has continued through a number of events and actions since that time,

with some quite practical results.

- The late Niko Tangaroa of Te Atihaunui, following the occupation, started on a deliberate strategy of befriending and dialoguing with significant individuals from the opposite side in that struggle.
- A few local government bodies have shown themselves willing to go well beyond what the law tells them they must do, and have established real relationships with iwi in their districts.

These are just a handful of examples, and there are plenty of others. They are small-scale, not dramatic. We need media strategies – perhaps every iwi does, as well as Tauīwi groups – to tell the good news and gradually change that culture too. Mana magazine and Mana News are examples, and iwi radio, but those stories need to be in majority media too, at peak times. Newspapers and TV news and current affairs, following the demands of the market culture, are still one of the main stumbling blocks to a healthier future.

So what about constitutional change and te Tiriti? I come back to Moana Jackson. Yes, we need constitutional change for everyone's sake, but to try to work out the machinery before being clear about the values we want to promote, to put kawa before tikanga, will doom any change to failure.

Mai Chen has said she believes we will eventually have a written constitution as a safeguard. The reason she gave was that we no longer have trust – in our politicians or in groups we don't belong to. She seems to assume that we shall go on without changing that culture of distrust, and that the constitution will be a limited and enforceable contract, but not a covenant. But if that's all it is, it won't deal with the bigger issues we face.

But Mai Chen also says that the Treaty will have to be recognised in the constitution, because otherwise it's hard to show how our government can claim to be legitimate. That would give Te Tiriti o Waitangi the firm base in government and the courts that it hasn't had so far. Geoffrey Palmer and others have said the same.

However, that alone means that constitutional change is in the future, not an immediate prospect, because the majority of our peoples are still ignorant of Te Tiriti and its history and would reject a stronger place for it as things are now. It could take a generation to change that, and to rebuild a spirit of covenant at all levels of our society, but only that rebuilding can make the changes real. It would be a disaster to rush into change regardless, because as David Williams has said, once a new constitution is in place it will be a very long haul to alter it again.

There's perhaps some hope in the 2005 report of parliament's Constitutional Arrangements Committee. It notes that a planned process of public education on constitutional issues would be needed before any change could be made. It says that hapū and iwi would have to be engaged in almost any constitutional change, and that legally and politically there would have to be broad support for the change from tangata whenua.

Your analysis may be different from mine, and I hope I don't sound merely timid, but I don't think the revolution is tomorrow, and I don't think it's the kind of revolution that replaces one group of people with another who will simply be corrupted in their turn by the same forces in society. It won't be quick or easy, and the forces ranged against us are formidable. We can't win over them, but we can hope to win them over, or enough people in them to make the changes. We'll need each other and our friendships and alliances, and not to expect that everyone involved will think just the same, operate in the same way, or use exactly the words we think are right. It's about rebuilding trust and making our organisations and our institutions trustworthy, in both the worlds that are represented in Te Tiriti. And at times it will also involve confrontation, to make it more comfortable for the powerful to come to the table than to stay away.

Thank you for the challenge of speaking here today, and through you to all my friends of Te Ao Māori for the gifts and patience and aroha I've experienced over the years.

Reflections on context of the Waitangi speech

There have of course been significant changes since I spoke in 2006. As part of the team delivering the 2014

Quaker public lecture, I noted some of these as:

- Increasing awareness of the reality and potential effects of climate change and environmental degradation.
- A variety of settlements of historic Māori grievances against the Crown.
- The first faint stirrings in the non-Māori community of concern for constitutional change.
- The rapid development of a larger Māori professional and managerial class.
- The continuing erosion and casualisation of opportunities for insecure workers.
- The way in which the nation's limited economic gains have primarily benefited a small privileged elite;
- The prospect of a Trans-Pacific Partnership Agreement.

I could and should have added to that list the 2007 Declaration on the Rights of Indigenous Peoples. And even since that lecture was written, there have been further changes affecting the things I spoke about in 2006. Notably the Whanganui River and Tūhoe settlements, the renewed Council and public debate about the spelling of Whanganui, and the release of the Waitangi Tribunal report on Wai 1040 - He Wakaputanga me te Tiriti.

Some of these are potential game-changers, but will take time to bed in and take effect. In fact there is little I would want to change in what I said in 2006. The main issues remain the same as then.

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Photo: Jillian Wychel

David James has worked in adult education in Aotearoa New Zealand since arriving here from Britain in 1961. During the 1970s he was the Director of the then National Council of Adult Education which was, among many other things, doing pioneering work in adult literacy and Māori adult education. In 1988, on moving from Whangarei to Whanganui, he and his second wife Jillian Wychel formed the Rowan Partnership as a freelance education provider, and over the years since then they have increasingly specialised in training to do with Treaty relationships for all kinds of agencies and institutions, working throughout the country. As Whanganui Quakers and treaty workers, David and Jillian were both engaged in aspects of the 1995 Pakaitore occupation/reclamation, and in their semi-retirement they are currently involved with others as oral historians in recording memories of those events from a variety of viewpoints.

Te Tiriti is the Constitution

Professor Jane Kelsey

I first came to Waitangi in February 1980 in the days when so-called 'young Māori radicals' at Waitangi and elsewhere were joined by small groups of Pākehā activists. I haven't felt so drawn to Waitangi for the last ten years. This year feels different. I am honoured to be here and to be invited to contribute to today's debate.

I am here as a Pākehā woman whose New Zealand ancestors date back to 1842, when my mother's forebears came from Ireland to Auckland. They moved to Taranaki in the 1860s where they married into a Swiss family who 'settled' on a farm called Sentry Hill. My father's French grandfather jumped ship in Akaroa in the 1880s and found his way to the Hokianga where he met up with some bigoted English Methodists in the 1890s. They built boats in Motukaraka. Their stories, woven together - their achievements and their outrages - have shaped my place in this land. When I call myself a nationalist, an understanding of that past shapes my actions in the present and my vision for the future.

There are many different ways that tauiwi contribute to this land and seek rewards. In my case it is largely as an academic. My job is to educate young law students, to research and write about the realities of law, and to foster informed and critical debate. My identity as a Pākehā in Aotearoa and my role as an academic are inseparable.

A huge amount has changed since I was first here in 1980. This is not because those with power suddenly saw the light. It is largely because people, mainly Māori, took risks and pushed the boundaries in many different ways. The policy shift on the Treaty that happened in 1984 was built on the occupations at Takaparawhā, Raglan, Āwhitu and elsewhere; the persistence of Nganeko Minhinnick in asserting kaitiakitanga before the Planning Tribunal; the Waitangi Action Committee's activism here and elsewhere, and much more. Today Māori self-empowerment is evident everywhere - in the revival of Te Reo, the growth of many wānanga, the birth of Māori television, the vibrancy of kapa haka, even the birth of the Māori Party. One of the most positive developments, from my perspective, is the deeper understanding that we as tauiwi have available to us about our history and how the mana of Te Tiriti cements its place forever as the foundation stone on which any claim to nationhood must stand. Despite attempts by opportunist Pākehā politicians to turn the clock back, we can't un-know what we now know.

While much has changed, too much has stayed the same. Inequality and racism that were disguised by the welfare state are much more visible. Unchanged, too, is the insistence that the Crown enjoys unfettered sovereignty. Despite the appearance of victories by Māori claimants in the courts, they have consistently insisted that the sovereignty of the Crown is absolute and is represented by a parliament that is controlled through a Pākehā majority electorate.

This assertion of sovereignty allows political parties to turn the clock back on advances of the past twenty years overnight, as they compete with each other for the redneck vote. They have a vested interest in ensuring that the majority of New Zealanders, whether fifth generation Pākehā or recent arrivals of diverse backgrounds, don't understand our history and Te Tiriti. Ensuring that does not happen is one of our most urgent challenges as Pākehā.

Some things have actually got worse in recent years. The so-called free market has condemned almost one third of our next generation to begin their lives in poverty and then blames them for failing to achieve. It has also transferred economic power beyond our shores. A lot of people talk today of an entering 'post-grievance' era where hapū can resume control of their taonga. Yet, when we look around us we see that control over those resources is securely held in corporate, usually foreign hands. What better illustration than the Seabed and Foreshore legislation? The rights of Māori to reclaim the foreshore and seabed were confiscated in the name of

protecting ‘public access.’ The private property rights of wealthy, often foreign owners in coastal resorts, flash marinas, mussel farms and licences to plunder the sands and seabed were considered sacrosanct.

Every year, New Zealand governments sign more international treaties that guarantee foreign companies the right to control the resources that Māori have struggled to regain. These new treaties run roughshod over tino rangatiratanga. While governments insist that Te Tiriti is only morally binding, they insist that these economic treaties are legally binding and enforceable. Few people, including Māori, even know this is happening.

Some believe the solution lies in a Tiriti-based constitution. That is a great aspiration. There is no other legitimate constitutional basis for this country and debates about the constitution can provide important opportunities to focus our minds. They also present stark challenges to Pākehā power brokers – as the Hīrangī Hui did in response to the outrage of the fiscal envelope.

I don’t believe a formal written constitution is (i) necessary; (ii) feasible; (iii) would be allowed genuinely to reflect Te Tiriti; and (iv) is a priority. Firstly, a formal Tiriti-based constitution is not necessary. Te Tiriti exists. Its mana endures. To say that Te Tiriti is a living document is a truism. Its future is not threatened. If anything is clear from the past 166 years, it is that Māori will defend its mana. It doesn’t require ‘validation’.

Second, creating a formal Tiriti-based constitution is not feasible. Generating any written constitution in New Zealand today would require people to agree on a new structure for exercising power and what are the most important rights and interests to be protected. If some consensus was achieved, it would settle on the lowest common denominator.

In Australia, there is already a written constitution that was agreed to by settlers in 1900 and strong republican sentiments. Yet a recent referendum for a new constitution failed largely because its supporters couldn’t agree whether the President should be appointed or elected. Imagine if the sovereignty of indigenous Australians has been on the agenda!

Come back home, and imagine the kinds of vested interests that would paralyse a debate about constitutionalism here, even within the existing colonial structure. Then add Te Tiriti and tino rangatiratanga into the mix. Those who have power will not simply give it away. Agreement on a formal written constitution, especially one based on Te Tiriti, is simply not going to happen within our lifetimes.

Indeed, that prospect seems more remote than it was five years ago when a rather bizarre invitation-only meeting of the elite was called at parliament to discuss the issue. On one side of the hall were prominent Pākehā lawyers, MPs from almost all political parties, Pākehā academics and commentators, and business leaders. Their vision was firmly embedded in the current constitutional arrangements. Some saw no place for Te Tiriti at all. Others argued that it should be accommodated within a republican version of the current framework.

On the other side (actually, at the back) were almost all the Māori present and a few fellow travellers, only some of whom were invited. They insisted that tino rangatiratanga, understood as perpetual and collective authority of hapū that was affirmed in the Declaration of Independence and again in Te Tiriti o Waitangi, is the only legitimate foundation for a future constitution. Each talked past each other because there was no conceptual meeting ground.

That hui was before the major political parties began their competition for who could pander best to the lowest denominator of racism and anti-Treaty sentiment within their Pākehā constituencies.

But let’s set that reality aside and assume there is agreement that Te Tiriti should be the foundation for a new constitution that would become the supreme law of the land. My third problem is what meaning would be given to Te Tiriti.

The problem is not Te Tiriti itself. It is nonsense for anyone to say its meaning is not clear. A wealth of knowledge about Te Tiriti and what the rangatira understood they were doing has emerged during the past thirty years. This is accessible to every person in Aotearoa. Those who claim it is impossible to know what the Treaty really means simply expose their own laziness or willful ignorance. That is a problem of political expediency and racism, which won't be fixed by a written constitution.

My concern is how the meaning of Te Tiriti in a constitution would be manipulated. Some will remember Waitangi Day in 1984, when Geoffrey Palmer announced that a future Labour government would include the Treaty in a Bill of Rights. This was in the hey-day of Treaty politics, as the hikoi of kaumātua and 'young radicals' descended on Waitangi. The policy makers who set about preparing Palmer's White Paper were concerned about how to 'fit the Treaty' into a broader Bill of Rights. The final version 'recognised and affirmed' the rights of Māori under both texts of the Treaty. These rights would then be subordinated to 'limitations that could be demonstrably justified in a free and democratic society'.

The court system that would decide the meaning of the Treaty provision and the limitation has always been an instrument of colonial power. Even when the courts made their most Treaty-friendly judgements, they have steadfastly maintained Crown sovereignty.

The classic example is their interpretation of references in legislation to the 'principles of the Treaty'. The courts have manipulated this to reflect the English text: the Crown has supreme sovereignty; Māori are to be consulted where appropriate; Parliament has the ultimate right to ignore those views. The duty of Māori in this unequal partnership is to be reasonable, cooperative and loyal to the Crown. The Waitangi Tribunal, which in its early reports questioned whether there was a cession of sovereignty, fell into line.

In 1989 when the Labour government produced *Crown Principles for Action on the Treaty* that rewrote the Treaty it relied on the court and tribunal for legitimation. As Bishop Whakahuihui Vercoe said in his speech at Waitangi during the 1990 Tiriti commemoration 'we don't need your principles, we have the Treaty'. Yet that distorted set of principles continues to underpin Treaty settlement policy and judicial decisions today.

Even the Court of Appeal's decision in the Ngāi Apa case on the seabed and foreshore made it clear that the Crown, meaning parliament, was sovereign and could override tikanga Māori and any guarantees in Te Tiriti.

Ani Mikaere has argued that tikanga Māori, with its ethical foundations in whanaungatanga, manaakitanga and kaitiakitanga, should provide the basis for law in this land. That makes perfect sense. Yet colonial law, based on private property, individualism and self-interest, is deeply embedded. Māori can and should continue to exercise tikanga Māori themselves and do so more insistently; but changing formal legal system would require a revolution, not simply a written constitution.

All of which leads me to argue that campaigning for a formal Tiriti-based constitution is not a priority. Indeed, it is a diversion of energy and resources that are needed first, to prevent the further erosion of tino rangatiratanga and second, to create the conditions where a vision of a Tiriti-based Aotearoa becomes a real possibility.

I mentioned earlier the threat that is posed by international treaties that guarantee rights to foreign corporations and their patron governments, such as the United States, Europe, China, Japan or Australia. Every one of these treaties involves giving up some of New Zealand's sovereignty to foreign interests, who can enforce them by imposing economic sanctions. Both major political parties are intent on signing as many of these treaties as they can. They are negotiated in secret by the cabinet; parliament doesn't even get to vote on them.

Just this week I gave a submission to a parliamentary select committee on a new economic treaty with Chile, Singapore, and Brunei. Tim Groser, who was New Zealand's ambassador to the World Trade Organization in Geneva and is now a National MP, said quite bluntly that the choice is about whether New Zealand should give

up more of its sovereignty. He thinks that's a good thing and we should sign many more of these agreements.

Georgina Te Heuheu then asked me to explain what this agreement means for foreign investment. That is very simple. It guarantees that foreign investors operating from these countries will never have to get permission for investments valued at less than \$100 million, except in the small number of situations where they do now. If the government lifts that threshold even higher, or takes it away altogether, that is automatically locked in for investors from these countries. There is no going back. For the limited range of investments that are still vetted, the government has promised never to add new considerations – such as whether the investment involves unresolved Tiriti claims or requirements to create jobs for local hapū and reinvest some profits in the local community.

Just think how much of Aotearoa is already controlled foreign companies in tourism, forestry, mining, hydro dams and geothermal, mining, corporate farms, golf courses, marinas, a half share of Sealord. Unless governments stop signing new treaties and withdraw from existing treaties there will be no resources to exercise tino rangatiratanga over.

In my view, stopping that rapid transfer of sovereignty offshore is one of the most immediate challenges we all face. The Māori Party, the Greens and even New Zealand First have a vital role to play in doing that. But we all have to make it clear that we will not be bound by decisions which are made in our name but which fundamentally violate Te Tiriti o Waitangi. This is just one of many urgent challenges. As we move forward with a vision of Tiriti-based nationalism, the lead will come from Māori, as it always has.

Creative strategies - use of international forums, the exercise tino rangatiratanga without 'permission' to do so, harness resources to promote people-centred development, tactical use of opportunities such the Māori Party in parliament - all offer exciting options for pushing the boundaries.

As Pākehā, we need to take responsibility for tilling that ground in our families, communities and institutions where we have power. As the make-up of tauwiwi changes we also need to come to grips with what it will mean for Pākehā to become a minority and reach out to newer arrivals. Organisations, such as the churches, that have retreated from the Tiriti-based vision of social justice that they vigorously advocated in the 1980s need to find their voice again. Despite the Māori-baiting of the major political parties, there is an enormous amount of goodwill and a shared commitment to building a Tiriti-based future in this land. That is the kind of nationalism that I want to fight for. I look forward to the discussion on this today and beyond.

Reflection on the Waitangi speech

Basically what I wrote in 2006 is even more relevant today, with the need to stop the Trans-Pacific Partnership Agreement. Our Tiriti not their treaty.



Photo: University of Auckland

Jane Kelsey is one of New Zealand's best-known critical commentators on issues of globalisation, decolonisation and neoliberalism. She has taught at the University of Auckland since 1979, specialising in socio-legal studies, law and policy and international economic regulation.

Jane is active internationally as a researcher, analyst, adviser and media commentators on globalisation, especially the Trans-Pacific Partnership Agreement. She is an active member of a number of international coalitions of academics, trade unionists, NGOs and social movements working for social justice.

Her first book, *A Question of Honour? Labour and the Treaty 1984-1989* documented the collision between neoliberalism and the commitment to honour the Treaty. A follow-up to her best-selling book on the neoliberal restructuring of New Zealand, *The New Zealand Experiment. A World Model for Structural Adjustment?* will be published in 2015. Entitled *The FIRE Economy*, it examines the challenges of embedded neoliberalism in the context of financial crises. Other recent books include *Service Whose Interests? The Political Economy of Trade in Services Agreements* (Routledge Cavendish 2008), and the edited *No Ordinary Deal. Unmasking the Trans-Pacific Partnership Free Trade Agreement* (ed) (Bridget Williams Books 2010).

Some of Jane's writing can also be accessed at <http://thedailyblog.co.nz/category/bloggers/professor-jane-kelsey/>

2007

Flush and forget - Pākehā and Te Tiriti

Catherine Delahunty

Mihi to tangata whenua and to elders of the tangata Tiriti movement. My greetings to the poet doctor, the man of law and lore, the woman who has been a visionary teacher and is a Te Tiriti based gardener. I am proud to stand here with these leaders of the best of Pākehā culture. They give me hope.

But the past and present state of the majority of the Pākehā nation is one of denial. Denial that we even exist as a nation; which uses democratheid (apartheid by majority) in maintaining control of Aotearoa. Democratheid is by no means a complete system or we would not be finding growing numbers of Pākehā supporting Te Tiriti events such as this one, but a powerful systemic injustice remains.

Several current political examples symbolise the underlying racism of the Pākehā nation:

- i) The current Prime Minister preferred to meet with a celebrity sheep named after a Hollywood cartoon than 25,000 or more tangata whenua.
- ii) The high school curriculum review has been preparing to remove Te Tiriti from the syllabus.
- iii) The New Zealand Government representatives at the UN voted against the recognition of the collective rights of indigenous peoples.
- iv) Then there's the flag on the Harbour Bridge debacle. How can we trust Transit to build bridges when they can't even fly our two nations' flags together?

This might sound unduly negative to a mainly Pākehā audience who are here because they are willing to focus on Te Tiriti, but it is my belief that wider changes will only come when we face the truth about ourselves as a culture. As film director Ken Loach recently said "If we can tell the truth about the past then maybe we can face the truth about the present".

It is impossible to talk about the Pākehā Nation 2007 without facing our history. Our history is built on a deep contradiction and an ongoing commitment to state sanctioned violence, not by the people in this meeting, but by the powerbrokers and passive racists who maintain control. I am talking about a belief in equality for the assimilated and fair play for everyone who acts like a Pākehā and I am generalising wildly to make a point, but living in Te Tairāwhiti has only strengthened my view that we have a long way to go. 50% of the population is tangata whenua and the level of poverty and discrimination resembles the north. We have plenty of beaten women; gutted communities and whānau living in state housing that have never had proper electricity or water supplies. But lots of Pākehā are drinking wine and surfing, and they say so loudly without saying a word, would you please shut up about the connection between racism and poverty?

The Pākehā contradiction comes from our origins, so many of us being the descendants of families starved out of Ireland, burnt out of the highlands of Scotland and made surplus people in the English class system. We, the children of cannon fodder and global capitalism can barely acknowledge the loss of bones and sacred places left on the other side of the world. The severing from ancestors and from the land has brought us material advantage and spiritual emptiness. The denial of this condition assists us in our denial of the tangata whenua indigenous reality and justifies our control of resources. But it has required a weird forgetfulness.

Thus when it comes to the redress of colonisation and facing up to the huge environmental crisis coming our way, Pākehā are not collectively well equipped. We are comfortably happy to be Kiwis, to co-opt everything from haka to ta moko, and to describe Kiwi culture as one of ANZACs³, gumboots and "do it yourself". Just don't ask some of us the meaning of Pō Kāre Kāre Ana or the indigenous name of that creek behind our suburb.

³Australian New Zealand Army Corps.

There are honourable exceptions to all these statements and they include tauiwi including Pākehā individuals and groups who have dedicated themselves to change. These voices are growing and even if the media ignores them there are Pākehā who stand up and speak out positively on Te Tiriti in every community in Aotearoa. I met these people on the Foreshore hikoi as they came to join us all the way from Gisborne to Napier to Dannevirke and Waipukurau and Masterton. They are small in number but we all know that small numbers of committed people change the world.

For the last twenty years I have been involved in a number of land struggles in defence of the environment and against foreign control. The most powerful metaphor of colonisation to me is to do with a deeply glamorous topic, sewage.

It is remarkable how many public toilets and landfills have been built on wāhi tapu and food gathering areas. It's almost as if the city fathers (and I use the word advisedly) wanted to send a message that "we shit on your culture".

All over the country from the bay opposite Te Tī marae at Waitangi, to the kaimoana beds at Tūranga nui a Kiwa, from the sewage ponds at Whāingaroa to the pipi of Whangamatā, from Moerewa waterfalls to Whangarei harbour, human waste is being dumped on traditional food sources. In the numerous local campaigns to clean up this habit the enduring leadership has come from tangata whenua and those environmentalists willing to be aligned with them.

But Pākehā environmentalists often struggle with a very basic issue, for example, Tikapa Moana, the Hauraki Gulf, is it worth protecting as a Marine Park for recreation and biodiversity, or as a pātaka kai, a storehouse of food and mana? If we acknowledge the pātaka kai we have to acknowledge the rangatiratanga and kaitiakitanga of Hauraki and share power. We have to recognise that not all food comes from the supermarket and that Marine Parks can exclude the food gatherers and breach their traditional rights. This is not to say we don't need to protect biodiversity, we must, but who decides the means?

Today at Mahia some Rongomai wahine are protesting against subdivision of their coast and at the roads through their urupā. But again Pākehā who love the outdoors and say they are passionate about Mahia Peninsula are very thin on the ground. What is the meaning of our professed love of this country and if we want to be here, why can't we support the mana whenua in their acts of love? Some Pākehā do give meaning to this love when they fight alongside tangata whenua to protect Ngunguru Sandspit or hold hands with them on the foreshore at Ahipara.

In 2005 some of us toured the country with the "Sawmill Workers Against Poisons" and the Vietnam Veterans: a motley crew of environmentalists, young tangata whenua activists and people who had been poisoned by dioxin. We travelled together with respect for the leadership of the tangata whenua and with awareness of Te Tiriti as our driving force. For me it was a model of collaborative supportive political action that enhanced the dignity of both cultures. Those people still inspire me.

But in 2007 we still cannot look to the majority of Pākehā to fight the ongoing corporate globalisation of Aotearoa, not if it means publicly standing alongside Māori. Our roots are still too deeply embedded in the privileges of colonisation. It is like a tapeworm in our guts, which causes us to hunger for capitalist consumption and dominance even though it's killing the planet, our well-being and our humanity. The corporations are keen that the next generation of tangata whenua swallows the tapeworm, then no one will be shamed by tangata whenua collectivism, Māori will be a successful and marketable global brand, not a threat to globalisation's damaging individualism.

It is not rocket science that Pākehā may be a minority by the late 21st century. It is to be hoped that tangata whenua will be the largest cultural grouping in their own country again. However all the demographic changes will be a change for the worst if Pākehā cannot come to terms with being a minority culture. Our attachment to

Westminster democracy has been based on our majority status.

Will we find to our horror that minorities in such a system are overruled and undermined? Will we react by supporting more truly equitable and culturally diverse methods of decision-making, based upon Te Tiriti, or will we build a fortress, clinging to wealth and power behind barbed wire and guard dogs?

Jane Kelsey stood at Waitangi last year and said that Pākehā were not ready for constitutional change and she's right. All it would take would be few more Orewa speeches written for either major political party by genocidal spin-doctors, and Te Tiriti would be legally reduced to an anachronism, a so called nullity yet again.

So we take the slow road and our hope is in young people, the next generation of tangata Tiriti who have the courage to face our history and our present. Our hope is in the role models, the tangata Tiriti all over this country who are living Te Tiriti the best they can, the elders we rely on as all cultures rely on their elders. Our hope is also in the awe inspiring manaaki that tangata whenua continue to extend to us, but for just how long?

When it comes to foreign control and subdivision of the coast nothing is sacred. Even that that supposedly holy "birth of a nation site" - Te Kurī o Paoa (Young Nicks Head) was abandoned by the local Pākehā historians enamoured of Captain Cook. Very few stood alongside Ngāi Tāmanuhiri on that maunga, because a New York stockbroker has every right to buy a historic site and decide whether the mana whenua can get to their fishing grounds.

It is our job as Pākehā Te Tiriti activists to kill the tapeworm in the guts of our culture. We have to awaken in tauiwi and especially Pākehā the recognition of the common ground that is staring us in the face. The effects of greed and the gross concentrations of wealth threaten the survival of humans on the planet as the environment collapses around us. It's not an accident or a matter of "the environment" in isolation; it's grounded in our financial systems. Pākehā have a choice, obsess about getting on the rich list or take the opportunity to stand behind the indigenous protectors of planet earth.

Pākehā culture has the potential to recover from our shared amnesia and remember who we are, it is happening in many corners, in the shared gardens, the books being written, the films being made, and truths being told by Pākehā who carry respect for Te Tiriti in their hearts. In social change education work we are encouraged by the numbers of Pākehā community workers who are questioning their own practices and privileges and who are committed to supporting hapūtanga at a community level. Sure the institutions and the government are way behind, but as always true leadership comes not from the celebrity sheep fanciers, but from people like Network Waitangi Whangarei hosting this event and being visible at Waitangi year after year, like the Sisters of St Joseph in Wanganui returning Māori land to its owners, like the Treaty Resource Centre in Manukau City, the Peace Movement Aotearoa, the Anti-Racism Crew, to name a few.

We need to acknowledge the many, mainly Pākehā women who have given utter commitment to Te Tiriti education across the board in Aotearoa. I have to acknowledge the radical church people, who stood at the Foreshore and Seabed Select Committee and were mocked for their support for tangata whenua customary rights. These people are in this work for life and not for status or reward. We should all celebrate the completion of the Treaty information kit for migrants which came from Pākehā community educators; it's as useful to us fifth generation migrants as to those who arrived this week.

If these individuals and groups can grasp the obligations of the Te Tiriti then so too can their cousins and children. It won't be achieved by beating our own over the head with the stick of righteousness (a method I have personally attempted many times), but by walking with them to that place where our story started as migrants and settlers who are here by rights of Te Tiriti not by dominance and denial.

There is hope in Charmaine's garden and all the teachers she has inspired, in Glenn's poetry and in David's commitment to good law. There is even hope in the sewage campaign, where slowly but surely Pākehā are

refusing to flush and forget.

We who have woken up have to show our own people that Pākehā have something huge to gain from letting go control, that is to be fully human, culturally and collectively, Te Tiriti as it ever was, is our opportunity.

Reflections on the context of the Waitangi Day speech

This speech was given during the last year of a Labour Government whose behaviour towards Te Tiriti issues was summed up by the Foreshore and Seabed Bill. The response to the Bill was a huge hikoī of peaceful, culturally resolute tangata whenua who came to parliament to affirm their rights and relationships and led to the formation of the Māori Party. It was a time of polarisation and hurt but also a hopeful time of unity and the Māori Party was its flagship. A number of the issues Labour refused to address such as supporting the Declaration of the Rights of Indigenous People at the UN have been theoretically resolved. The suffocating embrace of the National Party has split the Māori Party and they have survived with weakened support while the core issue, the takutai moana kaupapa is not resolved in law to the satisfaction of many mana whenua.

The National Party have shown a more sophisticated approach to Te Tiriti politics but from the same fundamental stand point as Labour. This was recently reaffirmed by the Government's response to the Waitangi Tribunal ruling that Māori signatories of Te Tiriti in 1840 had not ceded sovereignty. It was also expressed by the Prime Minister who recently said we had a nicer, more peaceful settlement process than elsewhere.

Also, as poverty and inequality bite deep, the Government has fast-tracked Treaty settlements which the Green Party describes as the best deal iwi could negotiate but not a settling of the deeper issues. However, credit must be given to the Tūhoe and Whanganui River peoples for their creative use of the process to give land and water independent entity status and to all the co-governance models now written into law. The implementation of these relationships given the imbalance in resources will be the critical test of the agreements. I have been personally quite shocked by the minimal resources returned in many settlements not to mention the many references to the Crown's "generosity" in allowing tangata whenua first right of purchase at market rates pieces of land which were either stolen or manipulated out of their grasp over the last 170 years. The other elephant in the room is the Crown dictatorship of the process and the exclusion of many hapū and iwi groups who don't fit the criteria for inclusion. New Te Tiriti breaches have been created but "full and final" is the subtext and the letter of the law.

The commitment to fostering Māori capitalism and to underfunding Whānau Ora by the Government shows the painful dilemma for the Māori Party and the loss of the Mana Party from the Parliament has weakened the voice of the radical flaxroots challenge so badly needed in this smug privileged environment. Nevertheless rangatiratanga continues to be asserted and any delusion that a single Pākehā-defined nationhood will be accepted by tangata whenua should be abandoned. New Te Tiriti frontlines continue to emerge around issues such as water ownership in a context of increasing poverty and inequity and an education system which is still failing to help its youth grasp dual sovereignty as a logical and positive vision for a shared future.

Reflection on the content of Waitangi Day speech

In 2007, I spoke about the concept of "democratheid" which is a form of apartheid by default and a mechanism of ongoing marginalisation in this country. Despite the new acceptance of cultural assertions such as moko and the extraordinary success of Māori initiatives such as Māori Television the country remains sadly ignorant. The banal attacks on why we need Māori seats, shows how democracy prevents tangata whenua from participating in our system let alone exercising rangatiratanga in their own rohe. Thus democratheid remains a relevant term. I spoke about a number of issues that for me symbolised the disrespect of Pākehā institutions and communities towards tangata whenua values and rights. A key issue then was sewage and the battles I was involved in to bring a Te Tiriti perspective to the debate over wastewater solutions. After another seven years of work by both tangata whenua and a few Pākehā it is heartening to see the Te Tiriti-driven solutions being developed for sewage in Tūranga nui a Kiwa. There are cross-cultural projects in a number of rohe where mātauranga Māori and Pākehā science are collaborating in the interests of both peoples and the environment.

Despite the ongoing gutting of the RMA to fast track development, the sections related to te Tiriti rights remain a window of opportunity for hapū.

My speech was also a reflection of current events such as the purchase of Te Kurī o Paoa by American stock broker John Griffin. These privatisations of icons and the marginalisation of mana whenua continue to be threatened, and additionally the Public Works Act is used to threaten Māori land in places such as the Kapiti Coast and Nelson. The content of the speech reflected my personal experience which has been expanded by the privilege of my parliamentary role and exposure to the national issues affecting hapū and iwi. Nevertheless, the most powerful and educative experiences for me have been the in-depth experience of specific place-based hapū-led campaigns which are a measure of the genuine progress towards article two of Te Tiriti rather than the rhetoric of "race relations".

Reflections on the impact of the Waitangi speech

A speech by an unknown Pākehā at Te Ti Marae on Waitangi day reaches a small group of people. I remember it was a rainy day and we were squeezed into the wharenuī and politely welcomed by the Ngāpuhi taumata. I remember some tautoko for my words and the words of the other speakers. However I think the most important impact of our speeches is the consistency of our commitment to attending Waitangi and other events and remaining allies in the honouring of Te Tiriti.

The other critical value of participating in the State of the Nation speeches and other tangata Tiriti activities is the strengthening of the next generation of conscientised Pākehā and tauīwi in the tangata Tiriti identity and responsibilities. Therefore every action we take to remind ourselves and our cultures about recognising the meaning of the articles of Te Tiriti and the historical and current struggles for justice are a foundation for the young people who are already building on this thread of our history. Small and disparate as the tangata Tiriti movement may appear, we all have influence in the workplaces and groups we belong to. We all serve as a challenge to our own and we all refuse the collusion with the myths of our current system as we work to be the allies of that struggle for self-determination. The example of the Pākehā academics and activists who have supported extraordinary documents like *Ngāpuhi Speaks* inspire the rest of us to be creative in our roles and resolute in our actions to ensure Te Tiriti o Waitangi continues to speak.



Photo: Green Party

Growing up in a politically active Wellington family, Catherine has always had the interests of people and the environment at the forefront of her mind. She has been an activist since the start, and as a teenager she founded New Zealand's first secondary school students' union. Catherine moved to the Coromandel as a young adult and has called it home ever since. She became immersed in green activism, protecting the peninsula from mining as part of the extremely successful grassroots network Coromandel Watchdog. This helped Catherine to understand Te Tiriti o Waitangi as a basis for justice in Aotearoa and she has remained dedicated to that kaupapa.

She went on to work for the Department of Conservation and Greenpeace. A highlight from this time was a toxic sites tour of New Zealand, cleaning up contaminated areas and meeting her partner Gordon along the way. Pushing for safer industrial and household products remains one of Catherine's top priorities. Catherine became the Green Party's campaign manager in Auckland for the 1999 election. Recognised early as a passionate and talented 'Greenie', she remained very active and eventually entered parliament in 2008. In parliament Catherine has fought tirelessly for social justice and the environment, recognising the inextricable links between the causes. She has stood with the people of West Papua and held the government to account for refusing to acknowledge the human rights atrocities that continue there. She worked closely with the government to ensure the success of the Tui mine clean-up, highlighting the importance of corporate responsibility when it comes to environmental damage. Catherine leads the calls in parliament for an education system that encourages lifelong learning and reflects our Tiriti and Pacific heritage.

Mixed report card for the year 2007

Professor David Williams

The quiet implementation by the Labour-led government of many of the ideas featured in Don Brash's (2004) *Orewa Nationhood* speech continues apace. National may still be in opposition, and Dr Brash may no longer be its leader, but many planks of the *Nationhood* speech - for which it now seems (courtesy of Nicky Hager) some of the "credit" must go to Michael Bassett - are being implemented by the current 'centre-left' government. On 'nationhood' issues it is mighty hard to distinguish 'centre-left' from Brash's 'mainstream.' The 'iwi' has indeed been taken out of the 'kiwi' as National campaign hoardings urged in 2005.

For example: Following the passage of the Māori Purposes Bill late last year, the law now requires that all historic Treaty claims must be lodged by 1st September 2008 and that no further such claims will be able to be made after that. The government argued that this will provide "certainty" for Māori, the Tribunal and the general public. It said nothing about "justice" or "truth and reconciliation." As Rāwiri Taonui put it: "Justice is righting wrongs, however long that takes" but in parliament only the Māori Party and the Green Party voted against that Bill.

The new draft curriculum for schools has proposed the elimination of Treaty issues from the education of young New Zealanders. For thirteen years Treaty issues have been part of the curriculum - not well taught necessarily, but a part of the curriculum for all our future citizens. When many questions began to be asked about this, the government's response was that there would be Treaty content in a new Māori studies curriculum yet to be developed. The notion that the Treaty is the basis of the constitution of the nation that is important for all New Zealanders is thus rejected - the Treaty is marginalised as a Māori issue only, and one that is not relevant for 'mainstream' education.

The budget in May 2006 saw the axing of seven Māori development funding programmes specifically aimed at whānau, hapū and iwi. These programmes of capacity building, local level solutions and whānau development came from that 'distant' past of 2000 [closing the gaps] and 2001 [reducing social inequalities] when Māori were funded to develop and implement their own development priorities. Such self-determination is no longer on the agenda. Any Treaty-based relationships developed in the past are now re-interpreted as needs-based arrangements to attend to socio-economic disadvantage suffered by citizens who just happen to be Māori.

Proposals for constitutional change reflecting the legal status of the Treaty have been put on a permanent back-burner. Thoughtful comments on this issue came from Rodolfo Stavenhagen, the UN Special Rapporteur on the Human Rights and Fundamental Freedoms of Indigenous People, in March 2006. One of his recommendations read: "The Treaty of Waitangi should be entrenched constitutionally in a form that respects the pluralism of New Zealand society, creating positive recognition and meaningful provision for Māori as a distinct people." His report was peremptorily dismissed by the Prime Minister as "unbalanced". In August, Dr Cullen as Attorney-General complained that "critics (such as the UN) do not understand the importance New Zealanders as a whole attach to parliamentary sovereignty." In other words, parliament should always be free to trample on the fundamental rights of tangata whenua and of any minority. We do not believe in 'fundamental rights' in this country - we just trust our politicians to do what is "for the best", which now seems to mean what focus groups tell them will help them to be re-elected.

The New Zealand government position in the UN is that the Declaration on the Rights of Indigenous Peoples is 'fundamentally flawed' and is the product of 'a deeply unsatisfactory process'. What was 'deeply unsatisfactory' in the process from 1982, and the promotion of the Draft Declaration from 1993 till now, is that delegations of indigenous peoples contributed directly to the drafting of a declaration about their own rights, rather than leaving it to the nation states like New Zealand, United States, and Russia who know best on these matters as to what sort of 'self-determination' indigenous peoples are to be allowed.

New Treaty-based relationships between Crown and Māori have ceased, except in the fraught context of the settlement of historic Treaty claims. Even there, it is the mandating and ratification policies developed by the Crown in relation to its own definitions of ‘large natural groupings’ that determine the format of the Treaty relationship. Desperate to make progress in bringing all this Treaty-claims stuff to an end as soon as possible, rather than to take the time to deal with all claimants fairly, the government has come up with some short cuts.

The lakes deal with Te Arawa saw the innovation of the ‘Crown-owned stratum’ in the water above the allegedly ‘returned’ lakebed lands. Then, rather than work with the entire ‘large natural grouping’ as one might have thought its own policy required, the government engaged in picking and choosing between hapū and rangatira who were prepared to sign off a ‘Te Arawa settlement’ for land grievances and those who did not. Amazingly, the Crown negotiators were willing to exclude Ngāti Whakaue and many other hapū of Te Arawa. To implement this deal, the government will legislate to allow it to over-ride the Crown forest assets statutory regime in a scenario that will enable the government to ‘steal from Peter to pay Paul’. The Federation of Māori Authorities (FoMA) and the New Zealand Māori Council are back in court yet again to defend their 1989 forest assets deal against what they see as Crown depredations. “We are critical of the Crown,” said FoMA “acting as Judge, Jury and determining themselves as a confirmed beneficiary to receive \$63 million in Crown Forest Rental Trust funds.”

Treaty clauses no longer appear in government bills. Moreover, government members voted for the first reading of the New Zealand First Party’s ‘Principles of the Treaty of Waitangi Deletion Bill’. This has caused some heart-searching about whether to come to the defence of the ‘principles of the Treaty’ because we know that the underlying approach of New Zealand First (despite their rhetoric) is to bury the Treaty entirely as of no relevance to modern New Zealand. Many of us have spent some years arguing for the paramountcy of Te Tiriti o Waitangi over the English text, and we have expressed grave misgivings about many of the modern inventions known as ‘principles of the Treaty’ in which Te Tiriti o Waitangi itself is utterly invisible. On balance, though, I believe that the ‘principles of the Treaty’ clauses in many laws have been positive factors in keeping Treaty issues to the forefront of decision-making processes. Their deletion would only increase the pace of implementing the ‘Nationhood’ programme of Drs Brash & Bassett.

Are there signs of hope after this litany of despair? Yes indeed – mine is a ‘mixed report’ card for the year, and not all is doom and gloom.

The response of huge numbers of New Zealanders from all walks of life to the tangihanga for Te Arikinui Te Ata-i-rangi-kāhu brought the kaupapa and tikanga of Kingitanga and Te Ao Māori into focus in conversations at work and at homes throughout the country. Can anyone seriously question the importance of the plurality of cultural expressions in the rich fabric of the peoples of Aotearoa New Zealand after seeing the huge generosity of the hapū of Waikato to all who gathered at Ngāruawāhia and Taupiri?

Aucklanders and many others paid a great tribute to Ngāti Whātua at the passing of Sir Hugh Kawharu of Ōrākei shortly afterwards. There were government entities doing work in tauiwi communities that raised consciousness about Treaty issues. The Human Rights Commission’s ‘Te Mana I Waitangi’ project held symposia and community dialogues up and down the country. The Declaration of Independence/Te Wakaputanga o te Rangatiratanga o Nū Tīreni Day was observed in Wellington in October, symposia were held with Pacific peoples, with Women in Business, an Interfaith Council, with local communities groups in New Plymouth, Hāwera, and Nelson. I was pleased to chair a Human Rights Commission symposium on ‘Pākehā and the Treaty of Waitangi’ at the University of Auckland in June. Facilitated community dialogues took place in Kapiti Coast, central Auckland, south Kaipara, Gisborne, Hamilton, Christchurch, Lower Hutt, Hastings, Levin, etc, etc.

The English Department at Auckland University put on an excellent one-day seminar called “One country, Two Laws” to celebrate and comment on the films of Barry Barclay (2005) and his book *Mana Tūturu: Māori treasures and intellectual property rights*. I hope the Waitangi Tribunal members hearing the Wai 262 claim hear the message of events like this - involving the opening out of university-based knowledge of law and the legal

system to knowledge-in-community; and of legal pluralism as inclusive of all rather than a threat to national unity.

Pat Snedden's book based on many of his 2004/5 talks – *Pākehā and the Treaty: Why It's Our Treaty Too* - has been hugely influential in encouraging people who would not otherwise think about these issues to engage with them. Nothing like meeting a personable, fluent 'nice' Pākehā man to make some people - who would never bother to read a statement from Tariana Turia or Pita Sharples – actually think about Treaty relationships.

And speaking of the Māori Party - what a fresh and invigorating presence their four MPs are on the political scene. They tackle the difficult issues, like the troubles within the Kāhui whānau. They constantly proclaim the importance of the Treaty of Waitangi. They have a Māori perspective on every sort of issue, humdrum or hugely significant - tax, banking, criminal justice, Treaty settlements, health, education curriculum, the economic valuation by Sotheby's of Te Tiriti as an "asset" of Archives New Zealand, geographical indications for wines, Elizabeth Kubler-Ross on death and dying, etc, etc.

2006 was not a good year overall for supporters of the work of Network Waitangi if one focuses on the work of parliament and the government, but many good things did happen nevertheless.

And so we move to this Waitangi Day, 2007. It will be different from previous years, and it will be the same as previous years. For the future, my hope is that all of us will accept the responsibility, the joy and the privilege of doing our best to see Te Tiriti o Waitangi embedded in the social and constitutional fabric of our nation in our own lifetime or in that of our mokopuna.

Seize the time – Kia kaha, kia manawanui.

Reflections on the context of the Waitangi speech

There was a Labour Party led coalition government in 2007 and I had a few strong criticisms of that government's policies. Even after two terms of a National Party led government since then, and now the start of a third term, I would adhere to my 2007 comment that "On 'nationhood' issues it is mighty hard to distinguish 'centre-left' from Brash's 'mainstream'". I would add that it is equally hard to distinguish so called 'centre-right' from Brash's 'mainstream'. Progress on Treaty settlements for historic injustice claims late in the Labour government term after Waitangi Day 2007, and throughout the years of the National governments since then, has been dramatic. If I were preparing a State of the Nation talk in any year from 2008 onwards I would include a good deal more on the positive and negative aspects of those Treaty Settlements. Also, the Declaration of the Rights of Indigenous Peoples was adopted by the UN General Assembly in September 2007. The Labour led Government voted against the Declaration at the time but belatedly a National led Government supported it in April 2010.

Reflections on the content of the Waitangi speech

The big difference between the political landscape seven years ago and now is that in 2008 the Māori Party joined with the National Party in a confidence and supply agreement, rather than being a thorn in the side of the Labour government as in 2007. There have been a couple of policy gains in Tiriti terms from that arrangement – including the Whānau Ora programmes and the consultations of the Constitutional Advisory Panel that reported in November 2013. My assessment though is that the National-led coalition with Pāti Māori support is hard to distinguish from a Labour Party government with most or all of the Māori constituencies being held by Labour MPs. A big difference in the political landscape was the formation of the mana movement in 2011 with Hone Harawira as MP for Te Tai Tokerau. His was a firm voice for Tiriti issues in parliament. Sadly, as of late 2014, that voice will not be heard in parliament in the foreseeable future.

Reflection on the impact of the Waitangi speech

I greatly enjoyed participating in Project Waitangi activities at Whangarei and Waitangi on 5th and 6th February 2007. It was a pleasure to be on a panel with Glen Colquhoun whose poetry and humour were

captivating. I think that, as I said in my talk, each Waitangi Day will be different from previous years in some respects, and yet there are the same issues every year. I hoped that “all of us will accept the responsibility, the joy and the privilege of doing our best to see Te Tiriti o Waitangi embedded in the social and constitutional fabric of our nation in our own time or in that of our mokopuna.” The best feedback from the State of the Nation contributions must be that there are a good number of people for whom that remains important and will continue to be important.

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Photo: The University of Auckland

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He has worked as historian, lawyer and claims negotiator with many Māori tribes in Aotearoa New Zealand, but especially with Ngāti Whātua Ōrākei from the days of the Bastion Point/ Takaparawhau occupation in the 1970s right through to the Ngāti Whātua Ōrākei Claims Settlement Act passed in November 2012. He has held visiting appointments at Exeter College, Oxford, the University of Dar es Salaam, Tanzania, and St John's College Research Centre, Oxford.

He has authored five books – the most recent being *A simple nullity? The Wī Parata case in New Zealand Law and History* (Auckland University Press, 2011). Additional publications include sixteen book chapters, forty-one refereed journal articles and ten major technical reports of commissioned legal history.

For more of David's writing check out: <http://www.law.auckland.ac.nz/people/dv-williams>

The last Pākehā⁴

Glenn Colquhoun

I have always found it perilous to speak for anyone other than myself. Speaking for myself is difficult enough. There is often a large gap between what I want to say and what I do say and no matter how big the words I use I usually seem to fall into it. My best lines come to me long after I have sat down. I have no doubt that next week I will be lyrical, coherent and sage.

Speaking on the State of the Pākehā Nation seems as sure a way of picking a fight as buying clothes for my sisters. If there was an equivalent of a gift voucher I would place one in each of your hands and let you get what you want for yourselves. One of the difficulties is that the idea of a Pākehā nation means different things to different people. Mothers and historians are the best people to talk about nations anyway. Both of them have done the groundwork. I am neither. Despite being a writer I am a poor reader. I was brought up on television and it has, as I was warned, rotted my brain. To escape both my lack of scholarship and my fear at speaking for someone I have no right to, I will tell you instead the story of my own very small Pākehā nation which is six generations old now and changing before my eyes. In fact it is highly likely that when I die I will be the last full-blooded Pākehā of my line.

My surname is Colquhoun. It is Scottish. The clan was formed when the descendants of the de Kilpatrick's married into an old family of Irish priests who lived on the shores of Loch Lomond in the 1300's. They were proto-Pākehā I guess and provided examples of both our best and worst behaviour, especially our worst. One was killed by a cannonball laying siege to a castle. One had his head chopped off for having an affair with the wife of another clan chief. It was served up to her on a platter. One was a necromancer skilled in black magic, allegedly the last known person to openly practise witchcraft in Scotland. We did not come here highly recommended.

My great, great grandfather continued this tradition. He came to New Zealand in 1875 after eloping with my great, great grandmother Jane, a grazier's daughter from New South Wales. The stories he told about himself have become family legend. He was a remittance man, a failed medical student who was given enough money by his family to go to the other side of the world and never come back. He was aide de camp to one of the commanding officers of troops fighting in the New Zealand wars. He was the sole heir of a great fortune in Scotland which would have been his, ours, if he had only returned to claim it. Unfortunately he gambled away the fare he was sent in Christchurch awaiting the next ship home.

None of these stories ring true. A cousin hired a researcher in Britain to find out more a few years ago. Unfortunately there is no record of Henry Cliffe Colquhoun being or doing any of those things. It seems there was no Henry Cliffe Colquhoun in Scotland. The closest we have come to a trace of him is as Henry Cliffe, a boarder in the home of Elizabeth and James Colquhoun of Edinburgh, whose oldest son was Ludovic. Henry Cliffe Colquhoun in New Zealand had five children. The oldest three were called James, Elizabeth and Ludovic. It seems he took the name when he got out here. No one was going to check. He is recorded as a boarder in that household from the time he was a few months old so perhaps he was a servants child or illegitimate. It seems Colquhoun's were all he knew. What we know is that he died in Russell at the age of forty after getting drunk one night. He is buried in Christ's church, the one that Hōne Heke shot up in 1845. Tāmāti Wāka Nene is buried not far behind him.

The last story his granddaughter told me about him before she died was that for a time he helped to run a store in Matauri bay where he learnt to speak Māori. I have no way of knowing if it is true or not. It did seem somehow strangely congruent that one hundred and twenty years later I should come to Te Tī, a few miles

⁴Note: This essay was previously published in Colquhoun, G. (2012). *Jumping ship and other essays*. Wellington, New Zealand: Steele Roberts.

around the coast with no knowledge that he was even buried in the Bay to crack my stone tongue against the same language. I like to think that story at least is true.

Henry Cliffe's oldest son was James Colquhoun, or Jim. He was my great grandfather. To him was left the burden of looking after his mother and siblings after his father died. He is famous in the family for being austere and dour. I suppose as a child he had to be. He did what those who have recently settled this land often had to do. He turned his hand to everything. For a while he crewed boats on the Bay of Islands. He travelled south to Wanganui where he captained paddle-steamers up the river. He worked as a baker and finally engaged in that most New Zealand of professions, becoming a farmer in Karaka, south of Auckland, a location that was in a few generations time to strongly influence the future of our family.

I am guessing again but I think he would not so much have seen himself as a New Zealander or a Scotsman but as belonging to God. The son of a man who drank too much he turned staunchly to the church, bypassing mainstream religions and heading straight for the obscure. At first he joined the British-Israel society and then he became a Seventh-day-Adventist (SDA). His adult sons and daughter followed him. Their children followed them and after that we became an SDA tribe. I often think of Jim as burying deeper and deeper into the church to ensure himself the security that he didn't have as a child. I have no right to assume that but it seems to fit. His younger brother Ludovic, Uncle Lou, was a much livelier character. Spared the responsibilities of being an eldest son he joined the army to see the world and ended up at the Boer war and then the First World War, fighting in Greece and Gallipoli until he was evacuated following a gunshot wound to his foot in Cape Helles.

Jim's son, Jack, was my grandfather. Like his father he was also a baker and a farmer. He is the first of my ancestors I can remember. He was not stern but loving and funny. He curled his fingers in my hair whenever he saw me and called me 'Old king'. He said things like 'saw me leg off' and 'clip-a-round the ear-hole' and 'belly-well better'. He loved birds and trees. He kept aviaries full of canaries and finches and Indian ring-necks. Along with his twin brother, Cliffe, he ventured into the bush well into his seventies to lug large pieces of swamp kauri out of what the kauri thought were their final resting places.

He planted trees around his property. I remember him naming them to me. I was a child but for the first time I sensed there was something unique about New Zealand. I remember the satisfaction in his voice when he whispered, 'it's a native'. I was left in no doubt that native trees were special. In just about every other area of New Zealand life what was ours seemed second rate or mundane but not our trees. Kauri, tōtara, rimu, kahikatea, mātai, kōwhai were special. They deserved extra inflexion. He would have seen himself undoubtedly as a European, more likely a Kiwi, but he was the first person to give me a sense of the lush, fecund and compelling indigenous. He made me feel that this place was exotic.

His wife, Joyce, kept a small sepia-toned photograph of two soldiers on the table beside her rocking chair. I remember them from the time I was a small boy. The men in them were Uncle William and Uncle Colin who had gone to the Great War. William was blue-eyed and fair-headed, a railway porter in Hamilton before going overseas. In February 1917 he was sentenced to number two field punishment for failing to salute an officer. In October of the same year he was shot in the neck and thigh at Passchendaele. He died two weeks later. Colin was in the same unit, the second company of the New Zealand Machine Gun Corps. He was younger and taller and died on the same battlefield four weeks later.

'Bekker, Koch, van der Merwe, Retief, Claassen, du Rand, Starke, Lochner, Strydom, Howe, Nel, Dryburgh, Johnstone, Briers and Viviers', the Springbok line-up for the fourth test between the All Blacks and South Africa at Eden park in 1956. My father recited then to me often enough when I was a child to remember most of them decades later. One of the fondest memories of my life is being woken by him at one o'clock in the morning for four holy Sundays in winter 1976 to watch the All Blacks play the Springboks in Durban, Bloemfontein, Cape Town and Johannesburg. I was twelve. During those early mornings my dad and I sat in a darkened room around the glow from the old black and white television while he inducted me into the lore of All Black and Springbok rugby. Everyone else was asleep upstairs. To the legend that summer would be added Joe Morgan's

try under the posts at Bloemfontein, Bryan Williams knock on that wasn't, the early tackle on Bruce Robertson that was rewarded with a penalty but not a penalty try - which would have given us the victory in that match and a share of the series.

I saw these things with my own eyes and I knew that what my father had been telling me about evil was true. I am sorry to say there was no room for the greater politics of apartheid. This was about good versus evil, stuff New Zealanders needed to know about. No one else in the family shared these secrets. My older brother did pansy things like hang-gliding and climbing Mt Cook. He never got up to join us. My sisters' couldn't care less. My mother sighed. Only dad and I carried the burden. Fools! Sometimes we looked at each other in ways that needed no explanation, a look between men. It would happen in a glance, a moment, the memory binding us together forever, a meeting of eyes, a setting of the jaw, an inconsequential nod. We knew what was really going on, alright. My God, we knew.

I am likely to be the first member of my family to identify myself as Pākehā - as well as the last. After I was born my father and mother moved off the farm in Ardmore and into the working-class suburbs of Manurewa and Papatoetoe in South Auckland. My father was a carpenter and spent his life building houses there. At the same time Māori and Polynesian were flocking to these suburbs and the neighbouring ones of Otara, Ōtāhuhu and Māngere. When my older brother went to school the roll was approximately 20% Polynesian and Māori. By the time I went, perhaps 40%. By the time my youngest sister left a few years later Māori and Polynesian would have made up 90% of the school population. From my grandfather's 'get-a-bend-on' and 'square-bottomed-sun-of-a-gun' we went to 'shame-on-your-face', 'bro' and 'manus'. It was a joyous, funny and colourful transition. It brought the virtues and vices inherited from my forebears alongside tapa cloth, pineapple pie and lava lava.

Seven nephews and nieces and one daughter carry the future of this Pākehā nation now. Three of them are Māori, two of Te Arawa and one of Ngāti Raukawa descent. Three are Samoan. The other two are American and live in Ohio. Where Pākehā, Māori and Polynesian lived side by side in my street they now live together inside these young people. The Irish priests, over-sexualised Scotsmen Europeans, Kiwis and Pākehā have been brocaded into caramel-skinned dancers of the Siva and fierce practisers of the pūkana - who turn dark in the sun.

I have always been fascinated by the pieces of flax at the edge of a kete or mat when they are being woven. They stick out like spines on a hedgehog. My family seems to me one of those, six generations long, only now starting to be woven into the fabric of this landscape. From now on we will be striped and undulating and bound. I can't help but think it will happen to all Pākehā and Māori and Polynesian at some point. In other families it has happened to greater degrees. In some it will take another 100, 200, 300 years. I'm sure the last full-blooded Pākehā will come from somewhere deep in the heart of Christchurch - despite the process being considerably advanced in their rugby teams.

I do not think being woven into the ethnicities of the Pacific is an endpoint for being Pākehā of course. It is merely a stop on the way. I value it because it seems a significant step in adapting to these islands. It brings fresh ideas and perspectives and allows old ideas to be shaken out like a mat in the breeze or else jettisoned. We do not become Samoan or Māori but we are influenced by their best qualities filtered through our already significant inheritance. In a sense we become more fully Pākehā. My people have survived being Celtic and Scottish and European. We will survive being Pākehā and may even define ourselves differently again one day - but we will still be my people. In a sense being Pākehā is a snapshot of a moving story, one that must seem out of date and strangely dressed in the future but also one that bears an uncanny and powerful resemblance to that which follows.

As an immigrant culture it seems at times Pākehā are a book without a cover, one with the first chapter missing. For me, being Pākehā now is enormously exciting. It means we get a chance to write that chapter, or at least compile the stories that reveal it. Other cultures often come complete with mythologies of beginning but there do not seem to be enough celebrated stories that adequately define the journey that was to take place for

us here. I think we came expecting to continue the way we always were – just in a new place. There didn't seem to be any need for explanation. We didn't expect the place to change us, to colonise us. That was our job. Our new mythologies need to contain the ways in which we were changed from European to Pākehā.

The creation of a unique Pākehā spirituality is also a challenge for us to grapple with. I expect it would have to deal with our acknowledgement of a greater power than ourselves - which might prove tricky. It would provide for the human right to be forgiven because we constantly learn from making mistakes. It must bring us to redemption, forgiveness and humility. It should inspire us to praise and comfort us when we are in pain. The only entities powerful enough to do that for me are our landscape and our collected stories. I don't mean that Pākehā struggle for an individual spirituality but instead a collective spirituality. Living among Māori I have seen dozens of times the comfort of the marae, whakapapa, a sense of the animate landscape comfort and inspire and bring together. It is a deep well to drink from. As a Pākehā I want an institution to protect and respect my stories the way iwi, hapū and marae do for Māori. A completely secular world seems as cold to me as the old worlds of the long dead churches we brought with us.

The third great challenge of being Pākehā for me is justice. I do not believe in hand-wringing or wasted guilt but it seems an unavoidable truth that much Pākehā success in this country has been built on the back of hard work and imagination as well as the alienation of Māori resources. I don't know how to dress this up any differently. Much Māori land was inexcusably taken from Māori by patronising and unscrupulous Pākehā, or by Pākehā who didn't look too hard at what they were doing for fear of what they would see. Pākehā governments manipulated the law to openly encourage or at least to allow this to happen. Sometimes land was simply stolen. Māori have been incredibly patient about this. Most communities I have worked in have been seeking redress for generations but have been ignored or under-resourced in outlining their arguments. They are in no way Johnny's-come-lately to this issue. If anyone is then they are more likely to be Pākehā than Māori.

It is complicated beyond belief to bring justice to bear in the situation of one people's wealth being built in part on another's stolen resource but that does not mean it does not need to be attempted openly and properly. It is unbelievable that Pākehā, so recently exposed to what happened in the past can have so quickly grown tired of the claims against them, rewarding themselves with the right of a backlash. This is the argument of a man beating a woman who when dragged off her by others complains that everyone is against him.

I do not know how to solve this problem but one of the lasting values of my ancestors was the right of everyone to a 'fair go'. Pākehā have not yet given Māori a 'fair go'. They are still a political football, to be romanced when they bring votes and scorned when they lose them. Would it be so bad to give some power away? The bringing of justice to this problem is every bit as much a Pākehā issue as it is a Māori one. We should be talking to Māori about how to go about it at least. It is no good going on about moving forward unless this wound is healed somehow. We are smart and creative people. There are lots of stories of love between us. It is a fantastic challenge - just slightly more rewarding to me than winning the America's cup or beating Australians. It may require an act of generosity as powerful as the many acts of meanness which make it necessary. It will require trust but then again why on earth would Māori want to harm us. Many of them are made of the same mix we are.

Perhaps if as Pākehā we were more secure in our myths and stories of beginning as well as in our shared spirituality we would not be so threatened by what Māori have a right to ask from us. Our discomfort with Māori demands should make us look at ourselves, not Māori. Sometimes I think we are like an unsure teenager turning the wheels of our speeding car to the right as the boot slides out to the left. To keep going in a straight line we should, of course, be turning them to the left.

Story still seems to me the most powerful representation of an individual and their nation. Told truthfully it exists more solidly than flesh, ignored it leaves a hollow in the centre of great civilization. Crucially, it provides points of entry and exit for other stories to weave into. It is at once a way of knowing who we are and where we are going. It is a means of joining other people to us who then become our story. When we live next door to

each other we hear each other's stories. When we hear each other's stories we often fall in love.

I am sure I have said some things that will stand on someone's toes. To others I will appear soft and fuzzy, hopefully at least. I am quite calculated in remaining so. I have walked a cultural coastline for many years and I still believe in those most old-fashioned of sentiments, love and aroha, those giant feelings in the chest that make us respond to each other, our inner tides and waves tugged without mercy by the great moon of the heart. This is of course wild and crazy and no basis for the sensible negotiation of race relations - but it is also crucial. I don't know of any cultures that have dealt with the hurts they have perpetrated on each other. I am sure there are some. Being Pākehā means being given the opportunity to be a player in that struggle. At the end of the day I am for love. It is not all we need and it is repugnant if not based on justice but it is still what draws me into the Māori world over and over again.

My daughter is both Māori and Pākehā. People get confused because her mother and I both look like we are either dark Pākehā or pale Māori. They ask me which side of her is which. This Xmas I wrapped a pile of empty boxes and left them underneath the Xmas tree in the lounge-room. They were supposed to be decorations. My three year old looked at them for a while then told me 'Those are my presents, dad.' - her Māori side coming out I assumed. I frowned and told her that they were only 'pretend presents'. Tears welled in her eyes. Her bottom lip dropped. She put her head down for a while and sulked - surely her Pākehā side. Then slowly, like the dawning of a new day, her eyes lifted and shone. She tugged on my arm. 'Can I just pretend to open them then?' she asked me. And there before my eyes at last - the best of both worlds, her spectacular capacity to adapt.

Reflections on context of the Waitangi speech⁵

I wrote the speech in the middle of the debate over the foreshore and seabed legislation. That had been going on for a number of years and was an example of the most recent time we had yelled at one another. That was the political context at least I suppose. But the larger personal context for the speech was that most of my life in the previous fifteen years had been one of living and working in Māori communities. My daughter being Māori was also important.

Reflections on the content of the Waitangi speech

I spoke about whakapapa in my speech because my experience of the Māori world has always been that it is a storytelling one. There is science in a story, a way of predicting the future. Medicine and poetry have taught me that. Story is also more fun than telling people what to do or how to think. There is a lot in what Whina Cooper said about love between cultures being an important thing. I get concerned when the debate between Māori and Pākehā comes down to thou shalt learn Te Reo Māori, thou shalt know the Treaty of Waitangi, thou shalt apologise, thou shalt understand tino rangatiratanga. Those things are probably true. But people get pissed off when you tell them what they should and shouldn't do. It's like women saying, "you should, you should" and men go, "nah I'm off to the shed".

There is love between the cultures - that has been my experience. Love needs to be in the debate at all times - of course it can't overshadow what needs to be sorted out. That also needs to be made sense of, atoned for, understood - the argument is vitally important. Warmth, tenderness, love; the attraction to another culture that does things differently but is of the same earth can't be left out of the equation though.

Reflection on the impact of the Waitangi speech

One of the best things about writing anything is that it always helps the writer explain to themselves things that have been lying dormant. In that sense writing gives shape to the subterranean. If you can communicate an authentic itch in your writing, and then scratch that itch, then in my experience the writing usually works for other people.

What I remember well was that I read the speech when I was in Whangarei because I wanted it to be very clear and because it was a more of a Pākehā setting. On the marae at Waitangi I didn't. I thought if I stand up in front of those kuia and kaumātua and read my speech it won't seem right. There would be too much formality and drone and there would be too much reliance on notes. So instead I paraphrased what I had written by

singing the songs of the cultures and generations that had been part of my families. For me songs are stories and the songs you sing are indicative of something to do with who you are - here are my ancestors and here is a song that each one brought. There were Scottish songs in there, and hymns, and songs from the Samoan family my sister had married into. Pākehātanga has many influences. There were songs from five or six cultures I know I have a legitimate connection to. It was a deliberate way of saying these are my songs, these are my stories, and stories are common to all of us as Pākehā and as Māori. It was a sung whakapapa.

I still stand by what I said in the speech. The point I keep trying to make about my experience of the cultural coastline is that being exposed to things Māori has usually only made me more Pākehā. It makes me ask what are those things within my own culture that define me? I see things that define Māori in spiritual and cultural terms but when you are from a larger, majority culture it is sometimes harder to see yourself, there is less contrast and fewer things to say this is who I am. That disappears when New Zealanders go overseas because they become a minority immediately and start seeing themselves. Since the time of writing the speech I have been exploring Pākehā history, our own songs, and our own spirituality. I think that is important to have a sense of ourselves. That gives us the opportunity to be more open to a sense of difference in others.

My relationship with Māori is really a relationship with Te Tii and that journey has become a long and winding road now. I still go back regularly to see people, and for celebrations. It is a place that is physically beautiful. And it is a spot where so much began in terms of the cultures rubbing shoulders. A few of the old people are still alive and it is still so warm to see them. There is a way people love across cultures when they see one another and spend time together and listen and are kind. Hopefully we do this all the time in our lives. We hear people out. The road keeps winding and I mind my business.



Photo: Kathrin Simon

Glenn Colquhoun is a poet and children's writer. His first collection *The art of walking upright* won the Jessie Mackay best first book of poetry award at the 2000 Montana book awards. *Playing God*, his third collection, won the poetry section of the same awards in 2003 as well as the reader's choice award that year. He has written four children's books and published a book of essays entitled *Jumping ship and other essays*. He was awarded the Prize in modern letters in 2004 and a Fulbright scholarship to Harvard University in 2010. He works as a General Practitioner in Horowhenua.

The Treaty today: Sacred covenant, simply nullity, disputed document, respected relationship?

Charmaine Pountney

Tēnā koutou, tēnā koutou, tēnā koutou katoa - Greetings to you all.

I honour this whenua, and this marae, where ngā rangatira met 167 years ago to talk about a proposed treaty with the English Queen, and made decisions that allowed English people, my ancestors among them, and other tauwi, to settle in Aotearoa.

I grieve for the broken promises, the theft and deceit, the warfare and confiscations which followed; and mourn for those who have died in the struggle for justice.

I acknowledge this wharenui, and these people - you who have kept alive the promises of the Treaty, and continue to challenge those who hold power to respect the rangatiratanga of their Treaty partner.

And I rejoice in the opportunity to be here today, to share some thoughts about the progress we are making as a nation.

The challenges which continue to face our country are exciting ones:

- How do we work together to ensure that more and more people in Aotearoa learn to delight in belonging to a Treaty-based nation?
- How can we strengthen the spirit of trust, and respect for rangatiratanga, which the Treaty embodies?
- How can we most effectively pressure the government of the day to exemplify good kāwanatanga:
 - to hasten the process of acknowledging Treaty breaches and making restitution,
 - to acknowledge the rangatiratanga of Māori and support the growth of hapū and iwi self-management,
 - to share resources fairly,
 - to work with Treaty partners to protect the people and the land of Aotearoa against the dangers of globalisation – especially against national and international greed?

My own journey towards commitment to these goals has been relatively recent; like so many of my generation, I grew up knowing nothing of our shared history except a few whitewashed stories. And for various reasons, this is the first time I have been to Waitangi on Waitangi Day. I will reflect on three decades of my journey – Waitangi Day 1977, 1987, 1997 - because my learning journey is one many Pākehā are beginning or engaged in.

Thirty years ago, in 1977, I thought that Māori had ceded sovereignty at Waitangi in exchange for the benefits of European civilisation, and that was why we celebrated Waitangi Day. In my daily life, the treaty was, as Justice Pendergrast put it, “a simple nullity”.

By 1987 my understandings, perceptions, indeed my whole life, had been radically changed, through my experiences as principal of Auckland Girls Grammar School. I saw the Treaty as an English excuse for colonial land theft, and Waitangi Day as an occasion for protest, my role to support the activists on my staff at the time in any ways needed. Through Treaty action in 1985 I had met Tanya Cumberland, who was at that time being marginalised in her senior position in the Department of Social Welfare because of her challenging work on institutional racism and sexism in the department, and we had become partners.

Both of us acknowledge the role that Māori played in changing our understanding – we had been challenged by experts during the late 1970s and early 80s, especially some well-known to you all: Titewhai Harawira, Donna Awatere, Rīpeka Evans, and the late Hana Jackson and Dame Mira Szazy. We acknowledge also the work of Pākehā treaty and anti-racism workers, especially those in the NCC Programme on Racism, ACORD, the Waitangi Action Committee, Project Waitangi and Network Waitangi, some of whom are here today. Many of these people not only challenged our understanding and informed our thinking, but also supported us personally during the changes demanded of us.

So by 1987 we had come to see the Treaty as a ‘disputed and dishonoured document’ – a source of disagreement between many Māori and Pākehā, to be resolved through knowledge, legal process and restitution. But we had also begun to see the possibility of a nation based on a new kind of respectful relationship between tangata whenua and tangata Tiriti.

Also in 1987 we met Nganeko Minhinnick, and began to hear some of the stories from her rohe: the mining of burial grounds at Maioro, the pollution of the Manukau, the confiscations of land, the felling and burning of forests, the draining of waterways, the burning of waka. We learnt to feel the pain of the past, rage at the present, and the passion to work towards healing and restoring resources, towards shaping a respectful future.

The challenges had moved us, intellectually. The stories moved us, emotionally – and literally, in 1992; to Āwhitu, to work on the land, in a rural community, in ways which showed our commitment to the Treaty partnership. We consulted Ngāti Te Ata before buying land in their rohe, and shared with them dreams of reclaiming and replanting native bush, protecting coastlines and waterways, and growing organic food. Waitangi Day in 1997, then, was spent as it has been ever since we moved to Āwhitu, at the Ngai Te Ata Achievers’ Day at Tahuna Pa. Celebrating the achievements of the rangatahi in education, culture, sport and service; honouring elders, and informing those who attend about issues of iwi development; sharing food and whānau fun.

But on Waitangi Day 1997 I had also just begun the process of trying to revive one of the schools destroyed by the policies of the then National government; I was learning at first hand the terrible social consequences of the 1984-90 Labour government economic reforms, and their further entrenchment by National during the 1990s.

I am enraged each time I hear Pākehā wondering why there are violent young people, dysfunctional families and gangs in many parts of Aotearoa – particularly those places where economic change had the most brutal effects on livelihoods. Such commentators either have no memory, or they simply refuse to make the connections.

Count back to the birth and growth years of those committing the most brutal and dangerous acts in society today, and we find that they grew up in homes destroyed by unemployment, poverty, drugs and mind-mangling mass media.

Who introduced alcohol and cannabis – and more recently party drugs and P – to this country? Who built the McDonalds and Pizza Huts and rash of other fast-food chains selling fatty and chemical-filled foods to our families? Who makes – and who sells – and who buys the violent pornography on video and in cinemas, on videos and in computer games – and indeed, who continues to make most of the profit from all these industries of destruction?

Until those who peddle or permit poisons in our society are made to take responsibility for their consequences, and put their money into mopping up the mess they have made – and until we stand up as a nation and say we’re sick of filth and toxins in the land where we raise our children, we will continue to grow stunted, mutilated children who have not yet learnt to love or respect others.

To destroy the economic base of a people – and thereby to marginalise them from good education and

community participation – is an act of brutality, and a deep breach of trust. How can children whose families are broken and whose schools are sabotaged begin to learn respect, or love? If we really want to prevent the abuse of children and the random acts of violence damaging our society, we must invest in surrounding young people and their families with loving care and respect, so they can learn that they have a valued place in our world, and learn in turn to value those around them.

A fine starting point would be a government apology for the second great dishonouring of the Treaty – the harm done to Māori without consultation in the 1980s and 90s - by arrogant decision-makers. And then a huge speeding-up of investment in Māori self-management – together with a pledge from both major political parties to behave with more respect towards each other, towards Māori, and towards all people, in future.

The miracle is the tenacity of human hope, and human resilience – the huge numbers of Māori families and others who have resisted the worst of colonisation, who care passionately for their children's well-being, who have set up and paid for their own kōhanga reo and kura kaupapa Māori. Through our own on-going relationship with Ngāti Te Ata, as well as through the groups who visit us on our land, and our other activities, we rejoice in the growing strength of Māori and the consequent emergence of new strengths in our nation.

So how do we see the state of the nation today, in 2007?

Last year's Pākehā speakers covered many of the issues we share.

Bob Scott talked about the need for a new mind-set among Pākehā, with an openness to acknowledging our ignorance, to learning, and to developing a covenanted relationship with tangata whenua as envisaged by many of those who signed the Treaty originally, and their descendants.

David James spoke of the importance of our social groups and networks in nurturing relationships of trust, so we can better resist the disintegrative forces of abuse and greed threatening us from within as well as from without.

Betsan Martin described the possibilities of using co-governance for environmental management as a way of implementing the Treaty relationship in an ethically effective and responsible way, to the benefit of us all.

And Jane Kelsey described the continuing insistence by successive settler governments that they alone may exercise sovereignty in Aotearoa, and their abuses of power, particularly the continuing transfer of many of our rights and resources off-shore through treaties with other nations.

All speakers acknowledged that some progress has been made towards honouring the Treaty; all agreed that we have a vast distance to travel together before we have a genuinely Treaty-based nationhood, based on whanaungatanga, manaakitanga and kaitiakitanga.

I want to follow last year's themes by considering some ideas for continuing practical action by tangata Tiriti in cooperation with tangata whenua. I shall focus just on three areas –personal action, public education, and political decisions.

Personal action

First, in our personal lives, the work of changing the mind-set of the nation continues in day-to-day talk with neighbours and colleagues, friends and relations. There are many people of goodwill in Aotearoa who want a nation based on trust and respect – a majority, I suggest – but only a minority are willing to challenge, face-to-face, those who make stupid, prejudiced remarks about Māori or the Treaty, or generally racist, sexist, or homophobic comments.

Too often, objection to rude and ignorant remarks is sneered at as mere 'political correctness'. Challenging

ignorance and fear demands that we have the courage to be P.C. - personally courteous, and publicly challenging and courageous. We all need to become better at speaking out assertively. To remain silent in the face of prejudice or injustice is to collaborate in maintaining an untrustworthy and disrespectful society.

Public education

In the public arena, including the media and the education system, there has been a shift for the better.

At least now we have sensitive articles by Peter Sharples, Rāwiri Taonui, Hone Harawira, Tapu Misa and others given some prominence in newspapers, more Māori reporters, and many thoughtful programmes on National Radio. Māori magazines, radio and television have brought a whole new positive dimension to our lives. Many schools are working to become genuinely inclusive, through programmes such as Te Kotahitanga. And the move to standards-based assessment and National Certificate of Educational Achievement is helping to dislodge the class-based system and replace it with genuine recognition of learning – which can only advantage Māori and others formerly excluded.

But perhaps we need to pay more attention to the internet and other methods of communication. There are excellent resources available on the internet – any quick search for ‘Waitangi’ or ‘Treaty of Waitangi’ will find masses of archival and documentary material. But my own experience, as a learner and a teacher, shows we need lots more positive Treaty stories – the films and videos which will move people. The huge response to *Whale Rider*⁶ was partly because it met that hunger of the human spirit for stories with happy endings.

Even simple talking-head videos where local people tell their stories – Treaty issues, and Treaty resolutions, new partnerships and alliances, old grievances aired and resolved – can be immensely useful in generating discussion at meetings in school, church and community groups. And maybe broadsheets with a key message, a couple of people telling their stories, and a picture or two – could be distributed through supermarkets, and by email. Or short, punchy books could be produced like the six-pack book for six dollars which sold so widely during last year’s book month – or maybe we could persuade some businesses to print items on cereal packets and drink bottles. I’m talking about the need to bring images and words of hope, messages of trust and cooperation, to the young people who need them so badly – and the older ones too.

Pierre Teilhard de Chardin, the palaeontologist, theologian and priest who wrote *The phenomenon of man*, first published in 1955, described the stages of evolution of this planet, and named the emerging phase as the “noosphere” – the development of a network of shared knowledge around the planet. Whether Christian or not, we can all now surely see the vital importance of ensuring that the internet – and our whole information-saturated society - is infused with, and eventually transformed by, the portrayal of what is positive and good, not drowned in images of negativity and evil.

I could spend an hour or two describing the inadequacies of the present education system. Sufficient today to say the Ministry of Education’s draft curriculum statement omitted mention of the Treaty, and failed to challenge all schools to affirm and model our bicultural heritage. We must ensure all of us, that the revised draft remedies those deficiencies. Pākehā parents and grandparents need to keep up a barrage of letters to the Ministry about this.

But I also celebrate those learning centres, most of them early childhood centres, kōhanga reo, and state primary schools, along with a few kura kaupapa Māori and secondary schools, that are exemplars of inclusive communities committed to sustainable learning, ethical behaviour, environmental responsibility and democracy based on respect for rangatiratanga – I call them the seeds of our future nationhood, and I hope many more will be planted and nurtured in the next year.

⁶Whale Rider was a novel by Witi Ihimaera made into a feature film by Niki Caro

Political decisions

And what political decisions do we need most urgently? I think it would be worthwhile for Pākehā Treaty workers to seek a commitment from all parties to the establishment of a Nationhood Commission as recommended by the Māori Party. It is time for debate on the state of our nation, a debate which enables all citizens, especially our young people, to have their say on the kind of nation they want.

Both Labour and National could also surely see the usefulness of committing more resources to the resolving of Treaty issues – and could perhaps be persuaded that the Office of Treaty Settlements is in need of a good shake-up, and should come under the control of the Waitangi Tribunal. What's the use of an office which obstructs settlements by making up its own rules on representation, on iwi boundaries, and on which Māori consultants will be listened to, and which keeps changing the rules during negotiations?

Mixed Member Proportional (MMP) makes it possible for smaller parties to have a significant voice. The Māori Party and the Green Party are already modelling higher standards of parliamentary behaviour, and offering more good sense and practical suggestions for a better nation than all the others put together – maybe in the next election voters will recognise that by giving the Māori Party and the Greens sufficient seats to keep the bigger parties honest.

As for climate change – now there is national and international acceptance of what environmentalists, both Māori and tauīwi, have known always, perhaps we can hope for some genuine initiatives to reduce consumption, increase protection for our land and waterways, and use alternative energy sources. In the meantime, there is nothing to stop every marae, every school and every church in Aotearoa having its own solar and wind power, its own orchards and vegetable gardens, its own greywater and recycling systems. Necessity may compel such changes throughout society sooner than we think – and those who already model what is possible will be keenly sought for their expertise.

Conclusion

When I become enraged or depressed about the state of our nation, I remind myself of the vast difference between New Zealand, the British Colony I grew up in; and Aotearoa, the richly diverse fabric of colour, culture, debate and decision-making I now enjoy. New Zealand has become a proudly Pacific country, for those of us who celebrate the heritages of tangata whenua and tangata Tiriti.

The Treaty is no longer for most New Zealanders a simple nullity, nor merely a disputed document. It models for us a respected relationship – and we have much to gain if, as a nation, we choose to ensure it is seen by all our citizens as a sacred covenant – a living pledge to be the best nation we can, based on trust, and respect, and the rangatiratanga of all our people.

I am deeply grateful to all of you who continue to work to make such a nation possible.

Kia kaha, kia māia, kia manawanui. Kia ora koutou

Reflections on context of the Waitangi speech

What the speech couldn't say is that Waitangi was subject to torrential rain all day, drowning out all possibilities of an external welcome to Te Ti Marae. I think it also cancelled the usual march to the flagpole – if that did happen we didn't see it because we were inside the meeting house. There certainly wasn't a large political crowd anywhere.

My memories are a bit hazy now, but this is how I perceived the two occasions:

The Whangarei meeting was interesting and interactive, predominantly Pākehā, and supportive of Te Tiriti, as I remember. Waitangi Day dawned in pouring rain, which continued all day. Only a small group gathered to be welcomed inside by a group of polite but rather puzzled elders. I think some of them wondered what

was going on, with these four Pākehā talking, each in a very different way, about Te Tiriti (except for Titewhai Harawira, who smiled and nodded at us all as we spoke, in her inimitably supportive manner). I remember Catherine talking passionately about environmental issues. I can't remember what David said, and I'm sure no-one would have remembered what I said. Glenn Colquhoun was the real star of the day, telling his personal story in his inimitable style. Quite a long period of time was spent by us all listening to an elderly Pākehā man, local apparently, who saw himself as a historian. Everyone was incredibly polite – no political discussion or controversy at all.

Reflections on the content of the Waitangi speech

If I were talking today, I'd probably skip the personal journey – far more people have been on that journey now. Although I think the social climate is more open to the Treaty resolution process these days, there has been a disappointing lack of government support for new public education initiatives. The constitutional debate, which should have involved all of us deeply, seems to have fizzled out entirely. And the underlying economic conditions which disempower Māori, together with the increase in approvals for the raping of the land and the seabed, mean that overall conditions for Māori are worse in many ways.

On a more positive note, the Waitangi Tribunal has had to hear the Ngāpuhi claim for recognition of Ngā Wakaputanga as the founding document upon which Ngāpuhi ancestors' understanding of Te Tiriti was based, and the published independent report of the proceedings, *Ngāpuhi Speaks* (Healy, Huygens, & Murphy 2012), is an extraordinary resource for our nation. All Pākehā who attended any part of those hearings must have been moved, and had their understanding deepened, by the experience. If I were speaking today, I would use *Ngāpuhi Speaks* as a major resource.

I would also comment more on the settlement process. Several large iwi and many smaller ones have had significant Treaty settlements, but there are still Crown attempts to bully smaller iwi into unnatural larger groupings for settlement negotiations. And when there are big commercial interests such as steel producers or oil and gas companies involved, the government readily aborts its own Treaty obligations⁷.

Reflection on the impact of the Waitangi speech

And as I reflect on the Treaty today, in the lead-up to the 2014 election, the Mana-Internet Party is drawing crowds around the country because their leaders and candidates are speaking out against oppression of all kinds, affirming the vital importance of the Treaty, and offering a clear statement of ethical principles upon which economic and other decisions should be based. Good luck to them, and to the Greens, who have consistently maintained a similar stance, and who have offered (and modelled in their own practices) a vision of a society based on respect for people rather than aggression, and sustainability of resources rather than looting for short term gain.

If I were commenting today, I'd be far more political – I now believe that until we are governed by a coalition of Labour with substantial numbers from Greens, Māori and Mana-Internet parties, our nation will have little chance of becoming a more just society, accepting Te Tiriti obligations and moving forward creatively.

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⁷See the Waka Huia television piece on Ngāti Te Ata's on-going struggle to protect wāhi tapu at Maioro.



Photo: Tanya Cumberland

Charmaine Pountney CNZM was born in 1942, and has had a long career in education – secondary, tertiary and community-based. During her time as principal of Auckland Girls' Grammar School (1978-88) she was challenged to learn about issues facing Māori and women, and became a passionate advocate of social change and Treaty justice. In her three years in the Waikato she was Principal of Hamilton Teachers' College, leading its merger with the University of Waikato to form the first fully professional School of Education in Aotearoa, Te Kura Toi Tangata. She was appointed Principal and Dean, and worked with a strong bicultural management team.

In July 1992 she moved with her partner Tanya Cumberland to land on the Āwhitu Peninsula, where they planted organic vegetables and herbs, subtropical fruit, native bush and timber trees, heritage harakeke, and later offered workshops, guided tours and farm stay cottages. They established from the beginning a working relationship with Ngāti Te Ata, mana whenua of the area, offering employment opportunities and sharing knowledge and whānau activities. Charmaine taught part-time at Te Kura Kaupapa Māori o Waiuku for three years, ran a number of adult community courses, and wrote a book on education, *Learning our living*. In 2013 Tanya and Charmaine decided it was time to move closer to Auckland friends, family and city amenities.

They moved to Earthsong eco-neighbourhood in Ranui, West Auckland, where they are now engaged in a range of community activities, and write a monthly blog Urban Earthtalk (www.earthtalk.co.nz).

2008

The Treaty is personal

Carol Archie

Tēnā koutou, tēnā koutou, tēnā tātou katoa,
E ngā maunga e tū ake nei,
E ngā awa a rere atu nei,
Tēnā koutou katoa i tēnei ra whakahirahira.

Thank you for the opportunity tonight to share some personal thoughts about the Treaty of Waitangi and where I feel we might be as a nation in 2008. I say personal thoughts because I've discovered over the last thirty years that my experience of the Treaty, as a journalist, has helped me to learn more about myself as a person. It's improved my interactions with other people and helped me to understand what really matters to me in human relationships. I can recommend this engagement with the Treaty and looking at how it applies in daily life.

For instance, last year I surprised some people in my profession when I said that it's time to do away with Māori specialist reporters in the mainstream media. For decades most broadcasters and newspapers have tried to employ Māori reporters to cover the bulk of their Māori stories. In theory it sounds good but in truth the practice demonstrates a lot of what's wrong about our approach to the Treaty of Waitangi.

Using Māori issues journalists to do the reporting on Māori matters in our general news coverage suggests that Māori are not part of the fabric of our society but something tacked on to the mainstream. It's as though they're not like other New Zealanders who're affected by all aspects of life in this country.

I'll give you an example of what happens. A Pākehā reporter goes to do a story on pre-schooling in New Zealand but leaves out the viewpoints of people involved in kōhanga reo. Perhaps the reporter doesn't contact the kōhanga because he or she thinks that's the domain of the Māori Affairs reporter. A finance reporter might do the same thing; write a story about taxes or rises in the value of the New Zealand dollar and almost never seek the views of the many Māori businesses that are an integral part of the economy.

If you think about it, the media doesn't have separate 'Pākehā affairs reporters' who're asked to interpret Pākehā perspectives for viewers and listeners. Of course they don't have to. The mainstream news is primarily written by and for Pākehā. It's owned and dominated by Pākehā and rarely serves anyone else's needs.

Now I assure you that I'm not talking about banning special programmes for Māori in broadcasting or special articles in print that are aimed to inform Māori audiences. I'm referring only to the way our general news and current affairs either ignore Māori perspectives, or put them in a box to one side.

As a result, many solitary Māori issues reporters have complained that they're pigeon-holed and burdened by unrealistic expectations from their employers and their own people. Frequently they've been used as oracles to interpret the views of all Māori. Often there's pressure too from the Māori community on the solitary Māori reporter to be the one who has to counter-balance negative stories that are written by others in the mainstream. No wonder many of these reporters have burned out quickly and left their jobs after a short time.

It's not only unreasonable to place so much responsibility on one person in a newsroom but this system severely limits the capacity of news organisations. Other journalists are able to disregard any Māori angles that crop up when they are covering stories. And when they do cover Māori angles they have a convenient excuse if they don't have the experience or skills to report on Māori. It doesn't really matter if they mispronounce Māori words and take a shallow approach because that's not their real job. They don't see it as their professional duty to have an understanding of indigenous culture in this country.

So here's the nub of it. Ideally every journalist in this country should be well enough informed to be able to cover Māori stories as part of their everyday work. By ghetto-ising Māori news into a separate box, our news organisations are presenting us with a distorted view of Aotearoa New Zealand society.

This is a fundamental factor in the misunderstandings that we experience across cultures in this country. It's mirrored in our community at large. Many Pākehā don't see it as their responsibility to know about the Treaty of Waitangi and Māori culture because it's up to someone else. We don't have to engage personally with the Treaty. We don't have to learn much about it at school because it won't be part of our worldview when we grow up. It's more convenient to stay disengaged from any cross-cultural dialogue.

It's been interesting for me to watch how Māori Television, with its kaupapa of promoting Māori language and culture, has positioned itself with other groups in the community like Pākehā. I'm enthusiastic about the example they've set for us.

In general, Māori Television has achieved what the Pākehā media often fails to do. It's been inclusive. Māori Television has presented Māori in a positive light without detracting from any other New Zealanders. I don't get the sense, as a Pākehā watching Māori Television, that other people are any less than Māori - just different. The channel has embraced so many other cultures from around the world in the documentaries and films it screens. It's helping to shape a truly Aotearoa New Zealand culture that includes everyone. It's also a more accurate picture of what's happening out there in our homes and workplaces.

Take cross-cultural families for example. Pākehā who go to bed with Māori partners every night can't disengage from the Treaty of Waitangi. I'm fascinated by the impact of cross-cultural marriages in our society. We marry each other much more than is common in most other countries.

Recent statistics show that half of all Māori have partners from another culture. Since the earliest contact they've made marriage alliances with other peoples. And it's from such intimate relationships that we can learn so much. These families are living the treaty in their homes every day.

What can they teach us? What makes Māori/Pākehā partnerships work? Well it's the usual stuff really - willingness to compromise, learning about difference, respect, sharing, and those old chestnuts - love and affection.

People in Māori/ Pākehā families say it's not easy to either marry someone from another culture or to be the children of such a union. But most enjoy being able to walk between cultures with comfort and the chance to understand life from different perspectives. I feel excited about it because they're doing the groundwork to help us understand who we're becoming as a nation.

So despite the fact that our country's painted so often in the media as though there's a huge divide between Māori and Pākehā, hundreds of thousands of New Zealanders are living and working together, and making friendships across that artificial gap.

From a personal point of view, I've had reason to engage with Māori and the Treaty of Waitangi. Like a number of Pākehā of my generation I first became aware, during the seventies, of the injustices that Māori have suffered through colonisation. Gradually I read some New Zealand history and began covering Māori stories for television as a journalist in Auckland.

I made an unsuccessful attempt to learn Māori but promised myself that at the very least I would always try to pronounce the language as well as I could as a mark of respect.

It sounds a bit absurd now but that commitment was one of the most difficult of my life. By pronouncing words as correctly as I could and showing a keen interest in Māori current affairs I had exposed myself to

considerable ridicule from my family, friends and colleagues at work. They felt somehow threatened by my views and thought I was being phoney or affected when I didn't say Māori words as they did.

I lived in a street with a Māori name: Waitakere Road, Taupaki. When I gave my address I got: "Oh you mean Waitackery?" or "Do you mean Towpacky? I wanted to swear at them. No I don't bloody well mean "Waitackery". But I realised that wasn't a helpful way to promote the Māori language. I had to exercise some self-restraint. This all gave me a tiny inkling of how Māori might feel about being corrected and seeing their language mangled every day.

I was seen as an odd-ball and I often felt very isolated. At dinner tables I found myself an easy target for Pākehā who condemned the so-called Māori radicals and denied that colonisation had been anything but good for Māori. During the Springbok tour period, when tensions were really hot, my husband and I stopped going out because my presence regularly wrecked social occasions for my hosts.

I didn't think of myself as anything other than a Pākehā, never did I want to be some sort of quasi Māori but most of the Pākehā around me seemed to see me as a traitor to my own kind for seeing the indisputable facts of our colonial past - that huge injustices had been done to Māori and were still very much a part of our daily life. Even then, Māori were bearing the brunt of the economic and social changes under Labour's policies in the eighties and it was clear how destructive this was for Māori families.

Looking back I realise that a good deal of my misery then was my own doing. I was impatient with other Pākehā for not seeing it my way. I became argumentative and angry when people questioned me, instead of trying wisdom and tact.

For the most part I'm much better at that now. I've learned to tell people about my own experience and understanding in a calm way and not engage in fruitless discussions where I feel trapped in a corner and somehow forced to explain and justify the actions of all Māori. I can say that my engagement with the Treaty has been an important part of my own self-development.

Over several decades I was fortunate, as a journalist, to cover many Māori events and stories of all kinds as a reporter in the mainstream /slash/Pākehā media and later for a Māori organisation, Mana Māori media.

So when I'm talking to other Pākehā journalists I'm able to encourage them to have a go at reporting on matters that concern Māori, to overcome awkwardness and visit a marae, to learn some history, to feel the sense of place that Māori culture can open up, to encounter the wisdom and humility of Māori elders, and for those journalists to stop and analyse what perspective they're coming from when they write their stories.

I assure my Pākehā colleagues that I've been treated in the Māori world with respect, encouragement and warm hospitality by my Māori hosts – even though I've made some awful gaffs at times. Any efforts I make to come to grips with the culture, language or historical background of a story are usually met by an appreciation out of all proportion to my contribution.

Of course it's not just the media who don't engage enough with Māori and Treaty matters. The government does this too. Its refusal to vote for the UN (2007) Declaration on the Rights of Indigenous Peoples last year was a prime example of that. The Foreshore and Seabed legislation showed that the government is prepared to deny Māori their legal rights and treat them differently from other groups in New Zealand.

Successive governments have been resolute in ignoring the guarantee of tino rangatiratanga in Article Two. When is this fundamental promise from our founding document ever addressed in public discussion? When do we ever talk about how tino rangatiratanga might be expressed in 21st century Aotearoa New Zealand?

I believe we can't move on as New Zealanders until we've had that dialogue and looked at how the Treaty will

shape our political future together. The tendency Pākehā have to disengage and put Māori into a box off to one side isn't working.

It may be one of the reasons why the government tried to distance itself from the police use of the Terrorism legislation in its raids on Tūhoe in Rūātoki. I can imagine much greater public outrage if the police carried out similar raids in the largely Pākehā suburb of Kohimarama where I live.

If we had more dialogue on tino rangatiratanga then Pākehā would better understand the desire of many Māori to have more control over their own affairs. If the relationship was better, there would be no way that Māori movements which date back to the nineteenth century could be associated in anyone's mind with terrorism.

The UN's Bali conference on Climate Change last year was a reminder about how difficult it can be to get human beings to trust each other and work together for the common good - even when the destruction of humankind might be the outcome if we don't act together to halt global warming.

In this country, we must debate our contribution to saving the planet. Fortunately we have a wealth of indigenous knowledge about the environment to call on. Scientific research is beginning to converge with Māori concepts of whakapapa and kaitiakitanga. Mātauranga Māori tells us that humans are related to all other organisms and environments. For my part I really value the Māori emphasis on the need to respect and care for the spiritual well-being of this inter-connected environment if humans are to prosper.

Climate change is probably the biggest challenge we've ever faced as people of Aotearoa New Zealand. You can't disengage from that. You can't disengage from the people with whom we share this land.

We're all in a cross-cultural relationship whether we acknowledge it or not. We're in this together. That's why, for me, the Treaty is personal. It will be a good basis for our political and social future if we use the recipes tested for us in marriages and friendships between Māori and Pākehā over generations.

We can talk things over together and not be afraid when others have different viewpoints. We can discuss subjects that have been largely off-limits in the past like tino rangatiratanga (sovereignty) and constitutional change. We can agree on ways to safeguard our environment for future generations. We can show a willingness to listen and to compromise.

The path is well-trodden. The spirit of the Treaty is not just for specialists, it's not just for odd-balls like me - it's for us all to engage in.

Tēnā tātou katoa.

Reflections on my 2008 Waitangi speech

My speech in 2008 dwelt a lot on coverage of Māori current affairs in our media. I had just written a book⁸ to help new journalists to report on Māori matters so it was prominent in my mind. I felt then, and still do, that mainstream (Pākehā) news organisations often put Māori news into a separate category of minority interest rather than include it as an integral part of the New Zealand story.

In my speech I said that I'd surprised some people in my profession by saying it was time to do away with Māori specialist reporters in the mainstream media. I wrote: "Ideally every journalist in this country should be well enough informed to be able to cover Māori stories as part of their everyday work. By ghetto-ising Māori news into a separate box, our news organisations are presenting us with a distorted view of Aotearoa New Zealand society".

⁸Details at <http://www.converge.org.nz/pma/poukorero.htm>

So what's changed since then? Are journalists, no matter what their background, more capable these days of reporting accurately on things Māori? Well, I do think more journalists are trying to improve their proficiency in this area and I am heartened to see those who think automatically of including Māori perspectives in general stories. The work of Lois Williams who reports for Radio New Zealand in Northland stands out in this field. But there are still times when, I believe, the media lets us down, even with basic things like poor pronunciation. Carelessly written stories still reinforce negative stereotypes and the outcome of all my reading and viewing of news is still an overall impression that our society is divided into "them" and "us". I look forward to the time when "we" as journalists always remember that Māori are an integral part of our New Zealand story and not "other".

When I revisit the lens I used to assess the State of the Nation in 2008 with my new focus in 2014, against my expectations, I think a few things have actually changed and occasionally for the better. For instance, it took six years, but fortunately the police have gone some way towards a public apology for their treatment of Tūhoe in the 2007 raids of the Tāneatua and Rūātoki communities.

In his apology this year the police commissioner, Mike Bush, still claimed the operation was necessary but said the way the police acted, especially in respect to the searches of people's homes, was disrespectful. He said the innocent, the tamariki, the mokopuna involved "should have been treated with absolute respect."

Apparently it took so long to apologise because "the timing wasn't right" for previous police commissioners. Only Ngāi Tūhoe can judge the value of the apology so many years after the fear, distress and harm experienced by innocent people that night as well as the on-going media stigmatization of Tūhoe as terrorists. It is disturbing to see how easily the trust between police and communities is destroyed when police do not treat citizens with respect. Before I had time to breathe a sigh of relief about the improvement in police dealings with Māori I read this report on Radio New Zealand's website recently.⁹

Police were hunting for a person in relation to an attack on a 61-year old man when they entered the Whakaahurangi marae at 2.30am on 12 July. Youth leader Maioha Tokotaua said children taking part in a school holiday programme were woken and asked to stand against a wall with their hands out. Some were also photographed. Three were children - aged as young as four - and the rest were teens. They were left frightened and upset, he said.

I think the significance of this story speaks for itself.

On the heels of the apology for the 2007 raids was another apology to Tūhoe, which highlighted their long painful struggle for justice. The Crown apologised for land confiscations, wrongful killings and scorched earth warfare that killed hundreds in the tribe in the 1800s and early 1900s. I think, when we learn the details of such injustices it helps us to understand Māori aspirations for tino rangatiratanga, the continuance of which was guaranteed by the Treaty of Waitangi.

In my speech in 2008 I talked about the need to debate constitutional reforms and the place of the Treaty in future arrangements. Later that year the new National government agreed to a constitutional "conversation" as part of its support agreement with the Māori Party. When the Constitutional Advisory Panel reported back in 2013, after listening to hundreds of submissions, its main recommendation seemed to be that the conversation should continue. The panel reinforced the importance of the Treaty to current and future arrangements, recommended a process to develop a range of options for the future role of the Treaty in constitutional arrangements and also a Treaty education strategy. And that is where it stands. We had a chat and nothing changes.

I read on Stuff an article (Dudding, 28 April 2013) quoting the public law expert, Dr Matthew Palmer. He

⁹Police to meet marae representatives', Te Manu Korihi, 17 July 2014 <http://www.radionz.co.nz/news/regional/249966/police-to-meet-marae-representatives>

said people aren't interested in the constitution until something goes horribly wrong but the time to talk about change is "when there isn't a sense of crisis" - a time like now. Dr Palmer said one day New Zealand will have to deal with whether or not we want to be a republic and what to do about the Treaty.

At the moment, neither Māori nor Pākehā know whether a particular issue concerning the Treaty or allegations of breaches of the Treaty will be solved politically, through the courts, or some mixture of the two. It's a patchwork quilt of references to the Treaty. It depends on the act, and how you feel on the day.

I think these are wise words and I hope New Zealand can take the debate to a new level as soon as possible.

Back in 2008, my speech deplored the fact that the New Zealand government had voted against the Declaration on the Rights of Indigenous Peoples in 2007. It took another three years, but on 19 April 2010, New Zealand announced partial support for the Declaration. Some progress - but oh so slow.

I lamented in my speech that the Foreshore and Seabed Act 2004 had denied Māori their legal rights and treated them differently from other groups in New Zealand. It sounded good when the Prime Minister, John Key, said he would repeal the Act in 2010 but when the replacement Marine and Coastal Areas (Takutai Moana) legislation appeared the following year, it was opposed widely by whānau, hapū and iwi because it retained the discriminatory aspects of the initial Act. They felt it did little or nothing for Māori rights and interests in foreshore and seabed areas.

When the government decided to partially privatise state-owned assets in 2012 it was a repeat of the foreshore and seabed issue. Consultation with Māori was rushed and inadequate. Māori were forced into last-minute legal action, again, in an attempt to protect their proprietary rights in water bodies and land before 49% of State Owned Enterprises, such as Mighty River Power, were sold.

Another context for my speech in 2008 was the topic of intermarriage between Māori and Pākehā. It was the focus for a book I had written in 2005. I believed that intermarriage and increased interaction between Māori and Pākehā in homes, workplaces and schools, through sports and arts activities, would eventually close the gap in understanding between us. I think that is happening but, like marriages, these relationships require constant attention and goodwill. Even as I write, the Act and Conservative parties, heading for the 2014 election, have raised the hoary old spectres of Māori "privilege" and "race-based", "special" rights.

Six years ago I described the Treaty of Waitangi as a force that affected me as an individual. The feminist saying "the personal is political" still holds. My experiences of cross-cultural interaction have shaped my political views and influenced the way I write, as a journalist, about Māori matters. Feedback for my speech at Waitangi was positive. I was grateful to have the support of my husband, Bill, and two friends, Janet and Rennie Barrett, on the day. I am also grateful for the generosity of Edwina Hughes who helps me to remain current on many of these issues.

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Photo: Kitt Foreman

Carol Archie is a Pākehā journalist and author who has spent more than thirty years exploring Māori/ Pākehā relationships. Most of her earlier career was in television news where she had the opportunity to meet many influential Māori figures through the seventies and eighties and to report on key Māori issues of the time.

In 1991 she began working for Mana Māori Media where her education continued. The company produced Mana Magazine and provided news and other programmes for iwi radio stations and Radio New Zealand about Māori people and their viewpoints. Carol has also written three books. *Māori Sovereignty – The Pākehā perspective*, published by Hodder Moa Bennett in 1995, was a companion volume for *Māori Sovereignty – The Māori perspective* (a collaborative project with Hineani Melbourne); *Skin to Skin* (Penguin 2005), explores the experiences of Māori and Pākehā in cross cultural families. The book, *Skin to Skin*, was adapted by Carol for broadcast on radio in 2009 and for a documentary on Māori television that she directed in the same year. She directed another documentary for Māori Television in 2010, *Lines in the Sand*. This documentary featured Hinewehi Mohi, reflecting on the day she crossed the line of what was then ‘acceptable’ by singing the national anthem in Māori at the 1999 Rugby World Cup. Carol wrote a textbook for new journalists called *Pou Kōrero – a journalists’ guide to Māori and current affairs* (New Zealand Journalists Training Organisation, 2007). From 2005-2013 she was a reporter/director for the long-running TV One programme, *Country Calendar*. She is also an oral historian.

A Treaty lawyer reflects on the state of the Treaty relationship

Grant Powell

I am one of those most scorned of individuals, a Treaty lawyer, indeed one of those characterised by the Prime Minister as a “hater and wrecker”.

It is my personal experience, my time at the coalface if you like - sixteen years of prosecuting claims in the Waitangi Tribunal, working to get claimants into negotiations, participating in the negotiations and generally playing the political game attempting to get clients through to settlement - that draws me today to focus on what I believe is the most pressing problem with the Treaty relationship. The reason I am addressing that problem, the resolution of historical Treaty claims, is because resolution must be achieved fairly and in a timely manner to provide a firm foundation for our country into the future

Treaty relationship generally

Overall many aspects of the Treaty relationship are in good heart. Perhaps there is no longer the fear of the Treaty and Māori aspirations that there once was, borne out by the degree of public support for Māori over the foreshore and seabed issue and the recent police raids in the Urewera. Instead, many aspects of Māori culture have, over time, become mainstream. We all take pride in the different types of All Black haka, while the once controversial singing of the national anthem in Māori now appears to be well accepted. There is outstanding Māori leadership at both a national and regional level working tirelessly to strengthen Māori communities to enable them to maintain their identity, overcome problems and participate fully in our collective community.

Below the surface the picture is more complicated. The quality of relationships between the Māori and government remains haphazard. For every advance, there also appears to be a setback. The new New Zealand education curriculum narrowly avoided almost total excision of references to the Treaty and biculturalism only after a change in leadership at the Ministry of Education. The Department of Corrections rolled out a form of ethnic profiling for Māori and negative cultural markers for the sentencing of Māori offenders, without establishing the validity of the mechanisms, or consulting with Māori. It is only now after five years of challenge including a claim to the Waitangi Tribunal that the last of these mechanisms appear to be being withdrawn.

On the other hand the Crown continues to enter into international obligations, particularly in the area of trade liberalisation, without working with its Treaty Partner to ascertain how such international obligations may affect the Treaty relationship. Likewise, as a direct result of the official witch hunt that followed Dr Brash's ill-considered Orewa speech, the Ministry of Health has ordered the removal of references to the Treaty from new health policy, action plans or contracts - an action that raises questions about whether genuine partnerships in the health sector can be achieved. There are many other examples, some of which are already under challenge, and some which are yet to be discovered. The state of the interface between Māori and government departments is a real issue and is currently being considered in depth by the Waitangi Tribunal as it prepares its report into the Wai 262 claim in respect of indigenous flora and fauna which finally completed hearings in 2007 (after 8 years). The Tribunal's report will hopefully provide significant guidance as to how to avoid the type of pitfalls I have outlined in order to build real Treaty partnerships into the future.

Settlement of Historical Claims

It is against this background that I want to talk about the settlement of historical claims. There can be no doubt that the process for resolving historical injustices is facing a major crisis.

To start at the beginning, there used to be certain logic to the Treaty claims and settlement process. Claims were heard, reported on by the Tribunal and then the successful claimant attempted to negotiate a fair

settlement with the Crown. This sequence is still the expectation of many claimants, and indeed is how the general public (to the extent that they may think about such things) still believes the process works.

While there are issues with the claims process that must be resolved, the Waitangi Tribunal's so-called "new approach" to hearing claims is working reasonably well and has led to a major speeding up of the hearing of claims. Indeed, it will not be long before the Tribunal will complete the hearing of historical claims. There is however no point in speeding up the hearing process if nothing then happens.

In my experience there have been two key missed opportunities in the history of resolving historical Treaty grievances. The first was the "fiscal envelope". In the early 1990s there was a considerable reservoir of goodwill for settlement as a result of the initial enthusiasm with the Waitangi Tribunal process. In my view there was a chance to move quickly and make rapid progress in the settlement of historical claims but that opportunity was not taken up because the government of the day chose to spend time developing its fiscal envelope proposal. The resulting ill will that was generated meant that momentum that had been building towards early settlement was lost.

The second missed opportunity is the story of the first eight years of the present government. At the time Labour came to power, notwithstanding the fiscal envelope, significant, and indeed unprecedented, progress had nonetheless been achieved, although the approach to settlements had become somewhat formulaic and restrictive. There was a clear need for more flexibility particularly so as to achieve fairness between large and small settlements, and settlements with Crown forests and without.

Unfortunately, the last eight years has seen a succession of Ministers in charge of Treaty of Waitangi negotiations for whom, no matter what their talents, Treaty settlements have not been the priority. We now have Dr Cullen as the Minister, who like the other ministers who have held this portfolio, is burdened by a wide range of tasks including being the Deputy Prime Minister, Leader of the House and the Finance Minister in an election year. Such a workload alone casts doubt as to whether his appointment demonstrates any real priority is being given by the government to historical Treaty settlement issues, while Dr Cullen's ability to stand as the Crown's primary representative for resolving Treaty grievances is in any event compromised by his having been the primary architect of the deliberate Treaty breach which resulted from the passing of the Foreshore and Seabed Act 2004. I have watched with interest government comments since Dr Cullen became the Minister. To date these appear to be trumpeting progress - five agreements in principle in the last six months. When however one looks at the agreements that have been signed, far from evidencing significant progress, it illustrates just how slow the process really is.

The most recent agreement in principle (AIP), for Ngāti Kahu ki Whangaroa is a case in point. Their claim, Wai 116, was filed in 11 July 1986. Because the claim was so clear cut, it became one of the only claims to have been sent to Tribunal mediation between the Crown and the claimants in the late 1980s. After the mediation failed to make progress, the claim was included with the Muriwhenua claims for hearing before the Waitangi Tribunal, and was found to be well founded by the Tribunal in 1997. Accordingly, the AIP is for a claim which had been largely accepted by the Crown some twenty years ago.

The other recent agreements in principle illustrate similar points. Te Rarawa was one of the iwi who participated in the Muriwhenua claims, yet it has taken nearly fourteen years after the end of Tribunal hearings and eleven years after the Waitangi Tribunal found that the claims were well founded, just to reach the point of an AIP and Te Rarawa are only the second of the five Muriwhenua iwi to get to this point. The AIP in respect of the Waikato River is not a new settlement but relates to items left out of the main Waikato settlement which dates back to 1995. The AIP for the Taranaki whānui (Wellington) comes nearly five years after the release of the Wellington District report by the Waitangi Tribunal, while the Ngāti Apa (North Island) AIP almost rapid by comparison, is the result of some 2½ years of negotiations, although this does not take into account the length of time that the claimant group would have been working on the claims.

If these time periods are striking, what needs to be understood is that the agreements in principle are only comparatively early steps along the settlement pathway. They are what they suggest; merely broad headings setting out the basic parameters agreed upon, but which are not binding on either party. The detail of the settlement is still to be negotiated, and will ultimately be contained in the deed of settlement. Put simply, an AIP may be a milestone, but following its release is subject to challenge by overlapping claimants, as has been the case with the Ngāti Whātua o Ōrākei and Te Arawa agreements in principle, while the detailed negotiations to take the bare outline contained in a 20-30 page AIP to a 500 page deed of settlement, can literally take years.

Even when a deed of settlement has been agreed and ratified by the claimant community, this does not automatically mean that assets are transferred and the claims settled. Over two years has now elapsed since the Te Roroa deed of settlement was signed yet the settlement assets remain in the hands of the Crown, because the settlement legislation to give effect to the deed cannot pass through parliament.

The reality is there have not been that many historical settlements. Only if you look at the proportion of land area, taking into account the Ngāi Tahu settlement which encompasses most of the South Island, does the picture to date look impressive. Most of the complex and difficult claims are still to come. The current processes are struggling to deal with the number of claimants wanting to settle and unless new measures are adopted quickly there is no prospect of settlement of historical claims by the government's current target of 2020.

What is the problem?

What is the cause of this lack of progress? Why do Treaty settlements take so long? The big problem in my view, and the fundamental challenge to everyone in the sector, is that there is a fundamental disjunction between the claim and settlement process. The hearing process in the Waitangi Tribunal is contestable, with an independent decision-maker and is something in which all claimants can participate. In settlements on the other hand, the Crown retains all decision-making and only a few claimants have any contact with the Crown during the negotiation process.

The reality is that the settlement process is totally uncertain. The overall settlement process remains a non-transparent political process in which the criteria applied by the OTS are unclear and inconsistent, from the mandate and pre-negotiations phase, through the negotiations process and the redress available and the negotiations. This means that not only is there, for example, no certainty that any successful claimants in the Waitangi Tribunal will ever get into negotiations, even when groups get into negotiations they face major problems in achieving anything approaching a fair settlement. There is not time in this speech to even touch on all systemic problems with the Treaty settlement process - they are manifold, but to summarise some of the key issues requiring urgent consideration:

- Mandate and pre-negotiations – There are no clear rules as to how a claimant group gets into negotiations.
- Large natural groupings not defined – some large groups are actually very small.
- Lack of participation in Treaty claims means OTS have lack of knowledge of claims and claimant dynamics - this in turn affect the speed of negotiations once a mandate has been recognised.
- Lack of certainty as to who OTS intends to negotiate with.
- Criteria applied by OTS are unclear and inconsistent as to what constitutes a large natural grouping, or valid mandate.

Negotiations – Process

Are they really negotiations where there is such a disparity of power between Crown and claimants? Claimants have no real rights in the process and often no real alternatives. Claimants have often criticised the process as imposing settlements. In many cases rather than negotiations, it is a process of reducing claimant expectations.

Specific Issues:

Time - Negotiations take forever. As they unfold claimants must deal with a constant turnover of Crown officials and the need to re-educate new Crown negotiating teams about the issues.

Resourcing - There is obviously a huge discrepancy of resourcing between the claimants and the Crown. Many claimants do not even have a basic infrastructure. The discrepancy is made worse depending on whether the claimants are able to receive funding from Crown Forestry Rental Trust (CFRT) or not, and the fact that the various funding agencies (including the Legal Services Agency) have their own relationships with the Crown independent of the claimants.

Transparency - The Crown has a number of bottom lines which often are not disclosed at the beginning of negotiations. The Crown will insist on items such as making an apology and they should be included in front, at the beginning of the negotiation process.

Redress - Although claimants realise by now that settlements are not the panacea for all issues enduring settlements require consistency between settlements - as claimant buy-in will not happen if settlements are seen as being unfair vis-a-vis comparable settlements. Instead there is an increasing inconsistency between settlements. Key issues:

- Quantum - No transparency as to calculation - no detailed calculations are ever provided and hard to see any pattern.
- Criteria Unfair.
- Total land loss/types of land lost - there is no particular reason why quantum should be based just on acreage of land lost, as a group could lose less land but suffer greater socio-economic effects as a result of that alienation. Likewise paying higher rates for raupatu claims ignores the similar socio-economic effects for other types of land loss.
- Benchmarking on earlier settlements - takes little account that in the earlier settlements the claimants have had the settlement monies for over ten years.
- Effect of Fiscal Envelope - although the fiscal envelope officially no longer exists, the ratchet clause contained in the Waikato and Ngāi Tahu settlements mean that 34% of every dollar spent on Treaty settlements above \$1 billion plus interest will go to the Waikato and Ngāi Tahu claimants. As a result Crown is looking for creative ways to increase the financial value of the settlement without triggering the ratchet clause which in turn is leading to greater unfairness between settlements - for example the proposed settlement with Ngāti Whātua o Ōrākei has a quantum of \$8 million but includes the transfer of \$80 million worth of Crown lands funded by the Crown not paying rental on the land it currently owns.
- No account taken of accumulated rentals from returned Crown forest land - not part of the settlement quantum. Prejudices claimants without Crown forests.
- Claimants treated unfairly compared to other parts of the community - for example the \$100 million paid to West Coast communities for the loss of logging opportunities.

Return of lands

For many claimants most important part of settlement - it is the only chance for the return of relevant Crown lands. Commercial redress properties returned at market value – does not take into account price paid by Crown or circumstances by which the Crown acquired land. No mechanism in negotiations process for the return of memorialised land (State-Owned Enterprise and Education land) alienated to third parties – ignores Lands case. No consistency in return of cultural redress lands – Ranges from 39 to 2115 hectares returned as cultural redress.

Other Forms of Redress

Current statutory instruments (overlays/protocols/statutory acknowledgments and deeds of recognition) provide little of substantive benefit to claimants as underlying legal relationships remain unchanged. Wide disparity between types of relationship redress provided – later documents generally have more effect. Need to develop redress that more truly reflects a substantive partnership between claimants and relevant Crown agencies.

Resolution of Underlying Issues

Settlements do not address underlying issues. Little point in resolving specific claims if legislative regime remains inconsistent with the Treaty or if new breaches being created little attempt made to redress Treaty inconsistencies in statutes e.g. Resource Management Act (Tribunal Report 1992) or Foreshore and Seabed Act (Tribunal Report 2004).

Governance

- Lack of genuine options.
- Settlement dependent on Crown approval of governance entity.
- Any proposal that is new or different requires considerable work.
- Crown should be clear on entities that do not support e.g. Charitable Trusts.
- Accountability requirements should be in proportion to settlement.

Legislative Process

This is a significant final hurdle for settlement process.

- Adds further time to already protracted process.
- Delay and uncertainty caused by settlement legislation is unconscionable.

Often short settlements are not fair, but rather what the Crown can get away with. The inconsistencies emerging from recent settlements do not provide a foundation for the future, and the position is getting worse. This has to be a major concern for all those who would like to see historical claims resolved within their lifetimes.

Why should we care?

What is the problem? After all, even if there are delays the settlements are full and final. Of course, so too were the settlements in the 1920s and 1930s. If there is a clear unfairness between settlements as is rapidly becoming the case, it does not take much prescience to tell that such unfairness will be pointed out by future generations, particularly if settlements negotiated have not made a difference to the claimant groups and/or have lost relevance.

What is to be done?

The worst response at this time would be to try and make up for the lack of prioritisation over the last eight years and attempt to come up with some rapid ad hoc settlements in order to get quick runs on the board. There are some indications are that this indeed what is being proposed, that there will be a return to direct deals between the Minister and chosen rangatira, bypassing those groups that have been trying to work through the Crown's uncertain requirements for entering into negotiations. Such an approach would be a significant retrograde step for at least two reasons – it would not only remove the last traces of certainty from the settlement process, but also further destabilise existing settlements, particularly those negotiated under the present rules.

Instead it is still not too late to work through the issues systematically in order to build a principled consensus on the issue. The starting points are:

- To recognise that there are no easy solutions.
- To provide much greater transparency and remove inconsistencies.
- Develop clear criteria known and understood in all aspects of settlements from mandate through to determining quantum and providing redress.
- Establish minimum settlement quantum for smaller claimants.
- To aim for faster settlements while retaining integrity of process.
- To provide greater education about the issues – to the public, claimants and politicians.

In the new processes and mechanisms that will need to be developed there is a clear need for independent

scrutiny of settlements. Put simply it is too important to be left up to the government of the day to be the sole arbiter. At the very least the Waitangi Tribunal needs to take a more active role in monitoring the Crown settlement performance, giving guidance to the Crown and where necessary should not be afraid to use its resumptive powers in order to provide claimants with a genuine alternative to direct negotiations.

Most importantly however to get the government to act with greater transparency and integrity, it will be necessary to have a far greater involvement of the public in the process. Without doubt we need a far greater awareness of the issues.

At the moment public understanding of the Treaty settlement process is almost non-existent. They know it is taking a long time, but not the reasons for the delays. The media bears a heavy responsibility for failing to adequately report the issues. For example Television New Zealand reported in December 2005 that the Te Roroa claim had been settled with the return of various wāhi tapu. Those in charge of news and current affairs at the time should have realised that the signing the deed of settlement is not the same thing as the transfer of the land.

We need to find a mechanism for true public debate on these issues, as the fair settlement of claims is inextricably linked with who we are as New Zealanders and the type of society we wish to build. To achieve this, much greater media scrutiny and interest is required. I have no doubt that if there is true informed discussion there will be greater willingness to find new ways of bridging gaps.

Concluding comments

Unless we are careful those of us who have invested an enormous time in working through historical grievances, whether the claimants, the Waitangi Tribunal, Crown officials, politicians, historians, or even lowly Treaty lawyers are likely to become just another historical footnote to another round of failed attempts at coming to terms with our history of colonisation which continues to provide an ongoing historical blight on our society.

I got into this area of the law because I believed in the process and believed and continue to believe that there is a need for everybody that can contribute to the process should contribute. It has been my passion for the last sixteen years but I have become increasingly tired and frustrated as I watch the inconsistencies and unfairness within the system continue to mount up. I believe that we continue to have a unique opportunity to put things right to provide a solid platform for the future. However we are rapidly getting to a point where despite all the good intentions this will become just one further round of failed settlements. All of us will be responsible if we mess up this opportunity.

As I have told many people, my one goal in the law is to be able to stand here at Waitangi on 6 February 2040 and celebrate with those who participated in this process on the basis that we have made a difference to our country. I hope my articulation of the issues this morning may bring that vision just a little bit closer.

Reflection on Waitangi Day speech

The context to my speech is set out in some detail in the speech itself. At that time I had been a Treaty lawyer for some sixteen years and was extraordinarily frustrated at the lack of progress in settling historical Treaty claims, and in particular those claims for which I was legal counsel. In particular by 2008 although massive amounts of time and effort had been spent on hearing historical claims in the Waitangi Tribunal, that effort to hear the claims had not been translated into with either commencement of negotiations or concluded settlements. Instead in an earlier speech had made to a Treaty sector conference in 2005 I had spoken of the difficulty of getting into negotiations¹⁰. As I set out in my speech little had occurred in the first eight years of the Labour government elected at the end of 1999 and little change seemed to be in sight with the appointment of Dr Michael Cullen as the Minister in Charge of Treaty of Waitangi Negotiations, given the large number of

¹⁰The Twilight World of Getting into Negotiations (Otherwise Known As Getting the Mandate Blues...) New Zealand Law Society Waitangi Tribunal conference 2005

portfolios for which he was responsible as well as his role in the Crown response to foreshore and seabed issues which resulted in the Foreshore and Seabed Act 2004.

Taken together I was concerned that we as New Zealanders risked losing our best opportunity to settle the historical grievances of Māori arising from European colonisation. I could not see how historical claims could be settled by 2020 as the government proclaimed and felt at that time that the completion date of somewhere between 2030 - 2040 would be more realistic.

Despite my misgivings, Dr Cullen made his presence felt almost immediately and ultimately got the settlement process moving on a broad front for the first time. Even as early as July 2008 when I made a further speech focussing on issues of fairness in treaty settlements¹¹, I felt able to say:

As it happened almost from the day the speech was presented real changes have occurred. Most notably my concern that the appointment of Dr Cullen as the Minister in Charge of Treaty of Waitangi Negotiations would simply confirm the earlier lack of priority given by the present government to Treaty settlements was misplaced. On the contrary the priority given by Dr Cullen to the process cannot be faulted. As well as a genuine personal commitment, he has brought an intensity to the process that has not been seen before. The multiple Cabinet portfolios he holds have proved an asset rather than a liability. Dr Cullen's ability to mobilise resources across the whole of government is unprecedented, and has brought a flexibility hitherto unseen to negotiations, with the result that there have been a number of new negotiations commenced and several AIP either completed or likely to be completed before the election later this year.

The negotiation and settlement momentum initiated by Dr Cullen in 2008 did not falter with the change in government in 2008. Instead under the new Treaty Negotiations Minister, Christopher Finlayson has allowing for a period of consolidation necessary to tidy up the loose ends of settlements reached hurriedly in the latter part of 2008. The energy, enthusiasm and imagination brought by Minister Finlayson and his officials, as well as his ability to mobilise the resources of the Crown, together with the generosity of spirit, resilience and dogged determination of iwi to obtain justice, has meant that we are now close to achieving for the first time the settlement of all historical claims in a timeframe that I for one felt was impossible.

The result of all of this activity is that as we stand at the beginning of 2015 the end of historical Treaty claims is in sight and, notwithstanding that some of the iwi who have yet to settle are not quite ready for the settlement process, it is only a matter of time before the remaining issues are worked through. This is a staggering achievement. There is now so much positive news of completed settlements it is easy to lose sight of the fact that each settlement is an enormous undertaking of immense complexity. That so many have now been completed in the time since my speech was presented is almost miraculous and augers well for the future of the country.

The challenge now is to ensure that the settlements that have been reached are honoured and that both Crown and iwi work to ensure that the settlements negotiated remain relevant to the parties over the coming years. It should always be remembered that there were genuine attempts to settle the claims of Māori and the 1920s, 30s and 40s, but they had no lasting legacy as within a generation they ceased to have any relevance to the communities involved. It is to be hoped that this round of settlements are more durable and I think they will be given that they are much broader in scope and the parties have worked hard to identify the real issues that have prevented the claimant communities from being able to fully participate in modern New Zealand. The fact that the Crown has set up a post settlement body to ensure the implementation of settlements and to work with claimants into the post-claim future is also a positive sign.

As will be apparent I am very positive about what has been achieved. As I write this I'm looking forward to celebrating at Waitangi on 6 February 2040, (which is now only twenty five years away). I believe this process has been necessary and successful, and will have long-term positive benefits for our country as a whole.

¹¹The Crown Settlement Policy – Fair and Equitable? 7th Maori Legal Forum, 30 July 2008



At the time the speech was written in 2008 Grant had been a specialist in Treaty of Waitangi claims and Māori issues litigation since 1992. In the course of his practice between 1992 and 2013 Grant acted for claimants through all stages of the Treaty claims and settlement process including the preparation and presentation of claims before the Waitangi Tribunal, worked with claimants to resolve mandate and cross-claim issues, negotiated with the Crown and local government to resolve claim issues, participated in the legislative reform process, and actively worked to promote education on Treaty of Waitangi and Māori issues.

As well as Treaty claims Grant had a wide background in civil litigation, particularly in relation to Māori issues and the interpretation of Te Ture Whenua Māori Act 1993. Key cases include the Marlborough Sounds foreshore and seabed case from its inception in 1996, cases testing the Māori protection provisions contained in the State-Owned Enterprises Act 1986 and Resource Management Act 1991, a test case on partition provisions in Te Ture Whenua Māori, and the only test case to take place in the Māori Land Court involving Customary Rights Orders under the Foreshore and Seabed Act 2004.

In September 2013 Grant was sworn in as a District Court Judge.

We're all in this together: The Treaty, the economy and New Zealand's future in the world

Rod Oram

Greeting to this house and to those who have passed before.

My great thanks to the elders of Te Ti Marae for according me the significant privilege of speaking about the state of the nation, here this morning, at Waitangi on Waitangi Day itself. Thanks to Network Waitangi for the opportunity to do so yesterday evening in Whangarei.

And it is a great pleasure for me to speak on these two occasions about three inter-linked aspects of the state of the nation: our Treaty, our economy and our future in the world.

To me, those issues are inextricably connected. Fulfilling the promises of one, helps us achieve the potential of the others. Conversely, failure in any one will cause us to fail in the others. Only strong Treaty relations can maximise the potential of Māori, Pākehā and all New Zealanders which in turn means we can build the strongest economy and the most beneficial engagement with the world. We're all in this together.

That's why these three aspects of the Nation are so central to my work as a business journalist. In pursuit of my work, I range the length and breadth of our fascinating country (and sometimes abroad). I do so to hear from people about their ambitions and their challenges, their failures and their successes. From them I learn what are New Zealand's great opportunities in the world. It is one of the best jobs imaginable.

And thanks to that work, I have long been sure we have a unique opportunity in our history. We have the potential to become a role model for other nations, succeeding where they – and we – fail so often today on many economic, environmental and social issues.

We could become the first country to earn a first world, sustainable living from our natural environment; through myriad small, entrepreneurial and international companies; supporting and being supported by a just, multi-cultural society.

We would build the great attributes of our people and our land into a new New Zealand. It would look much like our nation today but bolder, stronger, more certain of its contribution to the world and more successful.

We would remain, of course, very much ourselves. Who would ever want to be a pale imitation of some other nation? We are shaped by who we are as diverse peoples, what we are physically as a country and where we are half a world away from major centres of population.

Our difference is our gift to the world. We are enlivened by our distinctive cultures; in touch with our land and sea; inventive and creative; enterprising because of our remoteness; and small but able to efficiently run a full-service nation.

In a fast-homogenising global culture in which one product, one country looks ever more like another we are an attractive alternative, offering a different way to lead our lives, to nurture our world. How can I be so sure our potential is so great? Because countless times in the eleven years to date my family and I have called New Zealand our home, I have seen ample evidence of those unique qualities of the people and country.

Let me give you just one example. I'm involved with a programme for mentoring future leaders of Auckland. These are impressive young men and women, typically in their thirties, who already hold demanding jobs in

business, government, the arts, the not-for-profit sector and the professions.

To begin each two-year programme, Ngāti Whātua hosts us for a weekend on the Ōrākei marae. In fact we start our third programme there this Saturday. For the start of our very first programme in February 2004, the weather was truly spectacular. Northeasterly winds, the remnants of a cyclone up in the Pacific, howled across the Hauraki Gulf and battered Bastion Point. But we were safe and cosy that Saturday afternoon inside the whareniui. The sense though of strength and resilience came much more from the people inside the meeting house than from its great timbers particularly from the three people leading our discussion: Sir Hugh Kawharu, Pat Snedden and Rob Fenwick.

Sir Hugh spoke with great insight and wisdom of the Treaty, of the differences of meaning thrown up by the Māori and English versions, of its history down through the then 164 years since its signing. He spoke of the generous offer of Ngāti Whātua to Hobson that he could choose the land he deemed best for a capital city, of the Treaty claim of Ngāti Whātua and many other Treaty related subjects.

Pat spoke of what the Treaty meant to him as a founding document of the country, a compact between two peoples about their commitment to each other to build a nation together. He said he was rehearsing a talk he was giving the following day in an Auckland church. And that address, of course, became the basis for his powerful, passionate and eloquent book *Pākehā and the Treaty: why it's our Treaty too* (Sneddon, 2006).

And Rob Fenwick, one of the founders of the New Zealand Business Council for Sustainable Development, spoke of his work with the Ngāti Whātua Trust Board on a variety of businesses such as the setting up of the radio station Mai FM and the development of land in the central business district.

What came through for me so strongly from these three fine men was the sense of their complementary strengths and skills and their shared passion for building their communities and this nation, hand in hand. We're all in this together. And we have to be, because the challenges are enormous. Yes, the world wants more than ever what we produce in abundance from this bountiful land and sea and from the creative minds of our peoples.

And in some ways these trends are befitting Māori more than Pākehā. Some 60% of Māori assets are in key sectors such as agricultural, fisheries and tourism that depend on international trade and visitors, double the rate of Pākehā assets. But at the very time the world is making it easier for us to do this through the likes of easy and cheap travel for people, or transport of goods, or instant and virtually free connection through the internet, there is a very real danger those trends could work against us.

New agricultural and forestry competitors are developing fast in places such as South America and Eastern Europe; very legitimate concerns over climate change could cause a backlash against - or at least serious taxes on - air travel; and in a world of ubiquitous communications, we few people - we New Zealanders are only 1 out of every 1,625 people on the planet - and what we have to say, could be lost in the babble of billions of voices.

Yet, we can choose to respond instead in highly beneficial ways that draw on the best of our cultures, working in partnership. Let me look at four examples of that.

Firstly, if people respond to climate change by flying less but staying longer, we will need to redefine what it means to be hospitable. Now, we have brief encounters with our visitors. They hop in a car, camper van, bus or plane and shuttle rapidly from one attraction to another. In a single day an energetic tourist might go bungy jumping and sight-seeing in the morning, wine tasting at lunchtime, shopping and swimming in the afternoon and to a cultural show and dinner in the evening. At the end of their couple of weeks here, they go home exhausted.

But if they came just once in their lives and so stayed for a month or six weeks, they'd want to slow down and deepen their engagement with us. They'd want to get to know us better. They would want to come into our

communities, spend time with us, get involved a bit in our lives. In that respect, the national tourism industry's long-term strategy explicitly embraces two hugely important Māori values, manaakitanga and kaitiakitanga. That's dead right. Hospitality, care and stewardship should be at the very heart of our welcome to overseas visitors. But it seems to me many of us have a long way to go in developing our understanding of how we can do that magnificently.

A second example of a sensible approach to global trends is sustainability. The value of stewardship is absolutely essential to our farms, forests and fisheries. We will prosper in those areas only if we can demonstrate the very highest standards of sustainability. But we need to be very careful that whatever practices we apply to sustainability we make absolutely sure that they are rock-solid scientifically. Only then will they have credibility with our customers. To that end, it is heartening to see the rise in funding by the Foundation of Research Science and Technology for kaupapa Māori research contracts. They increased from 0.8% of the total (\$2.8m) in 1999 to 5% (\$20m) in 2004.

A third example is identity. Māori have led a cultural renaissance in New Zealand over the past twenty years. You help us define and distinguish our tiny nation in this huge world. Especially among young people under the age of say twenty five. Many of them have a strong sense of their own cultural identity, yet greatly appreciate and often engage in the culture of other New Zealanders. Look for example of how many young Pākehā take huge pride and a sense of belonging from being members of kapa haka groups. That respect for and involvement with other cultures, I believe, will enrich us all. So we will cherish and keep distinctive each culture rather than mix them up, water them down in some kind of bland kiwi cultural soup.

The fourth example is the changing nature of community itself. Electronic communications have really demolished distance. A video call to Europe on Skype is free and instant. Grandparents on a much belated overseas experience can stay in touch with their mokopuna back here; colleagues can collaborate anywhere, anytime around the world; and lots of information, perhaps some knowledge and occasionally some wisdom can flow between people. Communications have triggered a great driver of global change: communities and their rapidly changing nature and purpose. The attributes of communities have shifted radically in just a few years:

- From physical connection.....to virtual connection.
- From well-honed conventions.....to fast-evolving behaviour.
- From shared values.....to shared interests.
- From proximity.....to “remote intimacy”.
- From a few people.....to many.
- From self-help.....to collective help.
- From local standards.....to global standards.
- From local prospects.....to global prospects.

The impact on New Zealand is profound. We are no longer just a far-off nation of 4.2 million people. Today we extend our embrace beyond the traditional physical boundaries of a community. An iwi, for example, can reach out to its members and friends the world over, drawing on their support and help and in return sustaining them through a powerful sense of community. And we can create and participate in virtual, worldwide communities. They might be groups of friends or family members; experts in a highly specialised scientific, academic or professional discipline; bridge players; field hockey goal keepers; collectors of memorabilia; customers; suppliers in fact, any kind of collaborators in every conceivable human activity.

In those virtual communities, we should be ourselves rather than a pale imitation of some other country. We should offer to the world the best, the most distinctive, of New Zealand's thinking, culture, products, services and spirit. Because, in our work we are creative, energetic, entrepreneurial and innovative; and in our international relationships we're responsible and appreciated global citizens. And in this inter-dependent

world, where economic, political and environmental issues are drawing us ever closer, our opportunities and responsibilities have never been greater.

Which brings me to the Treaty itself. On that stormy Saturday afternoon four years ago on the Ōrākei Marae, I took a huge leap in understanding the power and genius of the Treaty. I saw that then and now, it was about full equality, mutual respect, sharing of powers and sharing of society. All those are very, very hard things for humans to do. And we have often failed abysmally in the 168 years since our forebears signed the Treaty here on this day.

But we keep trying. We have tried harder in recent decades. And we are the better for doing so. But we must try even harder still. Because if we learn to live well together by such values, we will indeed show the world a better way to live, better ways to deal with our incredibly complicated challenges of having so many people – 6.5 billion heading to 10 billion – depending for life on one fragile planet.

What, then, is the role of economics and business in all this? They are central in many ways. If we use our resources well to help meet the needs of others, we can better meet our own needs. It's about relationships, mutual benefit and the growing of something bigger than the sum of the parts. In contrast, self-sufficiency is an inward-looking, isolating, poorer approach to life. That's true for all of us New Zealanders in a global context. We can earn a bigger, more sustainable living if we engage with the world economy. But it is just as true for many communities within New Zealand.

But engaging with the world, or engaging with fellas down the road or over the hill, takes skill, confidence, openness and mutual understanding. As a nation, we've a long way to go on our global engagement. Barely 30% of our economic activity comes from exports or investment overseas. Worse, that proportion has barely budged despite all the hard work and trauma of economic reforms. In fact, the New Zealand Institute's research shows that we are relatively less engaged with the world economy than we were fifteen years ago. That's because our share of world trade and investment has fallen.

We're slowly turning that around by pioneering new business models and skills that enable small, highly entrepreneurial companies to reach out to the world. In doing so, we are showing how small companies, small countries can benefit from this growing inter-dependence of the world. And the issues are just as challenging for our largest business, Fonterra. Like any good iwi worrying about how their rūnanga works, how their assets are being deployed, how they can keep control of their destiny for the sake of future generations, the farmer-shareholders in the co-op are intensely examining and debating proposals for a new structure that would open up their business to outside capital and influence. They are considering this monumental change because they want to maximise their opportunities in the world.

The same themes are at work across Māoridom too, of course, as you respond to new opportunities. Take, for example, Tūaropaki which is the result of a 1952 amalgamation of lands owned by members of the seven Mōkai hapū with tribal affiliation to Ngāti Tūwharetoa and Ngāti Raukawa. In 1979 administration of the land was vested in owner trustees to administer the Tūaropaki lands to best advantage of the beneficial owners. The trust's mission is to:

- Be at one with our customary land and taonga.
- Provide sustainable wealth and benefits to the owners and their whānau.
- Support community initiatives.
- Meet the challenges of the global and local markets by exceeding stakeholder and customer expectation.

And in pursuit of that, it has diversified from running stock on their land north of Taupō to building a geothermal plant (reaching out to Israel and other places around the world for the technology) and a large glass house complex for horticulture, again establishing international relationships. I greatly enjoyed a visit to those impressive developments a few years ago.

And indeed there are plenty of other examples of Māori building on their asset base in fields such as tourism, telecommunications, retirement villages and private hospitals, wine companies and renewable energy. For you and any other people in New Zealand such bold initiatives depend on some bed-rock values of big but realistic ambition, strong relationships with diverse parties, transparency and excellent corporate governance. On those issues, Māori and Pākehā alike have more in common – in both success and failures – than they might sometimes acknowledge. We have useful insight and experience to share from our differing perspectives. But we aren't exploring those anyway deeply enough.

To help us make that journey of discovery together, I'd like to propose three values to help us: Understanding, commonality and leadership.

Understanding: In January of last year, my very English youngest sister, Emma, married Adnan, a very Pakistani young man. Their wedding, in a very English village, brought together two families, two cultures, two religions. The bride, a convert to Islam, only met her parents-in-law-to-be for the first time the night before the wedding. So there were plenty of fears, uncertainties, tensions, high hopes and other emotions to bridge. As the oldest male of the Oram whānau, it was my duty at the wedding itself to welcome the families and friends who had come from many corners of the world. I did so in three languages: English, Urdu and Māori.

And this is what I said about us Kiwis:

New Zealand society is a fascinating, uplifting place. One that offers some hope, some encouragement in these global challenges of reconciliation and mutual progress. We were the only country where a colonial power signed a treaty of respect and recognition with indigenous people in their own land. So February 6th, 1840, the day Māori chiefs and Governor Hobson, on behalf of Queen Victoria, signed the Treaty of Waitangi, was a very important day for us.

That's not to say the last 167 years have been a piece of cake. It is only in recent decades that a Māori renaissance has helped us appreciate how much we almost lost in terms of culture, knowledge and society. It is a constant delight to see how much of Māori culture we Europeans have assimilated in New Zealand. Great learnings passed down through the likes of powerful proverbs.

Knowing I would be speaking tonight, I asked my old and wise friend back home in New Zealand, Henare Te Ua, if he could suggest a Māori proverb that encapsulated these themes of families, cultures the sharing of knowledge of coming together for a great purpose. This is what he offered:

Mā te mātauranga me te ora o tōku rourou, me te mātauranga me te ora o tōu rourou, ka ora ngā iwi. By sharing my basket of wellbeing, cultural knowledge and learning with your basket of well-being, cultural knowledge and learning we will gain understanding of each other.

Commonality: We need commonality of purpose across all cultures and communities. This does not mean some grand, national strategy. Rather that we acknowledge each other's aspirations, yet find common ground on which we can build together a new New Zealand. This doesn't come easy to some people. They see others' gains as their loss. Moreover, our cultures serve us poorly when we try to resolve conflict within and between communities. Business and politics are particularly prone to letting unresolved tensions build within organisations until they wreak havoc on the people and institutions.

Leadership: We need a new kind of leadership. Historically, New Zealanders have tended to respond best to dominant individuals. But two dangers arise: of us being led astray; and of our lack of commitment to their grand plans. Better would be leadership that springs naturally from within each iwi, group, business, industry, family, whānau, community, hapū or culture. These people, passionate about New Zealand and what it can achieve – what it has to achieve – would inspire and encourage the people around them, helping them find ways

to maximise their own, and thus the nation's potential. When we weave those dreams into a rich tapestry boldly defining New Zealand and then make those dreams real, we will offer ourselves and the world a better way to live.

We're all in this together.

So today, Waitangi Day is absolutely the right day for us to consider our collective ambition for this great country of ours.

We've been at it a while. Allen Curnow (2013), in his poem in *Landfall Unknown Seas*, celebrated the heroic aspirations of my Pākehā forbears on the occasion of the 300th anniversary of Tasman's sighting of Aotearoa.

Simply by sailing in a new direction
You could enlarge the world.

But, of course, you fellas were way ahead of us. Your ancestors had been even more heroic in crossing the Pacific hundreds of years before, enlarging their world. We share that heroism and adventure. But we also share the same challenge. In the real, physical sense there are no more unknown lands and seas for us to discover.

So, as Curnow wrote, the challenge to us today is even greater:

Who reach a future down for us from the high shelf
Of spiritual daring?
Indeed, who amongst us will?

My wife Lynn, our daughter Celeste, and her friends Arena and Steph, now honour you with a waiata. Who amongst us will take as their guide the true spirit of Te Tiriti - te Piriti, the bridge of our nation, standing strong on its precious pillars against the global storms of change?

Te Piriti - the Bridge
My concern - truly, truly
is for the pillars of the bridge.
pounded, beaten, a hundred times by the strong tides there rising and falling, oh.
The tears in my eyes are like the waves,
welling up, and spilling over here,
while outside, (the waves are also) breaking.

Reflections on the Waitangi speech

On Waitangi Day 2008, when I was accorded the great privilege of speaking on the Te Tī Marae, I said we were all in this together. "Only strong Treaty relations can maximise the potential of Māori, Pākehā and all New Zealanders which in turn means we can build the strongest economy and the most beneficial engagement with the world. We're all in this together."

Over the seven years since, we've made valuable progress in many areas, particularly in Treaty relations; we have struggled in others, particularly economic and environmental; and we have faced some bigger challenges in some areas, particularly in our relationship with the rest of the world.

As a business journalist, I'm most concerned of all about the state of the economy. Unless we can develop it in ways that ensure we can lift more people out of poverty, particularly our children, and do so in valuable, sustainable ways, then we will fail to make the most of our potential as a nation. This will be our second year of good economic growth. But Treasury forecasts growth will ease back over the next four years to 2.2 per cent, close to our long-term average.

So our two defining challenges are: making the most of the good times to accelerate our economic transformation; and weathering difficult international economic conditions. We have the confidence and momentum to achieve both. But doing so will require us to be much more strategic and a lot less opportunistic.

The export outlook is a worry. The government's goals are to double exports by 2025 and to lift them to 40 per cent of Gross Domestic Product (GDP) from 30 per cent. To achieve those goals exports would need to grow by between 5.5 and 7.5 per cent a year. But Treasury forecasts they will manage barely 2 per cent growth over the next four years. Given the strength of the domestic economy, exports have fallen to 27 per cent of GDP. The Government says its business growth agenda offers all the ingredients business needs to grow exports – better capital markets, more natural resources, more skills training, better access to export markets, more research and development funding to spur innovation, and more infrastructure.

The plethora of BGA programmes can claim some credit for increasing the volume of economic activity. But there is scant evidence they are increasing the value of output. Doing so would take strong strategy. But economic development minister Steven Joyce says he's happy with only an agenda. He says he doesn't trust governments to develop and deliver bold strategies. That's unduly dismissive of good government-business partnerships. They can deliver excellent growth strategies, particularly for small countries that have to focus their limited capital and resources.

This was the conclusion of "a goal is not a strategy," the New Zealand Institute's research paper in 2010. Ireland, Finland, Singapore, Denmark, South Korea and Japan have all planned and executed long periods of growth during which they turned themselves into high value, sophisticated countries.

There are some business leaders with ambitious strategies but nowhere near enough of them. Two of my favourite examples are Xero, the online accounting company, which is showing how a small, highly innovative and entrepreneurial company can build a thriving global business; and Miraka, the Māori dairy company which is adding value to its products through the likes of its Vietnamese partner. But our continuing dependence on commodity primary exports means we are flogging our land and water ever harder to grow the volume, but not the value, of what we do.

There are some signs of hope. For example, the government's new freshwater regulatory regime, while highly imperfect, is a starting point for people to work together in catchments to improve water quality. It is heartening to see many farmers starting to acknowledge that they must farm with the biological limits of their water and land rather than continue to degrade them.

We are, though, in deepening trouble on climate issues because our government talks big, promises little and does nothing.

We have the fifth highest greenhouse gas emissions per capita in the OECD. Our climate policies rank 42nd in the 2014 Climate Change Performance Index compiled by European researchers (Burck, Marten, and Bals, 2013). We were just ahead of the United States, with a score not much better than those of Canada and Australia at the bottom.

Similarly, the World Bank rates our Emissions Trading Scheme (ETS) as the least effective of twenty six in the world. The Chinese schemes, which in aggregate are the second largest after the European Union, deliver a carbon price between five and eleven times greater than ours. Its report is available at <http://www.worldbank.org/en/news/feature/2014/05/28/state-trends-report-tracks-global-growth-carbon-pricing>. Our ETS was supposed to encourage us to lock on to the global transformation to a low carbon economy. But the government doesn't believe in that so it has wrecked the ETS. The scheme sends a price signal of barely \$1 a tonne of carbon, thanks to give-aways, exemptions and rorts. It is causing deforestation rather than tree planting, and more fossil fuel investment not less. The government still says its long-term target is to cut emissions to 50 per cent of 1990 levels by 2050. But our emissions have risen by 25 per cent since 1990.

Our net greenhouse gas emissions will reach almost 100 million tonnes of CO₂ equivalent in 2040. This is more than double the target level of just over 40 m tonnes, according to the Ministry for the Environment recent Briefing to Incoming Ministers. As a result, we'll have to pay multi-billion dollar penalties after 2020, under the Kyoto Protocol, the existing climate change treaty. Meanwhile, many other countries are playing real not rhetorical roles. The European Union has pledged its members will cut their emissions by 30% by 2030.

But again there is hope within this. For example, in August 2014, the Crown signed a deed of settlement with Whanganui River iwi, which gave the river itself a legal identity, with legal standing, rights and an independent voice. This gives expression to Māori beliefs that the river is a living entity from source to sea, with their health inextricably linked with its. While such legal concepts and cultural beliefs might be challenging to many people, they are part of a worldwide search for better ways for us to understand, live and work with the ecosystem on which our physical, economic and spiritual well-being depend. There are also some remarkable ecological collaborations around the country such as the Uawanui Project, a partnership between the community of Uawa/Tolaga Bay and the Allan Wilson Centre at Massey University.

One of seven Centres of Research Excellence in the country, its focus is molecular ecology and evolution. Its mission is "securing the future of New Zealand's biodiversity and improving human and environmental health." Uawanui is a community-driven, science-backed programme for ecological, economic and social restoration in the community. It has deep history too. Some of the seeds for replantings have come from the Royal Botanic Gardens at Kew in London. They were from plants descended from the ones Cook's botanist, Joseph Banks, had brought back from Tolaga Bay almost 250 years before.

One of our biggest challenges, though, is cultural. In the 2013 census 74 per cent of respondents said they were European, 15 per cent Māori, 12 per cent Asian, 7 per cent Pasifika and 1 per cent other ethnicities – some people identify with more than one, so this totals 109 per cent. Already, one in five people in Auckland are Asian Kiwis. Moreover, the latest census recorded people of 213 ethnicities living in the city. In coming years we will be more Asian as a nation, which is the fastest growing part of our population and even more diverse in cultural and religious terms.

By 2040, we will still be a miniscule population, perhaps 5 million, in a massive world of some 9 billion people. So, our biggest challenge will be to keep evolving as Kiwis, so we can respond beneficially to these great global influences yet retain the very best of our distinctive culture and character, with Māoridom at the heart of it.

When we look for guidance on how we can achieve such a future, we can take great heart from events 200 years ago at Oihi Bay in the Bay of Islands. They tell of two peoples, two cultures, two spiritual traditions, coming together and sharing their knowledge with deep respect. Some things they got horribly wrong. Many things they got wonderfully right. On Christmas Day, 1814, Marsden preached the Gospel at Oihi. It was the first Christian service in New Zealand, with Ruatara, a Ngāpuhi leader, translating for some 400 people gathered at the foot of the pa by the beach. With Ruatara and Hongi Hika's encouragement, the missionaries established homes in the small cove. Even with this support the settlers struggled badly for many years, even after they moved to Kerikeri and then inland.

Still, Oihi is notable for being the first Pākehā settlement in the nation, the place where the first Pākehā children were born, the first school was established, relations between Māori and Pākehā began to deepen, and settlers introduced them to trade with Australia and forms of agriculture which are some of our economic mainstays today. Three times in the past six months I've driven, in the company of others, out from Kerikeri to Rangihoua Heritage Park. From there we've looked down to the tiny cove at Oihi and thought of what was, is, and is yet to come for our nation in the coming twenty five years that will take us to the bicentenary of the Treaty of Waitangi on February 6th, 2040.

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Photo: Oliver Rosser

Rod has been an international business journalist for forty years. After growing up in England and then studying in the United States, Rod began his journalism career in Canada. He has worked in North America, Europe and Asia for leading business newspapers such as the *Financial Times* of London where he was a writer and editor for eighteen years.

Rod and his family immigrated to New Zealand in 1997. He was editor of the Business Herald section of the *New Zealand Herald* from 1997 to 2000. Since then Rod has developed a wide range of journalism interests. His regular commitments today are as a columnist for the *Sunday Star-Times*, a radio broadcaster and public speaker. In 2007, Penguin published his book *Reinventing Paradise: How New Zealand is starting to earn a bigger, sustainable living in the world economy*.

A sincere form of love – stories that need to be told

Ruth Gerzon

He hōnore, he kororia ki te atua
He maungārongo ki te whenua
He whakaaro pai ki ngā tāngata katoa
Āmine

Speaking here today is a privilege, and I thank you for this opportunity.

Not only am I provided with a chance to speak, but this is a significant forum. All wharenuī resonate with the voices of those who have gone before, and this marae is synonymous with a history of struggle and dissent.

As I see it, with Pākehā privilege comes responsibility, and some of my journey and my stories are about learning how to try to live honourably, actively supporting tino rangatiratanga. I don't always get it right. I leave infallibility to Popes, and just keep trying.

My parents immigrated to Aotearoa after the Second World War. My father was Dutch Jewish, and met my English mother in London during the war. I am tangata Tiriti. I identify with this country, but I don't want to live here at the expense of others pain and dispossession. I will comfortably live here only when there is justice for us all.

My background is not in academia or law. I am a grassroots community worker in the Mātaatua rohe, in the Eastern Bay where almost half the population are Māori. I am also an adult educator, interested in the power of stories, of interlocking and sometimes opposing truths, and how the stories we weave help us explore issues of social justice.

There is no one truth, but there are facts. One such fact is that Te Tiriti was signed here on 6 February 1840. 168 years ago people, Māori and Pākehā, stood here debating, and then signing a document that has a pivotal role in the past, the present and future of all New Zealanders: the reason we are here today.

This solemn compact charts a way for us to live together honourably but is still largely ignored by people in positions of power. As a grassroots community worker I know the vibrant Māori cultural renaissance masks continued underlying poverty and distress caused by greed, capitalism and globalisation.

How will justice come about? Do the powerful ever willingly give up power? Sometimes our task seems daunting, especially during a year like we have just experienced. Yet at my most pessimistic I think of the words spoken by the anthropologist, Margaret Mead:

Never doubt that a small group of thoughtful committed citizens can change the world; indeed, it's the only thing that ever does.

But how can we grow the number of thoughtful, committed citizens needed to make the changes we desire? There are plenty of tangata whenua pushing for change, but we need more tauīwi willing to share power.

My own journey began with storytelling. In 1982, sixteen years after I left school I started to learn the history of our country. That indefatigable Pākehā Mitzi Nairn, who then worked for the NCC, came to our small town to give a workshop on the Treaty.

Canadian novelist of Cherokee and Greek descent, Thomas King (2003), in his clear eyed book on colonisation says:

Don't say in years to come that you would have lived your life differently if only you had heard this story. You have heard it now. Do with it what you will.

From 1982 to mid-1990's, as a result of Mitzi's storytelling, Pākehā worked alongside Māori in an organisation we called the Whakatane Association for Racial Understanding (WARU). Understanding is sorely needed in our town where ignorance abounds and Māori and Pākehā mostly meet on the sports fields. We worked tirelessly, holding workshops to increase our learning and that of others, raising issues of town planning, supporting Black Power on an issue of justice, producing a booklet on the history and pronunciation of place names, challenging council and government. How effective was all this frenetic endeavour? The jury is still out.

Ten years later, a year ago today I sat in my comfortable home with a Pākehā friend, Kate Abel, drinking coffee, feeling relaxed and yet uneasy. Both of us talk about justice, the responsibility that comes with privilege, aware that we live on stolen land. And on Waitangi Day we were in pursuit of pleasure, deciding whether to read, walk or swim at Ōhope Beach.

What could we do, in our corner of the country to mark this day, as Pākehā trying to live responsible lives? We had recently met some local people, sharing outrage at the building of large multi storey flats for the rich, at the mouth of the river, beside the landing place of the Mātaatua canoe. I had protested at the council hearing about this development. We picked up the phone, made connections and began a new journey, weaving new stories. Sadly, as usually happens when we delve into the past, and re-examine the present we learn more about injustice and dispossession.

Clark Jaram, Poihaere Morris, Mereana Heta, Henry Hudson, and Bonnie Savage, all tangata whenua, worked with us to set up a new organisation Coalition for Community and the Environment to tackle the issues. Efficient and busy Pākehā, Kate and I ensured we had agendas and minutes, meeting timeframes to enable us to quickly get home to our countless other family commitments. But in this endeavour we were stymied by the storytelling. Every time, just as we were leaving, Clark would begin another story of the complex and fascinating history of the area. Inevitably we stayed and learnt more. These stories give us the passion and energy needed for sustained action. In 2007 my life was immeasurably enriched by Clark's storytelling and the new relationships built through our Coalition.

Our town is shaped by our landscape: the Whakatane River, the cliffs, the Rock, the waterfall, and most of all, the Heads, the landing place of the Mātaatua waka. For over a thousand years people lived in harmony with this landscape. The stories we heard spelt out how not only the landscape but a whole community can be destroyed by council action and inaction. As well as high rise development there is dioxin pollution at the Mātaatua Reserve, the taking over of the river by some boaties who endanger and push out children and other swimmers, the rising rates that mean that kaumātua may soon no longer be able to live near their marae. These are stories that are played out in many coastal communities around the country.

In our town, as in others, certain groups of people have power. Developers are welcomed and rarely face restrictions. A small number of boat owners have more power than a hundred swimmers and their families. Communities need to stand together to ensure that the greater good prevails and the less powerful have a voice. Together we made links with people who had been part of this struggle for decades, some for generations: Ngāti Hokopū, Joe Harawira of Sawmill Workers Against Poisons, Forest and Bird, Ngāti Awa. We learnt about the struggles of others, such as the people of Mahia, watching the DVD *The Last Resort*.

Our vision is one of healthy local communities and a healthy environment for present and future generations. Our mission statement says: Aroha ki te whenua, aroha ki te tangata - caring for the environment, regard for all people. Our role is to actively advocate for inclusive decision making based on human rights and Te Tiriti. We have held public meetings, given submissions, and continue to explore options to ensure people's voices are heard. Our coalition is growing in strength and numbers. But while we devise tactics to reach the ears of the powerful locally, we are also drawn inevitably into national debates. The first one concerns our knowledge of

history, of Te Tiriti and the Treaty.

Thomas King (2003) reminds us that stories are wondrous things, but they are dangerous too. Stories can heal, stories can divide. Around the Tiriti there are many truths, many stories, and many silences. For much of the 20th century, among Pākehā, silence reigned supreme. The history I was taught in a private Auckland school in the fifties was of England. What a huge change there has been since then. In 1984 Donna Awatere's paper on *Māori sovereignty* was published by the feminist magazine, *Broadsheet*. Then the term was largely unknown, the concept voiced only on marae. Now it is openly debated, and frequently mentioned in newspaper editorials. But are we any nearer to achieving it?

Certainly our collective understanding of history is way ahead of those dark days of my mid-century schooling. I tautoko those historians, Māori and Pākehā alike, who have delved into the past and brought new stories to light.

I have been a Treaty educator, co-facilitating with Māori for nearly twenty years, enough time to see trends and patterns emerging. Throughout I have noticed a strong sense of fair play is part of our Pākehā culture. This might seem at odds with the way the government has, and still is treating Māori. Yet at Treaty workshops I have consistently found that once people know the history, they feel the injustice and understand Māori resistance. The most unlikely people say to me, "If I were Māori I wouldn't be so patient." Just as happened in my life, I have seen a two day workshop start some people on the journey, not just to understand but also to take action, to support tino rangatiratanga.

During those twenty years I have also seen a lessening of the resistance participants bring to workshops. But one thing has not changed: most adults, even recent school leavers, arrive knowing nothing of our shared past. I am reminded of the famous words of George Santayana, philosopher and poet:

Those who cannot remember the past, are condemned to repeat it.

And history is repeating itself only too often. We have recently seen the new raupatu of the Foreshore and Seabed Act and the uncanny resemblance of police behaviour at Rūātoki so resonant of the raids on Rua Kēnana and his followers.

So, in mid-2006, along with people all around the country I was gobsmacked at the Ministry of Education's proposal to take the few references to the Treaty out of our school curriculum. What an irony: of all government departments, our Ministry of Education, charged with ensuring our children can take their place as contributing members of our communities was proposing to bolster already shocking ignorance of our shared history. I am still unsure of their motive. Did they fear the power that comes with knowledge?

So 2007 began with good news: the outrage from myriad organisations and citizens all around the country ensured their proposal was ditched. Now the curriculum vision reads: young people will work to create an Aotearoa New Zealand in which Māori and Pākehā recognise each other as full Treaty partners, and in which all cultures are valued for the contributions they bring. We wait with bated breath to see how that statement affects the education of our children. We must be vigilant in monitoring how these fine words are manifested in action.

That was a small but important victory, but we have still a long way to go as was clear when our government refused to support the United Nations Declaration on the Rights of Indigenous Peoples and indeed, worked to derail it.

In a recent interview on Te Ahi Kā, that most articulate of Tūhoe spokespeople, Tāmami Kruger, said "There is no love without justice. And we are still waiting for that." It's been a long wait and this last year was one when government actions made it seem that the wait will be interminable.

Back in the Mātaatua rohe, our heads down, beavering away on local initiatives we never guessed that the police had us in their sights. One moment life is chugging along as we do our best to effect positive change. Then came the 15th October. You will all have seen the images of masked men with guns. You will have heard how, that morning, people were ordered from their homes with loud hailers before dawn, made to lie on the road, others made to hold up numbers while they were photographed. With a Jewish father, some of my passion for justice comes from knowing that family died in the Holocaust, numbers tattooed on their arms.

Well, let me tell you how this story played out in our middle class Pākehā home. I was not home that morning so this comes from my husband and my daughter. Two friendly men in blue, no masks, no loud hailers, knocked politely on our door. Assuming they were there about recent burglaries in our district, my husband offered them a cup of tea. While he put the kettle on, another seven police followed the initial two, rousing his curiosity. But they remained professional and courteous, talked to our daughter and insisted that she accompanies them to the police station. They did not visit our neighbours; they did not stop cars coming past our farm, nor photograph their occupants. They did return with search warrants, took our computers, but returned them two days later. Tūhoe are still waiting for theirs.

So that is how I was catapulted into the role of ‘mother of an alleged terrorist’. No warning, no job description, no training and no mentor. And not just me, but up and down the country people were labelled as ‘terrorists’ or families of terrorists. New stories began that day that are still being played out. Police stories, stories of resistance. Stories can kill, stories can bring life, and what will these stories do?

Back in the days of the Springbok tour we had our networks, our instructions, our roles. As with the Foreshore and Seabed raupatu there was time to organise a response. But October 15th came out of the blue. The raids were horrifying, terrifying for Tūhoe who bore the brunt, but the response from around the country was heartening. Strong networks of people working for justice in Aotearoa, of lawyers and academics, of organisers and activists sprang into action. New technology may enable high levels of surveillance but email and websites also benefit activists, especially those of us living in small towns.

Now my career as an activist is long but not especially meritorious. I can’t even claim to have been arrested. Half a dozen years ago I said, to Tama Iti, that reaching fifty without being arrested was a bit like being a virgin too long. In the ’70’s, although some Pākehā women were arrested, the reality is that we were less at risk than Māori. Protesting with Tame and his ilk we were immune from the cops who were attracted to him like bees to a honey pot. I never thought my daughter would be immune. Her courage and sense of righteousness would not allow her to avoid arrest. With two other women she travelled the world to video environmental issues; she protested the G8 in Edinburgh. Yet I never dreamt that she would be arrested on terrorism charges in her own country.

She was home at the time. She had recently fractured both arms in a street theatre stilt walking accident. She had come home because she couldn’t feed or dress herself; much less lob a Molotov cocktail. I believe that all experiences, good and bad, bring not only stories but also lessons, if we are open to them. She had worked in the disability field so, after her accident, I had abused my power over her ruthlessly (pardon the pun). “I would like chocolate,” she would say. “No, carrots are better for you,” I responded. “Can you open the bathroom door?” she asked. “Just wait ten minutes. I’m busy right now.” Brief lessons in disempowerment.

Little did I know that the police were about to do that job for me. Two nights in a police cell and two weeks in prison and sudden media attention, probably taught her more than she would learn in a year at university. A fortnight later my role as ‘mother of an alleged terrorist’ was taken from me as quickly and capriciously as it had been bestowed. Now she is merely up on gun charges.

As a jeweller, my daughter had been making beautiful kowhai flowers from shell casings, delighting in turning metal made with destruction in mind into something beautiful. Those casing were taken by the police as evidence. Her work in the disability field came to an abrupt halt, but she enjoys being ‘pit girl’ at the local

dump. The rest of this story is still to be played out.

I return now to the importance of stories. These days a key medium for recording stories is through film. After the raids I invested in a video camera. I believe this should be the weapon of choice for today's activists and I rejoice to see readily available cell phones with video functions. If the police knock on your door, greet them with a camera in hand. Let's be eternally vigilant, keeping the powerful under surveillance. More than ever in 2008 and beyond we need to be story tellers, weaving powerful stories that inform, arouse passions, energise. Stories that ensure that each year we gain more thoughtful citizens, committed to justice in Aotearoa. In the bone people Keri Hulme (1985) wrote:

They were nothing more than people, by themselves.
Even paired, any pairing they would have been nothing more than people by themselves. But all together, they have become the heart and muscles and mind of something perilous and new, something strange and growing and great. Together, all together they are the instruments of change.

I pray that the long wait for justice will be one day over, if not in our lifetime, in that of our tamariki.

Reflections the Waitangi speech

Over thirty years ago, along with many others, I began a journey to understand the significance of Te Tiriti, of our history, and issues of power in our communities. Here, in the Eastern Bay of Plenty with its small rural towns, and almost 50% Māori population, the consequences of colonisation and institutional racism were stark. The political power and financial clout were firmly held by Pākehā, mainstream organisations and government agencies. Under their watch, Māori disadvantage was measurable, showing clearly in the statistics of poverty, in the poor outcomes in the education and health systems and in the numbers entering the justice system.

Pākehā and Māori worked for change together in an organisation we called the WARU. Through our efforts to influence change in our town, we built long term relationships with tangata whenua. The path was far from smooth. Often one step forward would be followed by new evidence of just how far we still had to go.

In 2007, when I wrote the above paper, my family and friends were still reeling from the impact of the Tūhoe 'terrorist' raids. Those were dark times. We had not realised the level of surveillance, what was happening below the surface. Others have documented this part of our history. For some years we watched our daughter's life get caught up in the after effects of the raids, the court cases and political impact. Eventually all her charges were dropped. Finally, in August 2014, the Police Commissioner apologised to Tūhoe for the raids, the fear they engendered, and the impact of the media stigmatisation of Tūhoe as terrorists.

Later that same month the Crown delivered its long-awaited apology to Tūhoe for 'historic misdeeds' including land confiscations, indiscriminate killings and scorched-earth warfare. The Treaty Negotiations Minister said:

The Crown apologises for its unjust and excessive behaviour and the burden carried by generations of Tūhoe who suffer greatly and carry the pain of their ancestors.

Kate Abel, a close friend and fellow Treaty activist, and I were there the day that heartfelt apology was delivered. It was the most moving and positive day in the three decades we had worked for change. And alongside us were two Waimana farmers, descendants of the settlers, also seeking to share and understand the significance of this moment for the whole community. Thirty years ago we could not have envisaged that this would happen in our lifetime.

A long timeframe also shows how the consequences of colonisation linger for generations, and are still reflected in our social statistics. Yet we have also seen positive changes in relationships in the Eastern Bay. Māori

enterprise and ideas have brought new economic growth in our rural area. Pākehā in positions of power are beginning to sit up and take notice. A large Ngāti Awa tertiary institute, Te Whare Wānanga o Awanuiārangi is now based in Whakatane. 2014 saw the opening of the 'living building', Te Uru Taumata, in Tāneatua. This is a meeting place for the iwi and the centre of governance in the post-settlement era. Whakatōhea are working closely with the Opotiki District Council to develop mussel farming. Training initiatives will ensure local people benefit from the projected 350 jobs.

Local political power is slower to change. In last year's elections, several Māori stood for the Whakatane District Council, a district with a 40% Māori population. Not one was elected. Our voting system fails to ensure Māori can take their rightful place where decisions are made. However we see more Councillors are willing to genuinely consult iwi.

In my work there has also been some progress. Alongside Māori I have co-facilitated Treaty workshops for government and non-government organisations for twenty five years. We have seen participants become markedly less resistant and more open to learn. Sadly many still leave school with little knowledge of our history. In the disability and health sector, I rejoiced in the growth in Māori health services through the 1990s. These have made a real difference in the Eastern Bay. The hospital and mainstream health services now act to meet cultural needs but, in the disability sector, mainstream services have a long way to go.

However the fundamental inequalities in health, education and justice remain. The Tūhoe settlement allows for the iwi to gradually take control of some government functions. We can only hope that the long term vision of Tūhoe and other iwi, with their fifty year plans for building a new future, can turn things around.

Much work still needs to be done to mitigate the effects of colonisation. I rejoice to see a growing number of energetic younger people willing to work for justice for all in Aotearoa. I wish them all the best.

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Photo: John Mayrick

Ruth Gerzon (M.Phil, Dip Tchg) has lived in the rural Eastern Bay of Plenty for thirty five years. Her work has mainly been in the disability sector, facilitating inclusion and access to rights through her roles as a social worker, trainer, advocate, facilitator, manager and project manager. She supported people with a learning disability to set up their independent self-advocacy organisation, People First, and was involved in community development initiatives in the Like Minds, Like Mine movement to reduce the stigma around mental illness.

Ruth has also been involved in health promotion and community building in the Eastern Bay, and recording stories through DVD and in books. All her work and voluntary community initiatives are underpinned by her exploration of the implications of Te Tiriti and the role of Pākehā as allies for change.

In 2010, with Lawrence Chok, she set up Inclusion Aotearoa, supporting the implementation of the Ministry of Health's New Model for Disabled People until September 2014. Most of her writings on Te Tiriti, disability and community are on the website: www.inclusionaotearoa.co.nz.

Ruth is actively looking for further ways to contribute to positive change and welcomes dialogue with other people wanting to explore ideas. She is available for supervision for other people in the disability and community sectors.

2009

A conversation between Treaty Partners?

Dr Ingrid Huygens

Kia ora everyone.

There are people in each generation who look at their legacy and reflect – have we done everything we could in our time in history to make our world a better place for everyone? What is left undone? What is there still to do for future generations?

So, halfway through my life as a New Zealand-born child of Dutch immigrants, I am taking this opportunity to ponder on how we are doing as Pākehā, the Treaty partner named in the preamble to the Treaty on behalf of ‘those who would come later’ – on behalf of all immigrants. What do I think of how Pākehā have done?

To answer this question for myself, I did a PhD (Huygens, 2007). I’m a community psychologist, so I looked at how the history of Pākehā/Māori relations might be seen as a ‘conversation’ between two communities of people. I asked - how have Pākehā conducted ourselves in that conversation? What do our responses look like, in relation to our widely held Pākehā values of decency and fairness?

What I found can be illustrated by some examples from New Zealand history:

A ‘conversation’ between Treaty partners

Initially, in the early 1800s, Pākehā engaged respectfully with Māori (albeit with the settlers determined to disrupt the sovereignty of a numerically dominant indigenous population). The relationship was not yet colonial, but rather one between two parties considering each other as political equals, as sovereign nations. The British acceptance of the Declaration of Independence and of the flag of the Confederated Tribes demonstrates this. And the Treaty that followed was, again from the preamble, intended for Māori and Pākehā to live here together, in a peaceful way.

However, as we now know, the Treaty signing was taken by the British as a cession of sovereignty - even though, as we now also know, the text that Captain Hobson signed that day was a Māori text, Te Tiriti o Waitangi, in which no sovereignty was ceded. It can be useful when considering how settlers and Māori proceeded after 1840, to imagine the English and Māori texts of the Treaty of Waitangi as expressing, respectively, a colonial view and an indigenous view of the intended relationship between the parties.

So, what has been the communication from Māori in this conversation between Treaty partners?

Within a few short years of being the first to sign the Treaty, Hone Heke had cut down the flagpole he had gifted to the Governor, considering that the Māori flag should fly side by side with the Union Jack – that is what te Tiriti, the text he had signed, implied to him. Since that first symbolic communication, Māori challenge, protest and argument about the dishonouring of the Treaty of Waitangi has been continuous.

The injustices of colonisation, the settler’s control of land, economy and institutions have been topics of heated discussion on marae since then and continues today. These sentiments have been communicated to Pākehā through armed resistance, unarmed resistance, court cases, petitions and submissions, land occupations and media statements. There is no doubt that Māori have communicated their views of the injustices of colonisation over the past 165 years.

And how have we replied? This is the question today. How have we conducted ourselves in the ‘conversation’ with Māori?

In 1860, when land sales dried up, our engagement with Māori shifted to one of hostility. With the British army retired from the field from 1865, and population levels becoming even, Pākehā could, and did, use the methods of majoritarian democracy and legislation to assert their view of a ‘civilised’ society. There are, as we now know from the historical research of the Waitangi Tribunal, many examples of colonial brutality. But you could also see the Pākehā position during the century from 1860 to the 1970s as one of brutal indifference towards our Treaty partners. To illustrate this colonial indifference, let me remind you of some samples of the communication between Māori and Pākehā in that century.

In the early 1850s, in a move considered by some scholars to be the primary breach of te Tiriti, the British unilaterally established a “responsible settler government” through the New Zealand Constitution Act, 1852 (McLintock, 1958). Māori were not explicitly excluded but there was no provision for Māori political and territorial authority, which left most Māori disqualified from participation. The settlers took for granted their right to land for their profit and agricultural systems, and their right to assimilate the native population into the settler’s way of life, language and institutions. The settlers consistently perceived the negative effects of such aggressive colonisation as confirmation of the ‘natural’ superiority of Pākehā.

In 1858, Wiremu Kingi, as senior political leader in his area, told Governor Gore Brown he opposed the sale of Waitara by his nephew. In reply, Gore Brown ‘waived’ or declared unimportant Kingi’s right of chieftanship over his nephew. As we know, his nephew sold the land, resulting in the Taranaki land wars, and the ensuing atrocities.

In 1881, King Tawhiao of the Kingitanga and four other leaders travelled to England to petition Queen Victoria about Māori self-government, as indeed provided for in the 1852 Constitution Act, since they were excluded from voting and parliament. The delegation was snubbed and referred back to the New Zealand government. And what did our government say, five years later when they eventually replied? They dismissed as “unreasonable and absurd” the petition of Tawhiao for a Māori Council to administer Māori rights under the Treaty of Waitangi. In 1882, a Ngāpuhi deputation to England appealed to the Queen for a Royal Commission to investigate and rectify laws that contravened the Treaty, and permission to establish a Māori Parliament. Again, the deputation was snubbed and belittled locally.

It goes on, with Māori ‘speaking’ through the Kingitanga, the Kohimarama covenant about the Treaty and at Parihaka, and Pākehā ‘not listening’.

In 1894, at the time when the Māori population census was at its lowest, Hone Heke, grand-nephew of his namesake, presented his Native Rights Bill in parliament to give a Māori parliament power to govern Māori. Pākehā MPs streamed out of the debating chamber to prevent its discussion.

Coming into this century, in 1920, Wiremu Rātana began his mission of pursuing political objectives for Māori through a religious vehicle, and announced as he travelled to England: “I will shake hands with King George and lay before him the Treaty of Waitangi and I will ask him: is this the Treaty you made, what do you think of it? He will not be able to deny it” (Simpson, 1979, p. 227). When the British Crown ignored him, Rātana returned to organise a mass petition, with 30,000 signatures, to have the Treaty embodied in statute. When the first Rātana MP, Eruera Tirikātene, presented the petition to the House in 1932, he began his maiden speech with: “My policy is to stand for the rights and privileges of the whole Māori race as embodied in the Treaty of Waitangi...” (Simpson, 1979, p. 229). But, having seen the petition tabled for all to see, and having accepted the considerable constituency Rātana brought with him, the Labour government of the time delayed for thirteen years before considering it. The response, when it came, was the government instruction to hang a copy of the Treaty in every school. In fact, it was during these years, as Rātana’s submission lay unread by our Parliament, that Pākehā speechmakers at the 1940 centenary of the Treaty, spoke of the “best race relations in the world”.

I concluded in my research that the historical conversation was one of callous indifference by Pākehā towards

Māori.

So, did anything change for my generation, who were teenagers and 20 year olds in the 1970s?

In the 1970s, a new generation of Māori began to use protest methods readily broadcast by modern media, such as marches and occupations. The ‘new’ activism, which expressed what had been said on the marae (and to the settler parliaments and British monarch) for generations, was reported by the media to a Pākehā public. Examples are the accounts of Bastion Point and of Raglan Golf Course and many other local occupations. It was through these protests and occupations that the longstanding Māori critique of colonisation first became audible to the Pākehā world. Then, for the first time in colonial history, Māori voices received an organised response from some Pākehā citizens.

A scattering of antiracism groups formed in the 1960s and 70s, some churches took stands against racism and in support of Māori. Some Pākehā joined the Māori Land March in 1975, and supported the land occupations in the later 1970s. With protests by Māori now growing at Waitangi itself, and the Hikoi ki Waitangi starting up in 1983, there was by 1984, for the first time, an actual call and response about the Treaty of Waitangi between Māori and Pākehā – for the first time, a conversation between Māori and Pākehā about the Treaty.

So how did we respond, now that some of us were hearing Māori speaking?

A major hui was called at Ngāruawāhia in September 1984, by Te Rūnanga Whakawhanaunga i ngā Hāhi o Aotearoa (Māori Council of Churches) to discuss the “legal, moral, political and historical ramifications of the signing of the Treaty” (Waitangi Action Committee, 1985, p. 1). The hui was the first of a series of gatherings originally proposed as a more conservative alternative to the Great Hikoi Ki Waitangi in 1984 (Te Kawariki, 2000). In that hui, the aim was recorded of teaching Pākehā the history of the treaty from a Māori perspective, and creating bicultural New Zealanders. (Waitangi Action Committee, 1985, p. 6-7)

Later that same year, in 1984, Pākehā activists called a major gathering of the antiracism groups now numerous enough to be described as a ‘movement’, near Tauranga. Their publicity stated that: “on the Hikoi Ki Waitangi (and elsewhere) the need has been recognised for Pākehā antiracist groups and individuals to meet and discuss white racism in Aotearoa”. The agenda included: “Pākehā responsibility under the Treaty of Waitangi; Pākehā responses to kotahitanga; Waitangi 1985 and responses to the hui at Tūrangawaewae” (Antiracism & Treaty worker national gatherings, 1984- 2000). Soon after, in 1986, Pākehā groups launched a Treaty education campaign for Pākehā, funded very modestly for 5 years by the Justice Department – Project Waitangi: Pākehā Debate the Treaty. Treaty education, as a form of citizen and workplace education, went on into the 1990s and continues today as a user-pays arrangement, whereby organisations pay educators, both Pākehā and Māori.

So, looking back on our conduct in the conversation between Treaty partners, Māori have been speaking to us for almost 170 years about the Treaty we signed with them. On our part, we have used only the past thirty years to even formulate a reply, to engage in an informed conversation (and in fact, we’ve spent only the last fifteen years of that time considering the Māori text that was actually signed on Feb 6th on our behalf).

Has this recent engagement by some Pākehā in direct response to Māori communication made any difference to our general posture of callous indifference?

Overall, we can see some positive outcomes:

- Yes, The Treaty is on everyone’s lips, and although negative phrases like ‘treaty fatigue’ and ‘grievance industry’ circulate, on, these come and go, while the Treaty persists as a focus of discussion.
- Yes, it has made a public conversation possible about the Treaty between some Māori and some Pākehā, depending on the sector – the greatest uptake of Treaty education has been in the social services, health and community sectors, leading them to focus on Te Tiriti, the Māori text. Government services have been more ambivalent, with their concern for the English text. The commercial sector has had the most

limited penetration by education about the Treaty.

- Yes, it has made a relationship of trust possible between some Māori and some Pākehā groups who work towards a common goal – it might be for a community’s development, providing health care or co-stewarding a natural resource.
- Yes, many community and social service organisations have made significant changes to their institutional policies around staffing and clients.
- Yes, some NGOs have made structural and constitutional changes to their organisations.

But the pushing through of the Seabed and Foreshore Act in 2004, twenty years after the conversation about the Treaty began, has again showed the callous indifference on our part to the most reasonable and diplomatic calls by Māori for ‘a longer conversation’ and proper negotiations, supported by the Waitangi Tribunal (Waitangi Tribunal, WAI 1071, 2004). The fragility of the conversation is shown by the ease with which the government was able to persuade many Pākehā citizens that it was acceptable to confiscate a Māori right to the seabeds and foreshores of the country.

You may ask, well then, what does learning more about the Treaty actually achieve? Can it change that callous colonial indifference?

So, I’d like to finish with another outcome of my research, about the actual processes of Pākehā change.

I visited fifty experienced Treaty educators in their groups from Whangarei to Otepoti/Dunedin, and recorded their theories of how Pākehā change. Of a number of theories, I’ll highlight one that is particularly useful as we consider our conduct in the conversation between Treaty partners.

Pākehā change in stages - ignorance, awareness, learning and action.

One theory by Treaty educators was that Pākehā as a dominant group are in fact very comfortable with the present state of public affairs, which is a state of indifference to native affairs. We theorised that this comfortable state is held in place by ignorance about the events of history, and ignorance about the guarantees in both texts of the Treaty. Many Pākehā remain firmly in this state all their lives, and with the confusion, misinformation and fear about the Treaty broadcast by many media and implicated in government policy, it is quite possible to do so (e.g. ‘Māori signed away their sovereignty’, so ‘Māori only have themselves to blame’, and ‘Māori need to catch up to us more civilised Pākehā’...). We considered this state of ignorance and indifference the starting stage for Pākehā change processes.

So what prompts us beyond this stage of ignorance and indifference?

When we first hear or learn something that is at odds with our colonial worldview (which could be stories of Māori experiences, learning about the Treaty promises, or learning about the callousness of colonisation), we go through stages of response. We experience a shock to our belief system (‘I didn’t know that Māori made continual trips to the British Crown about honouring the Treaty, that they made continual appeals to the nation’s and British courts ...I thought they just kicked back and played their guitars and ate watermelons’). We called this second stage of change awareness and awakenings from colonial indifference.

This second stage of awakenings can be shocking as well as inspiring, and energising. It includes coming to realisations about some dearly held, and often unconscious beliefs: (for instance that ‘our [Pākehā] ways are not the norm for everyone?!’, we are ‘not the centre of the Universe?!’. One person realised with a shock after hearing more about Aotearoa’s history before the Treaty, that ‘Māori weren’t living here for a thousand years just waiting for Pākehā to arrive!’ So our shock, as well as our inspiration, is about understanding that there has been a different worldview existing alongside our own all this time, and that our actions appear not at all decent or fair or justifiable in that view.

At any one time, there are Pākehā entering the awareness and awakenings stage, when they first see history and life in New Zealand as not quite the glorious story of triumph of Pākehā civilisation they had always imagined.

The third stage we called learning or adapting, in which people learn more about the true history of the Māori-Pākehā relationship, about Pākehā colonial actions and their impact on Māori. This is an extremely uncomfortable stage. Every person feels some reaction when longstanding beliefs are challenged. Individuals or groups who thought of themselves as decent, fair human beings have many responses, such as anger ('why wasn't I told about this?'), denial ('it wasn't me!'), guilt and chest-beating, or blame (the government, the media, schools). These emotional reactions can lead in two directions – either getting stuck in cycles of negative emotions like denial and blame ('it wasn't me, and anyway, what can one person do about it? so it's up the government, not me') or moving on into a more positive cycle of creative response and action.

Some Pākehā get frozen in their cycles of shock, denial and anger and so on, for long periods, thereby sustaining the status quo. Staying stuck in those negative cycles, and resisting the invitation to learn more, basically continues the callous indifference. As we know, this indifference leads to further colonial abuses, like the Seabed and Foreshore Act. Remember, the response from Māori to that proposed legislation was 'We need a longer conversation.' Continuing with callous indifference spells the end of conversation with a respected partner.

Alternatively, there are Pākehā who respond by feeling empathy with Māori people past and present, and feeling inspired to take some action towards a different, more respectful relationship between us in future. So, some Pākehā use feelings of anger or guilt and responsibility to search out more learning and take active steps towards a more mutually agreeable relationship between Māori and Pākehā. When Pākehā chose this alternative, a responsive conversation between the Treaty partners is able to begin.

That brings us to the fourth stage of passion and action. By passion the educators meant caring what happened to the other party, and caring about a mutually agreeable future. The actions were typically speaking with other Pākehā, or organising more learning for a whole group. It involved taking steps towards a more mutually agreeable relationship with Māori. The educators described these steps forward as happening in any number of practical settings - in a school, a workplace, or an organisation or a community. No matter where Pākehā meet, in their families, a school board, a genealogical society, or a gardening group there was something active that could be done to take a step closer to a Treaty relationship between Māori and Pākehā. Becoming active in stepping towards the Treaty became a conversation with a respected partner.

Where to from here, so that we can engage in the ongoing conversation between political equals implied in the Māori text of Te Tiriti o Waitangi?

John Key's approach to working with the Māori Party as a 'relationship' could be a good start – it could also prove to be rhetoric (although I've always loved Mira Szazy's view on this - 'the only thing wrong with tokenism is that there isn't enough of it').

Looking at the four stages of change – ignorance, awakenings, learning & action, there is certainly evidence that many, many Pākehā are frustrated with remaining in a state of ignorance, are confused by the many debates, and want to be given an opportunity to understand the controversy around the Treaty and Māori claims. In the series of community dialogues run by the Human Rights Commission all around the country in recent years, the most consistent request at the end of these community discussions was for education about the Treaty.

So a properly-funded effort of education about the Treaty is being urgently asked for - not just a 'historical information-only' approach as adopted by the recent government. (New Zealand historians are giving us excellent scholarly explorations of the colonial and Māori intentions in signing the Treaty) - but a chance to

appreciate the implications of the relationship we signed up to. While the last government can certainly be applauded for making widely available good summaries of historical information, my research has shown that a dominant cultural group like Pākehā have strong emotional responses to their first experiences of hearing the other party's point of view. It is often shocking and uncomfortable, as well as stirring and inspiring. As with most good civic education about a current issue, citizens want to discuss the implications of what they are learning.

So to conclude, I leave you with two calls to action for Pākehā:

1. I call for well-funded non-aligned (independent) civic Treaty education available to all citizens of this country (there are small innovative programmes already trialing independent civic education and discussion, such as the Tangata Tiriti interactive educational programme, and there is an independent Treaty Resource Centre in Manukau). Funding could be offered from the commercial, not-for-profit, or government sector.
2. I call on New Zealand media, including the journalism and media training programmes to inform their journalists, sub-editors and editors much more thoroughly about the Treaty and Māori responses to colonisation, so that the public are not maintained in a state of misinformation. Again, there are innovative programmes already tackling the issue of media training, such as Kupu Taea¹².

¹²See <http://www.trc.org.nz/alternatives-anti-maori-themes-news-media>

1959/60 Protests began against racist competition , including No Māoris No Tour protest in 1972.
1960 Hunn Report gave thorough statistic in most areas. Recommended stepping up assimilation.
1960 World Council of Churches established Programme to Combat Racism locally, Young Christian Workers (Catholic), Student Christian Movement and church groups became more aware of injustice globally and locally.
Early 1960s Citizens for Racial Equality (CARE) founded with Māori and Pākehā members, focused on racism at home. In response to Hunn report, set up homework centres to support Māori school children.
1962 Māori Council formed by government to act as an advisory body on Māori policy. Regional Māori councils followed. Māori Councils developed considerable skill in monitoring parliament, scrutinising legislation and making submissions to ministers and select committees.
The 1967 Māori Affairs Amendment Act seen by Māori as the 'last land grab' by Pākehā. It triggered the Māori land rights movement in the next decade.
1967 Māori Affairs Amendment Act opened up membership of Māori land corporations to non-owners (i.e. Pākehā) and forced land owned by fewer than four people under one title into conversion from Māori to European land.
1967 Revival of Kotahitanga Movement Meeting at Otiria Marae, Kawakawa, to revive the Kotahitanga movement. Discussions included Māori self-determination, ratification of the Treaty of Waitangi and a symbolic unity under the Māori Queen.
1967 Rating Act subjected land to rates even though not producing income with Māori away in cities. Local bodies able to lease or sell Māori land to recover rates.
1968 Te Hokioi newsletter published by a radical Māori group in Wellington as a "taiaha of truth" about the role of Māori trustee in disposing of Māori resources.
1968 Māori Organisation on Human Rights (MOOHR) formed in Wellington. They opposed discrimination in housing, employment, sport and politics. Advocated recovering control of Māori reserved lands under perpetual leases to Pākehā.
1970 Young Māori Leaders Conference convened by the Māori Council at Auckland University established Ngā Tamatoa 'the young warriors'. They initiated legal aid, an employment office and a nation-wide programme for full recognition of the Māori language in education. Began protests at Waitangi to challenge Pākehā and their own elders about lost rights, e.g. to sell kaimoana under 1866 Oyster Fisheries Act. They raised the cry of "how much longer must we wait?"
1970 Halt All Racist Tours (HART) founded. Focused on racism, abroad, particularly apartheid in South Africa.
1970s Race Relations Office established
1973 Nelson Action Group published <i>Justice and Race: A monocultural system in a multicultural society</i> - examining structural racism in court decisions.
1973 Auckland Committee on Racial Discrimination (ACORD) met with Ngā Tamatoa and Polynesian Panthers to develop an educational approach.

1975 Māori Land March Te Matakite o Aotearoa welded localised grievances over land loss into a cohesive Māori land rights movement. Whina Cooper elected as president and Titewhai Harawira secretary. Led 30,000 people to Parliament under banner of “not one more acre of land” (to be alienated). Joined by some Pākehā.
1975 Treaty of Waitangi Act established the Waitangi Tribunal and Waitangi Day.
1977 Occupation of Bastion Point began by Ōrākei Action Committee to expose the dealings of past governments over the 700 acres of Māori land at Ōrākei declared “inalienable” by the Native Land Court in 1873. Supported by some Pākehā.
1977 Occupation of Raglan Golf Course taken under the Public Works/Defence Act, Eva Rickard led.
1979 Waitangi Action Committee formed to continue the protests at Waitangi.
1981 Springbok tour protests supported by Pākehā who were then challenged by Māori to address home-grown racism and their responsibility under the Treaty of Waitangi. A separation between Māori and Pākehā response to Māori, but in that heightened awareness about racism at home?” fell on listening ears.
1982 Programme on Racism established by the Conference of Churches Aotearoa New Zealand. Initially used confrontational methods, later adult education philosophy.
1984 Hiko ki Waitangi organised by Waitangi Action Committee and People Opposed to Waitangi (non- Māori) to highlight the dis-honouring of the Treaty.
1984 Anglican General Synod established a Bicultural Commission.
1984 First national gathering of Pākehā anti-racism workers held in Katikati called by Tauranga Men’s Action Collective and Women’s Reflection Action Group.
1984 Ngāruawāhi Conference called by Māori Anglican Church and the New Zealand Māori Council considered constitutional questions relating to the Treaty. Followed by conferences around the country and at Waitangi, these conferences asked that Pākehā educate themselves about the Treaty of Waitangi in preparation for dialogue in 1990.
1986 Project Waitangi - Pākehā Debate the Treaty campaign formed by Bob Scott of Programme on Racism, YWCA and trade unions. Taken up by local groups.

Reflections on Waitangi Day Speech

During 2010 & 2011, our Independent Panel of Māori and Pākehā observers listened to northern hapū explain the intentions of their rangatira for He Wakaputanga o te Rangatiratanga o Nū Tīreni (Declaration of Sovereignty) and Te Tiriti o Waitangi. In Ngāpuhi Speaks: He Wakaputanga and Te Tiriti O Waitangi - Independent Report on Ngāpuhi Nui Tonu Claim. (2012), we reported compelling evidence that hapū did not cede their mana (authority and control) to the British Crown – rather they intended to establish a mutually beneficial relationship for the prosperity of their people and the newcomers, and thus for the country as a whole.

In 2014, the Waitangi Tribunal released their report on the Ngāpuhi evidence He Whakaputanga me te Tiriti/ The Declaration and the Treaty: The Report on Stage 1 of the Te Paparahi o Te Raki Inquiry. The Tribunal's essential conclusion was that:

In February 1840 the rangatira who signed te Tiriti did not cede their sovereignty. That is, they did not cede their authority to make and enforce law over their people or their territories. Rather,

they agreed to share power and authority with the Governor. They agreed to a relationship: one in which they and Hobson were to be equal - equal while having different roles and different spheres of influence. In essence, rangatira retained their authority over their hapū and territories, while Hobson was given authority to control Pākehā.

At the release of the Tribunal's finding, commentators reassured the media that nothing needs to change - but they are wrong.

This finding by the Waitangi Tribunal changes everything. It is the first recognition by a public body charged with interpreting the Treaty that hapū did not cede their sovereignty in 1840, regardless of British intentions to acquire sovereignty. It puts the Māori world view and intentions firmly alongside the intentions of the British and later settlers, and says that both must be considered as founding intentions for our relationship. It means that in our histories, our school journals, our politicians' statements and in private conversations we can stop repeating "Māori ceded their sovereignty to Britain" or "Māori gave up their country to the British" as justification for how our society operates today. We can rewrite our cultural histories, and adjust our knowledge of each other and our agreed relationship.

We can start the conversation as Māori intended it to begin, 175 years ago.

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Photo: Wintec

Ingrid Huygens is a Pākehā of first-generation Dutch descent with a longstanding interest in social and cultural issues. Her Master's thesis researched New Zealanders' reactions to Māori, Dutch and British accents. Trained as a community psychologist, she has worked in health, feminist, mental health and community development fields, and began work as a Pākehā Treaty educator in 1989. For her PhD *Processes of Pākehā change in response to the Treaty of Waitangi* (2007) she researched how Pākehā change through learning about te Tiriti. She has written many international papers and chapters, and is a co-author of *Tangata Tiriti – Treaty People* (2006) aimed at all tauwiwi including new immigrants, understanding the Treaty. She was recently invited to co-author *Ngāpuhi Speaks* (2012) the independent report on He Wakaputanga (Declaration) and Te Tiriti for Ngāpuhi Nui Tonu's initial Waitangi Tribunal hearing. She currently travels around the country as a national coordinator for the Tangata Tiriti-Treaty People project, providing Treaty education for organisations, community and immigrant groups and young people.

Find out more about Ingrid's work at <http://www.hrc.co.nz/race-relations/te-ngira-the-nz-diversity-action-programme/participants-2013/treaty-education-for-migrants-group/>

2010

A Treaty based multi-cultural future

Robert Consedine

He mihi nui ki a koutou.

Tēnā koutou, tēnā koutou, tēnā koutou katoa.

Greetings to Ngāti Wai and Ngāti Hine, Ngāti Hou and Te Parawhau.

I feel very honoured to be here at Waitangi on yet another historic occasion.

I honour this whenua and this marae which reflects so much of the promise and the history of this conflicted relationship based on Te Tiriti o Waitangi. I feel the presence of all those tūpuna who have stood here before me and I honour them.

I remember my late colleague and mentor Irihapeti Ramsden.

I also feel the presence of my own Irish ancestors who struggled against the tyranny of colonisation in Ireland and fought in the land and sovereignty wars of Irish history. I honour them today.

I take a moment to recognise all those Māori and Pākehā who have worked hard to break down the profound institutional ignorance about our colonial history – the NCC Programme on Racism, ACORD, the Waitangi Action Committee, Project Waitangi, Network Waitangi and a myriad of groups and individuals who have inspired and challenged this country about the colonisation and racism of our colonial history. I honour them.

I am in this country Aotearoa - because of the Treaty - which gave the British and settlers the right to settle here and build a relationship of equality with Māori. It was not intended for the subjugation of Māori or to give settler governments the right to control Māori activities.

As a fourth generation New Zealander I am in this country because my ancestor Thomas Sweeney was deported to Australia as a prisoner and convict from Tipperary in 1823. He had been sentenced to hang because of his struggles for liberation.

For me this is a particularly significant moment as I celebrate twenty years as a full time Treaty educator - on the road from Kaitaia to Invercargill. I have always felt deeply honoured to be doing this work – which is never finished.

My purpose as a Treaty educator has been to enable Pākehā people to have an informed involvement in all the issues emanating from the wider Treaty debate. It is ironic in an age where well researched information on New Zealand's colonial history and the Treaty of Waitangi is accessible, that there continues to be so much misinformation, cross-cultural misunderstanding, racism and ignorance. Why is this so?

I would contend this is because most New Zealanders are forming their opinions on local and global issues based on constant misrepresentation by the corporate media. Some of the themes that emerge regularly in my Treaty workshops are what I choose to reflect on today.

They are the way in which the corporate media, despite a few exceptional journalists, destroy any constructive public debate about Treaty issues; the way Māori and crime are treated in the media; the consequences of colonisation; child poverty and the rich/poor gap in Aotearoa. The only bright area is the advent of more Māori media, particularly Māori television which reflects the dramatic changes in Aotearoa during the past thirty years.

Media – Flat Earth News

We now live in an age of what media insiders call flat earth news. In short it means if someone announced that the earth was flat the media would want another side of the story – it would not matter which version was true. Every day we are exposed, by all media, to ‘stories that appear to be true, widely accepted as true, is heresy to suggest that they are not true – even if they are riddled with falsehood, distortion and propaganda.’¹³

The great blockbuster myth of modern journalism is objectivity; the idea that a good newspaper or broadcaster simply collects and reproduces the objective truth is a classic flat earth tale widely believed and devoid of reality. The primary goal of all media now is to cut costs and increase the flow of revenue.

Recent research states that the rules for cutting costs include: running cheap stories, selecting safe facts, the need to be inoffensive to the rich and powerful, select safe ideas, giving both sides of the story – regardless of what is truth. This produces a bias against truth and understanding, it goes with the moral panic, and follows the motto: if others are printing it – print it¹⁴.

If this is our media, how can we possibly have an informed discussion about any major issue in a democracy? The corporate media has become a highly destructive force for any level of democratic participation.

Media in New Zealand

Four companies, all overseas owned, dominate the New Zealand print media. Two of those overseas owned companies are responsible for 90% of our daily newspapers. Media insiders tell us that all media in the most advanced countries now revolves around cutting costs¹⁵. There seems little evidence to suggest that New Zealand is any different.

The history of the Treaty relationship is riddled with flat earth news. The police raids in the Urewera in October 2007 are a good example. New Zealand and international media were rife with stories linking Māori and terrorism. Media-generated conflict and fear were endemic. The Crown chose to call this an anti-terrorist operation in its initial press releases; politicians and several sections of the media then continued to use this terminology – even after it became evident that the terrorist label was wrong.

Professional historian Professor Judith Binney offered a background article on the raids to the New Zealand Herald and then the Listener. Both turned it down. The only newspaper willing to publish was the Otago Daily Times in Dunedin – which happens to be the one independent newspaper in New Zealand. Perhaps it was the title that made it scary: Ignore the past at our peril.

Crime and the media

Another major example of flat earth news in New Zealand is the representation of crime and Māori. Crime sells. Linking Māori and crime in the media feeds moral panic, plays on emotion and drama – which equals higher ratings and profits.

We are all familiar with the crime statistics for Māori. There appears to be an almost universal unwillingness

¹³ The information in this section is based primarily on the book by Nick Davies; *Flat Earth News*; 2008; Vintage Books; London. Although the book is based on the British media its relevance to New Zealand is applicable given the large scale foreign ownership of the New Zealand media and the dependence of the New Zealand media on similar sources. *Guardians of Power: The Myth of the Liberal Media*; David Edwards and David Cromwell; 2008; Pluto Press; London, is another outstanding critique of the Western Media.

¹⁴ It would appear that the Christchurch Press now provides a weekly column which corrects mistakes printed in the preceding week. From 7 – 20 January 2009 there were twenty four corrections from 1626 stories.

¹⁵ Bill Rosenberg, CAFCA; <http://canterbury.cyberplace.org.nz/community/CAFCA/publications/Miscellaneous/mediaown.pdf>

to look at the real causes of crime. It is far easier to respond to the event after the fact, than to look at the more complex issues that might enter into a prevention response. The elephant in the room is colonisation, dispossession and poverty.

Research completed by Craig Coxhead (2005) discusses the way in which media has reported and continues to report on Māori in a predominantly negative manner. Combine this fact with the preoccupation of media with crime. Whilst crime may well be valid news, it is the media who then go on to define it. Historical examples of the media's negative portrayal of Māori are numerous. The operation of the media in New Zealand assists in the maintenance of Pākehā domination.

One obvious association is through race-labelling – which is the unnecessary use of racial or ethnic references where such labelling adds no newsworthiness value to the report or serves no public interest. The visual imagery of the media contributes to stereotypical beliefs that continue to damage Māori-Pākehā relations.

Research states that Māori are frequently portrayed by the media as privileged, poor managers, financially incompetent and squabbling¹⁶. Combine that with the fact that Māori are over-represented in nearly all negative social statistics, and it paints a poor picture. There is rarely any context. Colonisation and the dispossession of Māori are seldom mentioned. History is forgotten, or judged irrelevant. We should not be surprised.

The most vociferous proponents of more punishment and more jails appear to live in a narrow ethereal world which excludes any context of the history of the colonisation of Aotearoa. The original crime, never mentioned by governments or the media was the crime of colonisation, of dispossession, of a solemn agreement made by the Crown and then discarded.

The dominant media consistently portrays the wider Treaty dialogue as a Māori issue. It also is consistently, and I believe incorrectly, presented as a struggle between Māori and Pākehā. This fails to recognise the diversity of Māori and Pākehā. This excludes the thousands of Pākehā actively supportive of the Treaty relationship, self-determination, Māori development, and recognition of our past.

Consequences of colonisation

It is not hard to conclude that many major problems in New Zealand society go back to our failure to honour the Treaty and colonisation. The question is why, in our public debates, is this such a threatening statement for some to acknowledge?

In 1840 New Zealand became part of the British Empire – an empire built on slavery, the slave labour of the industrial revolution and the dispossession and subjugation of indigenous people throughout the world. It is an empire which created mass starvation in Ireland and India, concentration camps in South Africa and Kenya (Newsinger, 2006). The British Empire was also the biggest drug pusher the world has ever seen. Opium was the world's single most valuable trade commodity in the 19th century. This trade was promoted and controlled by the British Empire.

Consequently as the late Michael King sums up the present is 'a complex outcome of acculturation, military defeat, land confiscations, contradictory legislation, population displacement, racism, personality conflicts and continuing cross-cultural misunderstandings' (Archie, 2005).

The corporate media continues to ignore the impact of New Zealand's colonial history on the present.

The negative social statistics of Māori are the statistics of dispossessed peoples – and they are global. It is no accident that the 300 million indigenous people in the world belonging to 5000 indigenous groups in seventy countries 'are nearly always disadvantaged relative to their non-indigenous counterparts. Their material

¹⁶Media & Te Tiriti; 2004; Box 78 338, Tāmaki Makaurau/Auckland; See the full report at www.trc.org.nz/resources/media.htm

standard of living is lower, their risk of early disease and early death is higher, their educational opportunities are more limited, their political participation and voice more constrained and their lifestyles and livelihoods they would choose are very often out of reach' (Eversole, McNeish, Cimadamore, 2005). Whilst poverty also plays a strong part in this, it is also enough to be simply indigenous to live with these outcomes.

52% of the men in prison in New Zealand are Māori, 58% of the women in prison are Māori. It is no accident that most prisoners in New Zealand jails are also poor. In a land of plenty, their poverty in itself is a crime. Since 1987 we have doubled our jail population. Are we safer? I don't think so. Our commitment to building more jails is based on the naïve belief that we will be safer; this is a tribute to our complete lack of imagination. It also reminds me of the best definition of insanity I know – keep doing the same thing in the same way, and expect a different outcome.

The Global and Local - Rich/Poor Gap

Another significant issue facing New Zealand today is the rich/poor gap. In 2006 the UN published a first ever survey of world distribution of household wealth (Davies, 2006). This report reflects a terrifying global picture of the wealth/poverty gap. 2% of adults own half the global wealth; half the world's population lives on 1% of the world's wealth.

New Zealand is not far behind. In the last decades of the 20th century, the Child Poverty Action Group revealed New Zealand had the fastest growth in income and wealth inequality in the OECD (Davies, 2006). New Zealand is near the bottom of the rich nation's index, for infant mortality, children's health and safety, teenage pregnancy and immunisation. In 2004 there were 175,000 children living in severe hardship and being left behind. This is a damning picture.

New Zealand's widening income disparity is no accident. It is the predictable outcome of the economic upheavals of the 1980s and 1990s. Contributing factors include the deliberate strategy of reducing benefits relative to wage income. It makes no economic sense to keep people poor, and the social consequences are transparently predictable.

We are now faced with a global economic crisis created by the most educated and privileged people on the planet who cold-bloodedly used other people's money for their own gain. This was a predictable outcome of a system inflicted on the world by some of those 2% who hold the world's wealth. Their silence now is deafening. There will now be more human suffering on a huge scale.

Will the media provide commentary about the causes of this economic crisis and therefore real, humane solutions? Or will it merely rely on opinion pieces from each corner of the market and fulfil its flat earth news role by viewing the truth as irrelevant?

A hope-filled future

The gains for Māori in the last thirty years have been significant however it is worth remembering and honouring the fact that every gain has only been achieved through struggle, and with courage. The words of the slave abolitionist, Frederick Douglas remain as true as when he uttered them in the 19th century 'power cedes nothing without a demand – it never did and it never will.'

Just as the men could not envision a world where women voted, slave-owners could not envision a world without slavery, and whites, a world where blacks had civil rights, so our society struggles to envision a world where power, is successfully shared in the way anticipated in the Treaty. We have the opportunity of honouring the Treaty in our time. We are not short of vision. The Treaty is about relationships. Those who signed it envisaged Māori and Pākehā living peacefully together – sharing power and resources. That vision has not changed.

Despite the ongoing struggle, there is much to be hopeful about.

In the recent election, the Māori Party has entered into an historic relationship with the National-led government. One aspect of the agreement is to establish, by no later than early 2010, a group to consider constitutional issues, including Māori representation. The Māori Party will be a member of the group, and be consulted on membership and choice of Chairperson.

Whether we should have a written constitution, a Treaty of Waitangi Court, or a constitutional commission and a parliamentary commissioner for the Treaty as proposed by the Māori Party we need to move away from the paralysis which currently imprisons the Treaty relationship.

We can have legislation, court cases, a constitution or a special Treaty Court – all are important - and in the end every New Zealander needs to carry the Treaty relationship in their hearts. Why? The wisdom of Sister Pauline O'Regan has the answer. 'Legislation for justice is one thing, forming a spirit of justice in our hearts is quite another.' (Consedine and Consedine, 2001). This reinforces the ongoing need for the New Zealand public to continue to be discerning as to what they are reading, watching and listening to about Treaty, justice and poverty issues in the media. Māori media is an excellent source of insightful and thoughtful analysis.

Everywhere I go in Aotearoa I meet Māori and Pākehā working together in a variety of creative ways. I am constantly inspired by the level of generosity and commitment of New Zealanders which has provided the inspiration that has kept me going for the last twenty years, and continues to sustain my commitment to treaty education – whether it be the building of Treaty relationships in our organisations and institutions or the promotion of indigenous national days such as the current campaign promoting 5th November (currently Guy Fawkes day) as Parihaka day. It is these individual and communal relationships which hold society together and create the basis for political solutions. How will history regard our generation?

My own tradition as an Irish Catholic Pākehā has always sustained me. In my values the starting point is that life is hard. Joan Chittister (2005), a Benedictine nun and well-known prophetic voice throughout North America, who came to New Zealand recently, reminds us that there is no such thing as life without struggle. Life forges us in struggle if we give up in the midst of struggle we will never find out what the struggle would have given us in the end. Many of our ancestors knew this. Many in our own times know this.

There is beauty and the sacred in every life which transcends how people look, behave and respond to the world. It is especially in the prisoners, the victims, the people who fail, the marginalised, the poor, the vulnerable. I am convinced the only way to live on this planet is to put aroha - love, at the centre of our lives – to see the divine spark in every single human being and to treat them accordingly. It is the only way humanity will survive.

Reflections on the Waitangi Day speech

It felt chaotic - and exciting. A buzz of anticipation pervaded the atmosphere. There were people wandering around everywhere – talking, joking, laughing and eating. The forum speakers were to address the audience from a makeshift stage on in the marquee erected in the environs of Te Tī Marae. The keynote Māori speaker was the indefatigable seventy eight year old kaumātua Dr Te Kapunga Matemoana Koro Dews. Treaty educator, Dr Ingrid Huygens and I were the Pākehā speakers.

I decided that nothing I said in this hectic atmosphere would be heard or remembered. It didn't matter. I was speaking at Waitangi on Waitangi day. In due course we would deliver our speeches and savour every moment of the experience. The facilitator tried to bring order to the proceedings. Koro spoke first. He was brilliant. The poetry of his delivery captured the audience who numbered about 200. Ingrid then delivered her insightful thoughts focussing on the challenges facing Pākehā.

Then there was a dramatic pause in the proceedings. Titewhai Harawira had arrived. As she made her way to the front there was a hush in the audience. Seats were vacated in the front row for her entourage. As the next speaker I tried to avoid having a nervous breakdown. More people arrived. Some left. Everyone settled. My own

speech focussed on the racism of the corporate media. It was received in respectful silence. Nobody left. I was assured that was a good omen.

A microphone was placed at the front of the audience to receive questions to the speaker's panel. The first speaker rose and passionately declared that our failure to follow Jesus was at the heart of the difficulties Māori were having with the Crown.

The next speaker started attacking local Māori leadership. She went on at length. That was a 'bridge too far' for Titewhai. 'Shut-up' she yelled. She was ignored. The speaker carried on. Titewhai again. 'Why don't you just shut-up'. At this point Titewhai had had enough. She rose to her feet propped up on her two sticks and shouted 'Why don't you just f-ck off'.

This was pure drama. I loved every minute of it. The audience heckled. People queued to use the microphone. The speakers on the stage were redundant. No-one asked a question. The people have spoken. The forum was finished. Outside the carnival atmosphere permeated the gathering. The waka were on the water. Moea Armstrong, Kathryn McKenzie, Tim Howard from Network Waitangi Whangarei were hard at work on their Treaty information stall. Long-time inspirational Treaty educators Joan Cook and Mitzi Nairn were sitting off to the side supporting the kaupapa. Further on the charismatic passionate Hone Harawira sold me a rangatiratanga flag for five dollars.

I hope the annual forums continue. They are an integral part of the colour of celebrating our founding document. The ceremonies, speeches, waka, distinguished guests, food stalls, protests make for a wonderful, colourful celebratory experience. Long may they continue?

The central challenge for the majority Pākehā is learn to view the future constitutional arrangements for New Zealand through the lens of an indigenous worldview. For this to happen we need a decolonised, Treaty literate population grounded in a basic understanding of tikanga.

Without this basic understanding of both world views all proposed constitutional changes will be assumed to fit into the framework of our existing political arrangements. It is widely accepted that the current political arrangements, built on the political supremacy of parliament, even with MMP, are thoroughly inadequate. Our parliament can pass any law it likes. We have no upper house and few constitutional constraints.

We have made significant progress in the Treaty relationship; however our basic political arrangements have not changed. Successive governments still consider the Treaty relationship in a random, often cavalier manner, attending to it with sensitivity when politically necessary and ignoring it when it is politically inconvenient.

The status of the Treaty relationship is still precarious. There is no entrenchment of any legislation containing even the principles of the Treaty although the successive Treaty settlement legislation would constitute some further cementing of the Treaty relationship.

Two examples of the ruthlessness of parliamentary supremacy illustrate the danger.

In 1896, the Urewera District Native Reserve Act provided the self-governance of Tūhoe. The Act was arbitrarily repealed in 1922. It took until 2014 to remedy this discriminatory act of parliamentary dominance.

In 2003 the Court of Appeal unanimously decided that the Māori Land Court did have jurisdiction to determine whether the foreshore and seabed had the status of Māori customary land. It effectively upheld the Ngāti Apa judgement concerning Māori customary land. The government immediately passed a highly discriminatory piece of legislation to abolish the property rights of Māori and no-one else. This Act was repealed in 2011 and was replaced by the Marine and Coastal Area Act 2011 which restores the right to go to Court or enter into direct engagement. There is much education to be done at every level of society. The school

curriculum needs to reflect the bicultural history of New Zealand. We need an informed population-wide debate. This will take time.

Despite the fact that a variety of significant groups since the 1980s, including the 2013 Constitutional Advisory Panel, have endorsed the need for public education, all governments have failed to resource any Treaty education. Public Treaty education work continues to be delivered by a small national Treaty network with no government funding. Eventually the Treaty needs to be part of the superior law of New Zealand. We need a Treaty based constitution. The Treaty is already fundamental to our constitutional arrangements.

The historical settlements, despite massive limitations are a vital step forward. Māori political power and influence will expand as the Māori economy accelerates and cultural recovery intensifies. Economic power equals political power. The old adage articulated by the 19th century abolitionist, Frederick Douglass, remains a benchmark, 'power cedes nothing without a demand, it never did and it never will.'

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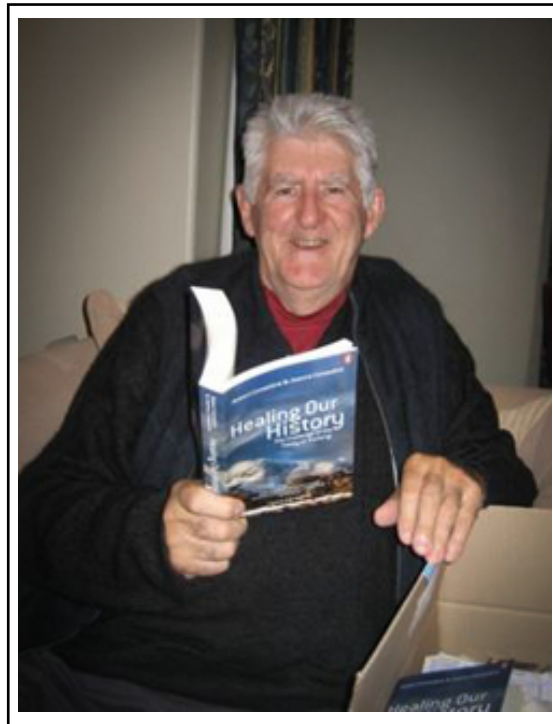


Photo: Joanna Consedine

Robert Consedine is a Pākehā New Zealander and a descendant of Irish revolutionaries. His ancestors participated in the Irish land struggles and were either jailed or sentenced to be executed by the English colonisers. After he left school he had had some exposure at a global level to: the beginnings of a radical transformation of the Catholic church in Europe leading to the evolution of 'liberation theology;' the civil rights movement, anti-Vietnam movements, slums and ghettos in the United States; some of the key liberation movements of the world in Liege; wars in Vietnam and Bangladesh and third world poverty in six Asian countries. These are some of the experiences which shaped his world view. At the heart of these influences were the emergence and the impact of liberation theology. He became an activist in Council of Organisations for Relief Service Overseas, Halt All Racist Tours, the anti-apartheid movement, the Peace Movement and other community development actions. In the 1990s he did a study tour of indigenous reservations in North America and Canada, attended the Mabo conference in Australia and introduced the New Zealand Treaty workshop to six Canadian cities. In 2001 he co-wrote 'Healing Our History – The Challenge of the Treaty of Waitangi' (Penguin) with his daughter Joanna. This was updated in 2005 and 2012. There are about 20,000 copies in print (three editions). In 2014 after nearly thirty years involvement he has delivered Treaty Education workshops in over 200 institutions, involving more than 50,000 participants.

Learn more about Roberts' work at www.waitangi.co.nz

2011

We did not cede sovereignty

Moea Armstrong

This is the simple and profound message that Ngāpuhi will be delivering to the Waitangi Tribunal next month. Three weeks of hearings will focus on the authority of the Declaration of Independence of New Zealand, He Wakaputanga o Te Rangatiratanga o Nū Tirenī, and Te Tiriti o Waitangi, the Māori text.

‘We did not cede our sovereignty.’

It has been said for 170 years, but this time the statement will be made to the body charged with shining a light on government crimes. For many, the assumption by successive governments that Māori leaders ceded sovereignty in 1840 is the biggest and most insulting transgression of all.

If this hearing had preceded all the others, we could have had a very different settlement process than the one that has unfolded since the Tribunal started its work in 1975. It could have been a much better process, even a fair one, agreed to by both Treaty parties from the outset, with independent mediation.

So what’s the problem? Very few New Zealanders know that we have a Declaration of Independence, what it says and why it was written, and that it is an internationally recognised legal document that acknowledges Māori authority over the country.

Secondly, very few of us can confidently explain the differences between the Māori and English texts of the Treaty. Fewer still can list the reasons why the Māori text takes precedence as the primary document through significant signature, and under the international law of *contra proferentem*, among others.

The Māori text does not give the Crown sovereignty. Instead, it affirms the independent authority of Māori cited in the Declaration, and at the same time, allows the British to exercise a form of governance for its new settlers. A win-win result and nothing to do with majority rule. Ngāpuhi no doubt are hoping the sooner we all get on the same page, talking about the same Treaty, the better.

‘We did not cede our sovereignty.’

For many New Zealanders the statement will come as a surprise, and some will be shocked when the evidence underlines the fundamental truth of it. But in my experience, people readily accept the Māori text, and feel empowered by being able to compare and contrast it with the English text, in which Māori are supposed to give up all their authority to the Queen ‘absolutely and without reservation.’

Rather than creating confusion, understanding the paradox is the key to unlocking the historical puzzle, creating a frame through which to view the ensuing colonisation that shapes current socio-economic and constitutional conflicts. It clarifies and justifies 170 years of consistent Māori resistance to unilateral settler government rule.

A perusal of the multitude of laws that removed Māori resources clearly explains why as a group they now suffer more through poverty than Pākehā. When people accept that Māori law and land were taken over by force – either violently in war or through the tyranny of majority rule – they are able to start thinking constructively about collective solutions, rather than judging individuals for their predicament.

Their next reaction is usually anger – ‘why didn’t we know this before, why weren’t we taught it at school? If Māori didn’t cede their sovereignty, where does that leave us all now?’ My hope is that as part of the solution to the claim there will be institution of funding for a comprehensive education programme, this time led by

Ngāpuhi.

All of us, especially teachers and journalists, need to be able to explain the meaning and primacy of the Māori text for the next generation. The relatively few New Zealanders who have studied the issue know the English text is illegitimate. This knowledge must become mainstream.

‘We did not cede our sovereignty.’

Everyone has their own penny-dropping moment when it comes to understanding the injustices of colonisation. The popularity of the new film *Avatar* will hopefully have pennies dropping like the Jaffas in theatres of earlier times. The Na’vi did not cede their sovereignty.

Mine came in a Treaty workshop run by the Joan Cook this essay remembers, when hearing the story of Māori passive resistance at Parihaka. I realised my Taranaki childhood was lived on stolen land, and why my Māori friends’ families were the sharemilkers on my Pākehā friends’ farms. The history of the land shaped our lives then and still does.

Of course, everyone is pleased that we have started searching for the truth, for justice, and through apology and compensation are seeking reconciliation. This is a good thing. Pākehā and other non-Māori – tangata Tiriti - want it sorted, we want governments to get on with restitution, get it ‘over with’, so we can get on with having the best race relations in the world again, this time with a clearer conscience, and consciousness.

So the Tribunal is doing its work. For some thirty five years now. Yet when I get people to role-play the settlement process, they are shocked to discover themselves powerless in a deeply flawed and unfair situation controlled by a powerful and parsimonious ‘partner’ who decides compensation for the crimes it has itself committed against them.

Very few have ever shaken my hand to accept a ‘full and final’ offer for their loss. Mostly they are at first appalled and then depressed at the process and at successive governments’ miserly approach. Restitution for about 60 million acres of stolen land is surely worth a bit more than an annual budget for a couple of District Health Boards, isn’t it? They know we can do better, and hope we will in future.

We grow when we shatter myths, or have them shattered for us. The work we have to do to mature as a nation involves lots of myth busting around race relations. Among the most enduring lies that surface in workshops are that the settlements are undermining the economy; that the Moriori people were here first; that the word Pākehā is derogatory; that discrimination against Māori has never been legal; that Pākehā don’t have a culture; that Māori have access to many more scholarships; that parallel development is the same as apartheid; that Māori would ban others from beaches; and that everyone has equal opportunities.

And now, if we can hear it, Ngāpuhi with their duty of care for the integrity of the Declaration and the Treaty, will shatter for us the biggest myth of all, that Māori happily signed away their independence to become a British colony.

There has been a barrage of wilful obfuscation by governments clinging to the English text, making up diverse sets of ‘principles’ derived from it, trying to somehow convince us through sheer repetition that the leaders of at least 200,000 territorial, well organised, commercially successful, internationally travelled, literate and politically astute Māori, voluntarily gave up all the power of their people and their land, their brand new independent political nationhood, to a white woman on the other side of the world via a monolingual, terminally ill sea captain and with only 2,000 Pākehā settlers here. Yeah, right!

‘We did not cede our sovereignty.’

The State of the Pākehā Nation in 2010? I believe we're ready to hear the truth, to celebrate it even, and to 'smile and wave' at Māori across the cultural divide. We no longer need to deny their reality in order to assert our own. We are at home, we call this land home, as the plethora of new tee-shirts proclaim. And this year home has another powerful, beautiful flag, to 'hold up half the sky'¹⁷.

A young Pākehā, Alex Barnes, puts it like this: 'Being part of the dominant culture is not a bad or shameful thing. Instead, it creates an opportunity to make conscious, constructive steps in understanding the people of the land. It is obvious to me that the challenge starts with myself, with my pronunciation, practice, values and everyday thinking. Decolonisation brings with it the challenge of personal development, which will in time re shape partnerships, families, communities and nations.'

We have proved capable of accommodating Māori authority in the non-governmental sector, in community groups and churches, changing constitutions and practices for the better. The sky has not fallen in. Having shown the way, we need local bodies and parliament to relax, and come on board. Māori Supercity seats? What's the problem! A new truth is emerging with the Māori renaissance – if it's good for Māori, it's usually good for everyone else.

When Pākehā look in the mirror we need to know that we can honour the Treaty, individually and collectively, because it gives us our right to be here, it grounds us. It also gives us the right to have a go at governing ourselves. Have we really given any of our governments a full mandate to steal, rape and pillage this beautiful land? When the Crown and Māori leaders meet, the views of tangata Tiriti on the issues are usually either unknown or ignored, just as they were 170 years ago at Waitangi. It's time for us to speak up. We are the receivers of stolen goods. The foreshore and seabed was stolen for us, while we watched.

The Ngāpuhi claim is not about resources, it is about decision making. If as a result of the hearing, hapū get to have more say about proposed developments in the places we love, and the ethic of kaitiakitanga or environmental stewardship holds more sway, what's not to like about more Māori authority in our communities? If it means we open up discussion about a Treaty-based constitution that we can all live with, if Māori choose to control their own development and meet their own aspirations for governance, what's wrong with that? It's ultimately likely to be good for all of us.

All this claim requires of us is trust, a generosity of spirit, and personal and political goodwill. I am continually heartened by the attitude of tangata Tiriti who, when fully informed, consistently articulate this goodwill, are prepared to move over, to look at more creative options for restitution and shared governance. They want a fair go for Māori. We must insist our governments act honourably on Treaty issues, and deliver justice. We have only fear to lose, and everything to gain.

'We did not cede our sovereignty.'

Reflections on the Waitangi Day essay

This is the first essay in the State of the Pākehā Nation series. Previously we had invited speakers to Whangarei and then to Waitangi to deliver a public speech on the issues, but this was only a few months after our friend and mentor the Reverend Joan Cook had suddenly passed away. We were devastated and unprepared. Thus we decided to change the format to an essay in her memory, and I picked up the challenge at the eleventh hour.

Although this was a special time for many Pākehā having a place at Waitangi we were becoming aware that our speakers were taking up valuable time at Waitangi and that although what we were trying to do was worthwhile, the mainstream news media had failed to cover our speakers, and it didn't look like they were ever going to. At the same time, the need for time and space for tāngata whenua to discuss current issues was as

¹⁷That year Prime Minister John Key allowed the tino rangatiratanga flag to fly from Auckland Harbour Bridge on Waitangi Day for the first time.

urgent as ever. It was timely to change to a less intrusive format.

It also felt like a watershed moment in that the WAI 1040 hearings about the Declaration and the Treaty were about to begin, that finally the truth about the contract was going to be publically unveiled. I felt everything would have to change after the hearing, that we would be entering a new era – maybe even an era that no longer required us to do workshops.

As it transpired, the hearings were delayed again. During that delay the Taumata Kaumātua o Ngāpuhi-nui-tonu contacted our group about the possibility of helping to choose and fund an independent panel of Māori and Pākehā to report on the hearings. They had asked the government for an international panel to hear the evidence and had been refused. They then had asked to share the choosing of the Tribunal members, and had been refused. This was their last attempt at a level playing field before the games began. The result of this collaboration with the Taumata is the independent report on WAI 1040 that Network Waitangi Whangarei and Te Kawariki published, called Ngāpuhi speaks, in 2012.

Reflections on the content of the Waitangi Day essay

Nothing has changed, or would need to be changed, about the content of this essay. I still do the same things in workshops that elicit the same responses from participants. Now however I can pick up both Ngāpuhi speaks, and the Tribunal's own report published in 2014, and talk about our history in a very different way.

I wish Joan could have lived to hear this next chapter in the story of our country. She would have been thrilled to think of the texts as Rima Edwards described them, as Tiriti tuatahi and Tiriti tuarua. She would be astonished that we have sold nearly 2,000 copies of the independent report, and pleased that it is a university textbook. I'm so grateful to our writers for their years of voluntary work, their commitment and passion, which has helped shed light on these truths of Ngāpuhi. I'm also ecstatic that the Tribunal reached the same conclusion, and we can now move on together, on the same page.



Photo: Northland Regional Council

Moea Armstrong is a fifth generation Pākehā with a passion for celebrating the promise of the Treaty, and cultural relationships in Aotearoa, through addressing our historical legacy.

She delivers interactive, activity-based Treaty workshops to community groups, local bodies and government departments in Te Tai Tokerau for independent community education group Network Waitangi Whangarei. She has been active in the Pākehā and tauwi anti-racism and Tiriti workers movement since 1990.

She has worked as a sub-editor with *The Dominion* and the *Northern Advocate*, and Ngāti Hine FM radio. As an environmental planner for Ngātiwai Trust Board, she experienced the unforgiving interface between local councils and tangata whenua in the 1990s which resulted in several environment court cases.

With Network Waitangi Whangarei she helped organise the State of the Pākehā Nation series at Waitangi and Whangarei alongside Nuki Aldridge of the Taumata Kaumātua o Ngāpuhi-nui-tonu.

Committed to national political change to bring compassion and new life to the Treaty relationship, she worked on Treaty policy in the Green Party of Aotearoa/New Zealand, stood as a candidate, and was female co-convenor of the party for three years.

She contributed to the editing and updating of Network Waitangi's *Treaty of Waitangi Questions and Answers* in 2008 and 2014, and was involved in the funding and selection of the panel that produced Ngāpuhi Speaks, an independent report on the Waitangi Tribunal claim on the Declaration of Independence and the Treaty of Waitangi.

She is currently the coordinator at Citizens Advice Bureau Whangarei.

You can contact Network Waitangi Whangarei through: <https://nwwhangarei.wordpress.com/>

The Pākehā of the future

Mitzi Nairn

In this essay I am going to ask what might we as Pākehā aspire to be in the future?

I think I should tell you a little about myself so that you can see where I am coming from. I describe myself as a Pākehā New Zealander of British descent. I was born in London and arrived in New Zealand when I was four years old. I have very few clear memories of England, and when I went there as an adult, it was not like home to me. So I have a sense of belonging only in this land – I don't fit anywhere else and I don't feel at home anywhere else.

I love this land, for its own sake. I love its landscapes and seascapes, its biodiversity of plants, birds, insects and sea creatures. I grieve for its endangered species, and its polluted waters. I also celebrate its horticultural and agricultural excellence, the productivity of its farmers, fishers, and industrial workers – the creativity of its people. So I see beauty in its modified landscape also – fields and crops, roads and bridges.

If this seems contradictory, it is because the balance between natural and modified is seriously out of whack. This stems from a lack of collective and individual responsibility. What gives with a person who loves the bush and the birdsong and builds a house there, taking a cat, a dog and a ginger plant?

Historically there have been cultural assumptions rooted in capitalism. We have thousands of stories and pictures of even the poorest people attacking the land to clear it, with a ferocious kind of hatred that will not rest until not a tree, not a stump, remains. I suppose that from there it was a short step towards hatred of the people who were to be identified with the enemy-land. Certainly there was numerical dominance, invasive warfare, followed by governmental/parliamentary attack on the ways and resources of the tangata whenua, the land people – the people who are the land. Separation replaced contact.

There were early Māori expressions of disbelief that a system of taking offenders away from the community and locking them up in prisons was an effective solution. This seems borne out by the reality that we have come to a point where we have a huge imprisonment rate, with Māori a shockingly high percentage of that prison population. Let that stand in as an example of the patterns of racism that still are embedded in all our social indicators.

We inherit a colonial mess, where suspicion, hostility and ignorance still dominate the patterns of thought and experience of the population of European descent. Notice I haven't called them 'Pākehā'. That is because I am feeling towards using the word to designate a newer, modern group within the people of European descent. For those who are happy to accept the gift of a Māori designation, and are seeking an appropriate way to live under Te Tiriti o Waitangi in an Aotearoa/New Zealand.

I am happy to identify myself as Pākehā because it is part of my belonging in this land - a word from the first language and people of this place. I regard it as something of a gift. In terms of Te Tiriti o Waitangi I partly try to discern and model myself on the 1840 Pākehā of Māori hope and expectation. When Māori set out to make formal provision for the new arrivals, what was in their hearts? Surely there were the cultural obligations of care and protection, but there must also have been respect. Although they already knew the excesses of whalers, sealers, ex-convicts and speculators, they also had formed some of their ideas from contact with missionaries, naval officers, explorers and naturalists. It was this group with whom they sought formal agreements.

So while they made provision for the Queen's people to be self-governing (like every hapū), to live in safety and according to laws, I think that Māori believed that Pākehā would share their respect for the lands, forests and fisheries, even if the guardians might not be named as Papatūānuku, Tane or Tangaroa. They must have

been impressed by the enthusiasm of the naturalists as they collected and drew every tiny plant, the explorers as they asked interested questions about every rock, reef, headland and inlet.

We know that to the Māori leaders of the time, conversation, knowledge, and ideas were of paramount interest and importance. By 1840 they had adopted reading and writing with enthusiasm. They were taking on board aspects of the new European debate about humanism and human rights – illustrated by their freeing of slaves. Their experts were taking on scientific and technological ideas like ships with hulls and sails, ploughing, dairying and horticulture with new crops like peaches, potatoes and wheat, and the mills and bakeries to process it.

So, in effect, they were negotiating with the positive side of those they called Pākehā. Honourable, thoughtful, people, who loved and respected the natural world and brought knowledge and resources to improve human life. These seemed to be people with a willingness to live according to proper laws and customs, to converse and debate modern ways, and to negotiate the way ahead for the two peoples in co-operation and respect.

So why can't that still be us? Or again. Most of that description sits comfortably on me and on many of the Pākehā people I know. Many of us struggle to live responsibly in a world threatened by global warming and an avalanche of waste. At the individual level we support green causes and don't drop plastic bottles. We may have a worm farm, re-use, recycle and so forth.

There are many things I feel proud about. This country has led the world in many social developments. Votes for women, labour relations such as the forty-hour week, no fault accident compensation, dairy co-operatives, a communication system covering the whole country based around the Post Office, and of course, social security. Social security was a far different concept than social welfare, an Old World set of practices and ideas that has returned to replace it. The social security legislation was strongly supported by the Māori members. In the main debate, Eruera Tirikātene said that the legislation embodied concepts familiar and congenial to Māori – that we all take care of each other, that we make provision for everybody.

Taxation was somewhat thought of as the way people clubbed together to have things that only the richest few could buy for themselves – roads, bridges, X-ray machines, hospitals with staff, an accessible education system and so on.

The policies of a couple of decades that saw restricted imports and an emphasis on local industrial production were driven by priorities of full employment and self-sufficiency. They did deliver considerably on employment, but became unpopular because they were seen as austerity, and the popular understanding of the reasons for and benefits of, the restrictions was not sustained.

A couple of weeks ago I was very encouraged to read an article in the *New Zealand Herald* (Monday January 10, 2011) headed "Ethical business necessary to win back trust" by Phil O'Reilly, chief executive of Business New Zealand. Writing about the need for investment to enable the economy to grow, O'Reilly calls for a Regulatory Responsibility Act, which would require lawmakers to adhere to a set of principles of good practice. This would give various regulatory bodies power to enforce better dealing and socially and environmentally responsible behaviour by companies and businesses. He went on to list areas for improvement, which made sense to me and caused me to cheer when he concluded that we also need:

better education for managers, more customer responsiveness, scrupulous environmental and waste management and wider investment in the local community. We need more export ambitions, transparency in reporting and accounting, inclusive hiring practices, win-win thinking when bargaining, more results-oriented pay, respect for staff, customers and community, and more action on productivity growth.

Those aspirations fit with a people- and earth-respecting future. The movement for ethical investments has

produced stunning evidence that ethical companies are strong and profitable long-term for their investors. So there is hope for Pākehā like me, that this country could be a place to be proud of, for its social policies, its inclusiveness, its biodiversity and conservation, its research and development, and its thriving economy, all under Te Tiriti o Waitangi.

The population of European descent would have some work to do. We need to turn around our ignorance of Māori values (tikanga), both traditional ones and modern expressions which come as a response to current changes and developments; and we need to repair our ignorance of colonial history.

Then maybe we could get our heads around the minimal restoration being provided to Māori in various settlements. For example, we could understand that Māori are getting back what is theirs. We are not giving away something to them that is “ours”. As a nation, whether under Māori or Pākehā management, resources are ‘ours’ unless we short-sightedly enter into deals that siphon them or the profits overseas. We could take on board that Māori are getting back in settlements less than 10% of the resources which were alienated without consent and illegally. So who are these settlements generous to? We need to find in ourselves a generosity of spirit to welcome and celebrate these moves towards justice.

As we begin to see improvements for some Māori groups in health and education under kaupapa Māori (Māori agendas, input and control) at local hapū level, why not move faster towards restorative justice? Why not seriously prioritise employment for youth, with better, agreed strategies rather than mumbling the words?

Further, remember what Moea Armstrong wrote in this essay last year, ‘Māori did not cede sovereignty’. We need to put forward some of our best national treasures – people resources - into considering constitutional questions. How does rangatiratanga /sovereignty come to expression today? How can governance work for us all?

We need something far more wide-ranging than the minimal nuts and bolts inquiry that National and the Māori Party have come up with. It will need time to get people from different perspectives and persuasions involved, from the newest immigrants to the oldest identities. Such a review will need to come up with a shared vision of how we could be as a nation, inclusive, life-loving and taking care of the natural world of which we are part.

Reflections on the Waitangi Day Essay

My essay focussed on the theme of the Pākehā that Māori hoped and thought that they were getting when they signed the Treaty; as I have been thinking about that for some time. Although Māori were writing to Britain about the drunken sailors and whalers and sealers they were also in contact with naturalists and explorers and people who clearly valued (in a slightly culturally different way) the things that Māori leadership valued. Māori were in contact with a lot of very congenial people. Those that believed “the only good savage is a dead savage” didn’t come to New Zealand for obvious reasons. The negotiators came from a preferable group of English, not from the riff raff of Europe.

Part of the context of the essay is the emergence of the rights of nature debate that Carl Chenery is interested in. There are things that have happened in the realm of Treaty settlements and agreements and legislation in the last three or four years that are very encouraging in that way. There was the Whanganui River decision. And more recently, just going through its third reading is the Bill about Te Urewera; which could recognise a locality as holding legal rights. If I had known that was coming it would have been emphasised in the essay more. It’s really hard to be against the environment. I think that’s probably one of the reasons I went down that environmental line.

I don’t recall getting much feedback on the essay. It could have been that time of the year. For Treaty people there’s always a lot going on then. I got a generally warm fuzzy [feeling], the sense that everybody’s doing their bit. I sort of assumed that nobody was horrified by it or anything.

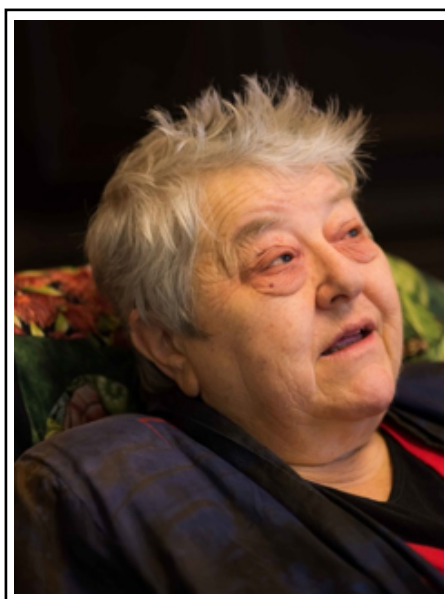


Photo: Denis Friar

Writer Mitzi Nairn was the Director of the Programme Opposing Racism of the CCANZ, and has been actively involved in anti-racism initiatives since the 1960s including ACORD and Tāmaki Tiriti Workers. She describes herself as a traditionally built Pākehā woman with a background in community education, especially addressing the Treaty of Waitangi. She lives near Eden Park with her partner of fifty-one years, Raymond, and spends most of her time cooking, gardening, writing and ‘wondering about stuff’.

2012

Reflections on the state Pākehā nation

Katherine Peet

During my upbringing I had been made aware of stories of many of my New Zealand ancestors. They had found the unparalleled prosperity and progress in mid-1800s Britain was not being evenly spread, and took up the option of travelling to the other side of the world to build a better life. It was explained to me that the vision of those early British Settlers was the reason New Zealanders had give-it-a-go and do-it-yourself attitudes and had also been pioneers of social legislation - votes for women, state housing, no-fault accident compensation, etc. A "fair go" for everyone was the touchstone. Addressing social and economic injustices through educational (rather than violent) means was also part of my inheritance. This upbringing meant I had an interest in the state of the nation. But I did not think in terms of the State of the Pākehā Nation.

When John and I first went to live in what I called Great Britain/the United Kingdom in the late 1960s I expected to find differences between myself and the British. And it was to do with attitudes to sun and authority as well as to fixing things. What I was not prepared for was the emphasis on accents - accents told you lots. I was teaching at the local county secondary school in Hampshire and my accent was regularly commented on. Many children had the Hampshire accent. A few had Yorkshire, Devonshire etc. accents - these children far preferred their county as a description to being described as English or British. Being recognised as Irish, Welsh, and Scots was even more important than counties in those cases.

Perception of class, which was related to accents, was also an eye opener - people felt it was not their place to engage in certain relationships and activities. One example was when our mail was put into the letterbox of our neighbour in the semi-detached house we shared with them on the local Council housing estate. John's senior position in the refinery was such that having up to that point been on first name terms, we were never so addressed in the future. I found this awful. Snobs and social climbers were alive and well in New Zealand but this experience was different. Our neighbours were very conscious of what they felt was their "place" in society.

A few years later we went to live in Wales and I was teaching in a coal-mining area. Many of the children's first language was Welsh yet the language of the classroom was "English". Welsh people, speaking Welsh, in pubs did not talk to us until someone noticed the New Zealand sticker on our car and reported that to the assembled company. Then they all turned their chairs round and welcomed us warmly (in English). Having John's relatives living there helped figure out the meaning of these experiences. I also learned of some stories of the colonisation of Wales - for example, we learned of villages being flooded and rivers being diverted into England. The term "United Kingdom" now seemed false.

All this raised a question for me about what had been the experiences of Māori, particularly relating to effects of colonisation in this country - about which I then knew very little. So on returning to live here after becoming clearer about the differences between my upbringing and being British, I had big new questions about how Māori saw those of us who were not Māori. I had never thought of myself as Pākehā at this stage, just as a New Zealander.

The Waitangi Tribunal was set up in the 1970s. We learned that Māori were able to present their grievances to the Tribunal as long as the grievances were not retrospective. Ngāti Whātua took the government action on Takaparawhā to the Tribunal and the nation watched on television. We joined several people who were not Māori in trying to address this issue and continued to explore the stories of colonisation of this country and advocating for the Tribunal to be able to hear the full stories of this land.

This involvement led to me describing myself as Pākehā. This was a way of acknowledging both the differences I felt in not being British and also with the new understanding gained about colonisation and the Treaty. So I often explain that the reason I got into Treaty work is really because I married a Welshman!

My experience in Wales had convinced me of the need to complement schooling with opportunities for adults in a world that was changing fast. Due to family commitments I had left school teaching so I did a post-graduate certificate in adult education to assist in my commitment to the Workers' Educational Association (WEA). The profile of the WEA included promoting adult education that encourages citizens to think, to question, and to make decisions.

Networks of the WEA included a number of committed groups of citizens who were wrestling with big questions. These included peace education, trade union education, women's studies, education about international aid, and consideration of environmental concerns. None of these groups had been formed by government or commercial interests. We all recognised the need to work in ways that were not limited by government approaches.

Joining the nationwide NGO Project Waitangi gave a further opportunity to organise educational opportunities for people who wanted to more accurately understand the

Treaty and cultural injustices due to particular world-views. These extensions of my understanding of injustice were formative in locating allies in a search for education for a better world, including New Zealand.

The 1976 United Nations Education and Scientific and Cultural Organization adult education conference was influential in advocating more effective participation by adults in the progress of their own societies. The role of NGOs, and community development methodology were strengthened by the recommendations from that conference. The Community Workers' Association of Aotearoa became another important network for consolidating these ways of working.

Structural analysis workshops run by Phillippe Fanchette were also very helpful in building networks. We became aware that while we can't predict the future, we can invent it - and if we don't, the dominant political-economic structures in our society will start inventing us. Martin Luther King Jr's comment "Our lives begin to end the day we become silent about the things that matter" symbolises that which led to renewed energy for coalition building and an understanding of the power of the status quo. Programmes such as Building Our Own Future (BOOF) and the associated bulletin. Common Ground enabled paralysis from analysis to be avoided and hopes for the future to be shared and developed cooperatively.

Synthesis from analysis was enlivened for me by a 1981 survey of adult learning needs in the south-east of Christchurch for which I was responsible. The South-East Branch of the Canterbury WEA was able to employ four full-time workers on the Voluntary Organisation Training Scheme. These four did an in-depth survey of 742 people across the area. Of these only twenty two said they were participating in intellectual pursuits - but 362 said that was something they wanted to do. This gap between people's hopes and aspirations, and their ability to further them, indicated the need to provide learning opportunities to help adults define their own goals and start addressing them. This was when we developed our Treaty workshop resource, still in use today, where participants share what things really matter to them and what they want to make sure the next generation will learn about.

It became increasingly clear to me that to build a just future in this country, the Treaty was a necessary framework for everyone, especially those not of Māori descent. Increasing understanding of the Treaty became my priority. The state of the nation would be healthier if such understanding was achieved.

Project Waitangi nationwide had set up in 1984 as a project leading up to the 1990 commemorations of 150 years since the signing of the Treaty. It was heartening that in 1985 the government had made the period for grievances to be taken to the Waitangi Tribunal retrospective to the time of the signing of the Treaty in 1840. But the continuing power of government to limit the period of history to be considered by the Tribunal remained (and still remains) a deep concern. There was still much to be done to expose the effects of colonisation and the future possibilities of a Treaty-based future. So when national Project Waitangi ceased, our group continued networking and re-formed as Network Waitangi Ōtautahi (NWO).

Our role in NWO is to help deepen understanding of the Treaty. Provided that it is honoured we see the Treaty as the foundation upon which those of us who are not of

Māori descent can justly have a place in this country. Judge Edward Durie has referred to such people as tangata Tiriti - people of the Treaty - who have been invited to share this country with tangata whenua. Pākehā, together with others who are not of Māori descent, work alongside tangata whenua within the framework of the Treaty.

At the moment the Treaty is still understood by most people as being about Māori alone. In our experience, new migrants (especially those who have themselves experienced colonisation) find it straightforward to take a multicultural, Treaty-based approach, as do those who call themselves Pākehā. But it is not yet familiar to many others. The Treaty is both an invitation to share this land and the basis of our nationhood.

Recently in NWO we developed a checklist of what Treaty-based development is not the same as, for our workshops. All of them are important and need to be understood for Treaty-based development, but they are not substitutes for the Treaty itself - the Treaty is the Treaty.

- Equal/equitable development.
- Culture, cultural differences, cultural safety and intercultural development.
- Biculturalism.
- Understanding history and colonisation.
- Treaty settlements.
- Principles of the Treaty e.g. partnership, protection and participation
- The English version of the Treaty which was not present on 6 February 1840.

These points are reviewed at the end of our workshops and shorter sessions. They encapsulate current key challenges.

Critical to our work is the understanding of history prior to 1840, both in this country and in relation to colonisation around the world. We take the view that the 1835 Declaration of Independence of this country, which was recognised by Britain at the time, is pivotal to understanding the Treaty.

Understanding the Treaty poses a particularly critical challenge to the State of the Pākehā Nation in 2012. This is because Treaty relationships with tangata whenua are rooted in the recognition of mana whenua where the local context becomes critical for developing ways forward.

The Local Government Act 2002 is of great importance in facing this challenge. Its purpose sets out a legal imperative to uphold the four well-beings (social, economic, environmental and cultural), taking a sustainable development approach, in relationship to Māori. There is, however, no overriding parallel legal imperative in the purpose of central government's approach. This lack need to be urgently addressed.

There may be an opportunity to face this challenge in Canterbury. In the Canterbury Earthquake Recovery Act Te Rūnanga o Ngāi Tahu (TRONT) is recognised alongside the Territorial Local Authorities (TLAs) and the Regional Council. We are currently awaiting the Canterbury Earthquake Recovery Authority's (CERA) final strategy. We expect the strategy to indicate how the territorial local authorities and our regional council Environment Canterbury will relate to each other and to CERA with respect to decision-making for the next period of recovery. How the Strategy includes collaboration with TRONT will be interesting. The challenge will then be to see how citizens of Canterbury, including all Māori, will be included. Will the Treaty be named as a framework for the future?

Many New Zealanders are aware that the TLAs are the only remaining representative democracy in Canterbury – our regional council Environment Canterbury has central government appointed commissioners and CERA is an appointed central government authority responsible to Cabinet through the Minister, Gerry Brownlee.

Christchurch citizens have spoken. During the recent Christchurch City Council submission process on the rebuilding of the central city - the "Share an Idea" process - there was clear endorsement of the LGA's purposes. They were usefully summarised as being to achieve a high quality of life for all people while sustaining natural resources and useful infrastructure. Put simply, this means holding on to valued things for the long term. The mayor spoke of building a city "for us and our children after us".

NGOs have submitted similarly, giving details summarised in the term strong sustainability. Community gardens, sustainable business using the natural step, time banks, active transport and warm homes projects were some of the examples given in local submissions.

The Ngāi Tahu 2025 report sets out their imperative for tino rangatiratanga - mō tātou, ā, mō kā uri a muri ake nei, which is interpreted in that report as tino rangatiratanga - for us and our children after us. Understanding the links between these two imperatives tino rangatiratanga and strong sustainability - both with the focus "for us and our children after us" - would therefore do a lot to achieve social cohesion in the city. The Treaty, if put into central government formulated legislation that paralleled the purposes in the LGA, could also do much to achieve social cohesion around the country. The hard lessons being learned in Canterbury after the earthquakes could then positively affect the state of the nation. Network Waitangi Ōtautahi is committed to enabling understanding that the Treaty of Waitangi provides the framework for making these links.

One other useful suggestion that has emerged from our work locally, particularly in responding to issues of water allocation, is that a new legal instrument needs to be developed to take account of the things we hold in common. This matter was also raised at the time of the Marine and Coastal Area/Foreshore and Seabed legislation. At the moment our Westminster system reduces ownership to legal individual entities.

In my view then, the State of the Pākehā Nation in 2012 is dependent on how we face the need to take account of the local context in future development. Pākehā have a particular Treaty responsibility to build kāwanatanga in the framework of Treaty relationships. The Christchurch City Plan has potential to meet the imperatives of the LGA, but unless there is commitment from central government to agree to the purposes set out in the LGA nationwide, we will be reduced to continuing with business as usual. Being confined to development based on individual property rights gives the market an undue and inappropriate role in dominating social planning. That approach will not address the issues raised here.

To move forward in a cohesive way has some prerequisites. A broad appreciation of the status of all other citizens being recognised alongside the indigenous status of Māori is needed. Then the Treaty must be deeply understood for the reconciliation process to proceed. The Treaty framework can be used to encourage collaborative approaches between tangata whenua and Tangata Tiriti.

The complex issues we face now and in the future can be addressed if local contexts are taken seriously. Subsidiarity is a useful touchstone for appropriate policy development. This is a wide field of study but most importantly it is about requiring that decisions are made as close as possible to the people who are affected by those decisions. Central or regional government for example, takes action only if and insofar as the purpose of what is proposed cannot be achieved by the more local grouping. Usually this is by reason of scale or effects that could be better achieved by the national dimension.

Fundamentally what is needed is a shared approach, where tangata whenua and tangata Tiriti work alongside and with each other. This would develop into a new "relational politics", with the Treaty providing the framework.

The recent agreement from government for work to be done on this country's constitution needs, therefore, to be much more than a review of existing institutions. Tangata whenua are organising their approach to this review. Tangata Tiriti need to also organise and be ready for the conversation - for the sake of our children and our children's children. For Papatūānuku to be the basis of how we "constitute" our way of life we must not

separate the environment for particular attention but embrace nature, justice, equality and fairness. The Local Government Act similarly refers to upholding the four (social, economic, environment and cultural) well-beings, together. The key word there is "and". (In Britain the reference is to "or".) From Papatūānuku comes the centrality of relationships in the framework of the Treaty and our particular responsibility for kāwanatanga as Pākehā.

NWO works with people, groups and government, commercial or non-government organisations on the basis of their available time and expertise and the outcomes they wish to achieve. Past requests have included those of general interest, professional advice, detailed information about our resources, one-off educational activities, etc. In this way we will continue to work towards a truly sustainable, cohesive, multicultural, Treaty-based future. This would be my ideal of the state of the Pākehā nation. Nothing new would ever have come to exist in history if had not first existed in mans' imagination and haunted her daydreams.

Reflections on the context of the Waitangi essay

Looking back at my essay the context has changed substantially in three years. Three important contextual changes have come about since writing this essay in 2012 due to the fact that New Zealand is the first country in the world to give "legal personality" to a natural area. All driven by Treaty settlement processes, they comprise the Whanganui river settlement, the Waikato river approach and the Tūhoe approach. This has at least tabled another way of being.

Elsewhere, however, what has also happened in these three years has been relentless pressure on ownership of the commons in this country. The market approach to social planning has tightened in favour of individual rights, and current proposals to "reform" the Resource Management Act are a continuation of this process. Another example is the recent "reforms" to the Local Government Act which deleted the commitment to uphold the four social, economic, environmental and cultural well-beings. The three approaches to "legal personality" referred to above open up possibilities for a new way of being. The recent decisions to deny recognition to applicants under the Marine and Coastal Area Act emphasise the need for options other than existing legal instruments.

Reflections on the content of the Waitangi essay

In NWO we have focussed on encouraging people around us to think about our strengths as organised citizens. Our emphasis on educating about pre-Treaty history has been enormously helped by publication of the book Ngāpuhi Speaks. We hope Tiriti workers will lift their eyes to the hills and help people organise to get on with implementing Tiriti-based development.

We have strengthened our promotion of Tiriti-based development in two main ways. The first by emphasising that the NWO items on the checklist of important matters to understand in relation to Tiriti-based development (set out in my essay), important as they are, do not comprise all five aspects of the Treaty and that therefore they cannot be seen as substitutes for Tiriti-based development. Secondly we have emphasised that those five aspects comprise a new "handshake approach" to Tiriti education. If you join the final finger of your hand with your thumb and then the three fingers are upright for a promise (like the boy scouts), then you have a visual way of seeing this:

- 1) (*thumb*) *Peace with justice for all* - the preamble is really important and is often ignored. That is where new migrants are invited to join and where a commitment to peace and justice is recorded;
- 2) (*first finger*) *Practising kāwanatanga* - article one is about establishing an honourable governorship – for all people;
- 3) (*second finger*) *Promoting tino rangatiratanga* - article two is about tangata whenua retaining and regaining tino rangatiratanga;
- 4) (*third finger*) *Māori participation in kawanatanga in ways determined by Māori in relation to tikanga* - article three is making sure there is a focus on Māori participation – this is now better understood. It is not about everyone participating, but about Māori being particularly entitled to participate in

ways they choose;

- 5) (*fourth finger*) *Everybody's belief system upheld* – this article takes on really significant positions within inter-faith dialogue which is so necessary to avoid a lack of peace and justice.

This “handshake approach” also gives people whose English is not strong a good understanding. New migrants absolutely get it. Tiriti work is about all those five aspects, and gives people confidence to think of themselves as Tiriti workers. We have been asked to share this approach nationwide in government and NGOs. A further dimension of this handshake approach is to bring together the two imperatives of tangata whenua upholding tino rangatiratanga and the rest of us (as tangata Tiriti) making sure we have something to contribute to that conversation. Leadership needs to lie with tangata whenua, preferably local (bottom) up rather than national (top) down, and the strength of the NGO voice can actually make that happen. Recognition of mana whenua in the local context is important. Let's get on with what Moana Jackson calls relational politics to build a cohesive, multi-cultural, Tiriti-based future where the indigenous status of tangata whenua and the role of tangata Tiriti are both understood.

Reflections on the impact of the Waitangi essay

The impact of the essay has been to encourage us to develop our thinking to envisage how the work we have been doing over the years can be strengthened to enhance implementation of Tiriti-based development. This led to our work on the “handshake approach”, particularly with NGOs.

For example, here in Ōtautahi, NWO has made significant contribution to establishing and maintaining a Council of NGOs in which some kaupapa-Māori driven NGOs are involved. It is called One Voice Te Reo Kotahi (OVTRK)¹⁸ - seeking the language of harmony. OVTRK has the voice of tangata whenua as a caucus alongside the voice of the other NGOs involved as tangata Tiriti. We caucus every now and then and we have co-chairs. When we were invited to send a delegate to the Canterbury Earthquake Recovery Authority wellbeing planning team, we accepted but made it clear that a delegate was not appropriate for us and that we would send tangata whenua and tangata Tiriti together. That has been a great experience and we have had some actual influence. It has given voice to the collective tangata Tiriti/tangata whenua idea in the city.

Another example is the role NWO has had with the Treaty journey of the NZ Federation of Multicultural Councils. This led to the Federation adopting a policy position paper on Treaty-based multiculturalism. We have been able to assist both the Christchurch Migrant Centre and the Christchurch Multicultural Council to consolidate this approach.

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¹⁸For more information check out: <http://onevoicetereokotahi.blogspot.co.nz/>



Photo: Jennifer Leahy

After teaching maths and sciences in secondary schools in this country and in England and Wales, Katherine has worked in the third/voluntary sector, which she sees as an important site of creativity and responses to injustice. Marriage for fifty years to John has included care of three children and twenty six years of living alongside aged parents. Now three out-of-town grandchildren are also enjoyed; along with her current primary commitment Network Waitangi Ōtautahi. NWO is an active member of the Association of Non-Government Organisations. She is a Past President of the national Federation of Workers Education Associations (FWEA) and represented this country (1985) and then the International Federation of WEAs (1997) at UNESCO Adult Education Conferences. She was appointed to the National Council of Adult Education Lifelong Learning Task Force in 1985 and to the 2001 Government Working Party on Adult Education and Community Learning. She also chaired the Christchurch and subsequently the New Zealand Council of Social Services and was an inaugural Trustee of Kotare Research and Education for Social Change Trust.

Read more about Katherine's work at www.nwo.org.nz

2013

Thoughts around the State of the Pākehā Nation

Dr Susan Healy

“How is it our minds are not satisfied? ...
What means this whispering in the bottom of our hearts?”

So ended a public lecture in 1842 by prominent Sydney barrister, Richard Windeyer. The lecture was meant to be a reasoned demolition of the rights of Australia’s original inhabitants. But it ended with a question, acknowledgement of a troubled conscience. I recently read these words on the back cover of *This Whispering in our Hearts*, the 1998 work of Henry Reynolds, Australian historian. I felt the expression “troubled conscience” would resonate, consciously or unconsciously, with people in New Zealand. The words provided a theme for my thinking about the State of the Pākehā Nation.

The original State of the Nation addresses were not on this theme. They were an annual summer event, instituted by Robert Muldoon, leader of New Zealand’s National Party. His intention was to gain media attention for his party’s policies. After his defeat as Prime Minister in 1984, the event was discontinued until revived by a new National Party leader, Don Brash. In 2004, Brash used a cleverly crafted reflection on New Zealand’s history and the Treaty of Waitangi to suggest that Māori were unduly privileged. Brash and the National Party were immediately rewarded with a surge in the polls. The fact that most social statistics for Māori were decidedly worse than those for the general population meant little or nothing to the many New Zealanders who were delighted by Brash’s statement.

For Pākehā who had spent much time and energy in promoting the Treaty relationship, this turn of events in 2004 was disturbing. It made us realise just how profound in our communities was the prejudice against Māori and their rights. One constructive counter to Brash’s speech was initiated by Network Waitangi Whangarei. From 2006 to 2009 they hosted an annual panel of speakers on *The State of the Pākehā Nation*, and from 2010 have been publishing essays on the same subject. These panels and essays are intended to continue the legacy of Joan Cook, staunch and inspirational supporter of Pākehā commitment to Te Tiriti o Waitangi. Thank you, Joan, for being an ongoing inspiration to us. May you rest in peace!

Each contributor has brought to these panels and essays their personal insight as one who has reflected long and hard on the history of this country and our identity as Pākehā New Zealanders. So, I begin by giving some of my background and interests in coming to this topic. I will then acknowledge how I have been helped with this essay by a meeting round a kitchen table, and expand on the ideas nurtured at that table.

I am a Pākehā of Irish, English and Cornish ancestry. Over thirty years ago I attended Māori language classes at Henderson High School with Awa Hudson as our tutor. Awa was a wonderful teacher. She not only introduced us to Te Reo Māori but also to Te Ao Māori, both its culture and political critique. This was for me a beginning of a long, slow process of conversion: from an identity shaped almost entirely by a colonialist view of our country to one that is much fuller. I believe that as Pākehā we are enriched as we grow in appreciation of the land to which our peoples have come and in respect for tangata whenua as the indigenous proprietors and guardians of the land in the areas where we live.

Over the past three years, I have been privileged to listen to and reflect on the evidence given by Ngāpuhi Nui Tonu in the first stage of the hearing of their claim to the Waitangi Tribunal, the focus being He Wakaputanga (Declaration of Independence, 1835) and Te Tiriti o Waitangi (1840). Ingrid Huygens and I were there as Pākehā representatives on an independent panel asked to assess the cases brought by Ngāpuhi Nui Tonu and the Crown. We worked closely with panel colleagues Takawai Murphy and Hori Parata, and a wider support group. Attendance at this hearing and involvement in the writing of the independent report, *Ngāpuhi Speaks*; have been an incredibly valuable learning experience, and I am deeply grateful for the opportunity to be part of this

project. The significance of this report for Pākehā is a subject I will return to later in the essay.

Before coming to the kitchen table, I want to mention one of my present concerns for our nation, that is, the apparent diminution of the value put on moral integrity. Not so long ago there seemed to be a less ambivalent public expectation of uprightness in our leaders. Too often today politicians and others are assessed on their performance in the media battle, rather than whether they acted rightly in a given situation. Thus, recently (12 December 2012), television journalists were expressing surprise that Actors Equity were once again pursuing a justice issue in relation to their employment: since two years earlier they had “lost the media battle” with the government over a similar issue. The rightness or otherwise of the actors’ stand was not commented on. We Pākehā New Zealanders like to pride ourselves on our sense of fairness. But if we value “image” more than “integrity” the chances of achieving fairness will decrease; and this in turn will affect our ability to approach the Treaty relationship with real concern for truth and justice.

To come now to the kitchen table. When asked to write this Joan Cook memorial essay, I found it hard to disengage myself from immersion in the Ngāpuhi Speaks project. So, I asked Mitzi and Ray Nairn if they would help me stand back a little and get some bearings for an approach. They invited me to their home, to sit and talk with them around the kitchen table. Our main conversation was about the independent report and what it has to say to us as Pākehā. The rest of this essay is not a recounting of the conversation but of thoughts that developed from that stimulating interaction with Mitzi and Ray.

Two key issues regarding Pākehā and tangata whenua surfaced in that conversation: relationship and vision for the future. With regard to relationship broadly, I have found it useful to reflect on the parallels between the development of a healthy and productive relationship between individuals and the development of the same between communities. These parallels include respect for the autonomy of each other; communication; growing in knowledge and appreciation of each other; fairness; allowing each the space and resources they need to develop their potential; working in cooperation on matters of common interest; and addressing differences. A healthy relationship can lead each partner to grow in self-awareness, and to revise and broaden their judgments, values and understandings.

The importance of this self-understanding came to mind from hearing Ray talk about what he gained from perusing *Ngāpuhi Speaks*. He found the report presented him with insight into Te Ao Māori, and then into how Te Ao Pākehā has stood in relation to Te Ao Māori. He became aware how deeply imbued our Pākehā world is with values and convictions that come from a colonising heritage. I felt Ray’s admission was a humble one; and I am sure the practice of humility and listening is essential for those of us who come from a culture of dominance. Not, however, the sort of humility that expresses itself in self-flagellation - “how dreadful we are”; but that which helps us listen carefully to what tangata whenua have to say. Such listening will help us sort the wheat from the chaff in our convictions and values and come to a place of true self-respect, one based in knowing we belong to a people who have been invited into relationship with tangata whenua.

In sharing their knowledge with the Waitangi Tribunal, and hence with the New Zealand public, the Ngāpuhi Nui Tonu speakers were conscious they were taking the risk of once again being ignored or having their words turned against them. For too long the Crown and the Pākehā community generally have approached Māori knowledge with much disrespect: by avoidance, downright denigration or trivialisation. The Ngāpuhi Nui Tonu evidence showed how lacking and faulty has been the commonly-available information about history and tikanga from the North, and particularly about He Wakaputanga and Te Tiriti o Waitangi. If we as Pākehā have any care for the Treaty relationship or, failing that, our integrity as a people, it is important we take time to consider carefully what Ngāpuhi Nui Tonu have said and what response is needed from Pākehā and the Crown. As Ray put it: “*Ngāpuhi Speaks* provides a clear impetus for us, the settler people, to engage with our Treaty partner”.

In particular, I believe that we tauwi writers and researchers who are concerned about our relationship with tangata whenua need to consider carefully the premises and practices on which our academic disciplines are

based. We might ask: Why has so much writing and research in this country led to misrepresentation of the Māori world and the Crown–Māori relationship? Why has there been such a massive failure to appreciate the philosophy, language, law and political economy of the tangata whenua? Are some of the “standards” set for academic scholarship barriers to engaging respectfully with Māori scholars and Māori knowledge? If so, what is needed to ensure respectful engagement and good scholarship? These sorts of questions are important because, sadly, so much of our received scholarship sustains and justifies the colonising relationship, rather than enabling respectful engagement and the opportunities for mutual benefit.

As noted earlier, the discussion round the kitchen table also had a focus on vision for the future, again with *Ngāpuhi Speaks* as the main trigger for our thoughts. It was interesting that, although the report might seem to deal largely with the past and, to a lesser extent, the present, our conversation turned more to ways forward that the report points to. In that, we were influenced by the evidence from the Ngāpuhi Nui Tonu witnesses who spoke with great clarity about what their hapū intended in entering into relationship with the British Crown and Pākehā, and how those intentions continue from the early encounters with Europeans and on through the present. As Ray saw it: “This report invites us to recognise what has happened and what is now in place, but does so in a way that opens a way into a different, more culturally just, future”.

As one of the authors of the report, I was greatly encouraged by Mitzi’s formal “Pākehā Response”, (see appendix one). Her response opens with the words: “As a Pākehā New Zealander I am enormously excited by this report”, and goes on to explain why. My concern had been that Pākehā would read the report as simply negative to Crown and Pākehā. It is true there is a major challenge to the Crown in its unilateral exercise of power. Despite that, the report focuses on the positive intentions of Ngāpuhi Nui Tonu in entering into relationship with the Crown and Pākehā. Their intentions were, and remain, inclusive, based in tikanga, and directed towards right order and peace; they point to ways for tangata whenua and tauwiwi to live and work together in rightness of relationship.

Moreover, there are Pākehā who will appreciate the critique of the Crown in the report. At this time when we are being invited to reflect on our country’s constitutional arrangements, *Ngāpuhi Speaks* provides helpful insight into the structure of state power. In their unique claim, Ngāpuhi Nui Tonu have gone to the heart of the questions about sovereignty, its meaning and practice. By sharing their traditions of law, decision making and confederated political power, they have presented alternatives to the very centralised, hierarchical model of authority under which we currently live. In studying what Ngāpuhi Nui Tonu have said, we can learn from the justice of their concerns for true power-sharing arrangements and critically reflect on our present system of national government and the exercise of state power. Through listening to and dialogue with tangata whenua - and in the process clarifying our own values and concerns - Pākehā and other tauwiwi will contribute to the building of a constitution that honours the Treaty relationship and provides for the rights and needs of our diverse communities.

In terms of where the Pākehā nation is at the moment, the greatest barrier to the development of such a constitution would seem to be Pākehā failure to engage with the issues. This was brought out in a discussion of Treaty and the constitution on National Radio (10 January 2013), where Brent Edwards spoke with the Māori MPs, Shane Jones and Metiria Tūrei. Shane described how he finds that the Treaty and the constitution are constantly being discussed at Māori hui, whereas they are rarely discussed at “mainstream” gatherings. Brent, Shane and Metiria all agreed that this gap means that national conversation on the Treaty and constitution will be slow to develop. It is a situation that presents an ongoing challenge to those of us Pākehā who believe that such conversation is vital to the health of our nation.

I cannot help wondering whether Pākehā reluctance to discuss these issues doesn’t derive in part from fear and shame arising from the “whispering in the bottom of our hearts”. Maybe, too, a certain feeling of helplessness in face of the history we have inherited?

And fears about what might become of our assets, privileges and identity? Like any fears, these will not be

addressed by denial or inaction. We have been asked to think about and discuss our country's constitution and it is important we do so. As yet (January 2013), we are unclear about the process or adequacy of the "national engagement in constitutional review" that is to be put to us by the government-appointed Constitutional Review Panel. I think that, at this time, the most useful way for groups and organisations to enter into conversation about the constitution has been supplied by Peace Movement Aotearoa. The process they suggest is set out in an attractive booklet called: *Time for Change: A framework for community discussion on values-based and Treaty-based constitutional arrangements* (Peace Movement Aotearoa, Quaker Treaty Relationships Group, & Rowan Partnership, 2013). The booklet lays out a positive and encouraging process that, together with the included information, will enhance our ability to think and talk clearly about the country's constitutional arrangements.

In conclusion, I want to say that I am proud to be Pākehā. I am grateful to tangata whenua for the challenges they put before us, and agree with Mitzi's words on our behalf in her "Pākehā response" to Ngāpuhi Speaks. I think that as a Pākehā nation we have a lot of history to overcome if we are to move beyond being a colonising people and to enter into the sort of relationship that tangata whenua invited us through the Treaty agreement. I believe we have the capacity to keep working towards this if we keep before us a desire for fairness, truth and moral integrity.

Thank you, Mitzi and Ray, for such a helpful conversation.

Appendix One

Pākehā Response to Ngāpuhi Speaks

As a Pākehā New Zealander I am enormously excited by this report. I am grateful to Ngāpuhi who have put so much work into the hearing to set out the circumstances and intentions of their ancestors in entering into a treaty with the British Crown.

In the process of giving an account of their political processes, particularly He Wakaputanga, Ngāpuhi have shared much of their history, values and identity, with appropriate pride and humility, and reading these records I, in turn, feel humble, realising what a great gift is here for us and for posterity,

Those ancestors made provision for people like my family to immigrate, live in safety and be self-governing, in relationship with their own rangatiratanga.

I write as a long-term member of national Pākehā and tauwiwi Tiriti workers organisations. I describe myself as a Pākehā New Zealander, by which I mean that I belong here under the provisions made in Te Tiriti o Waitangi.

I am thinking about those of us who live here because of that Tiriti o Waitangi and how we may well respond to this account. Most of us will have grown up in ignorance of our history, and been raised with a false and distorted perception of the process of colonisation. This has given us a sense of entitlement, a belief in the basic rightness of things as they are. Ignorance and false perceptions can both be put right, but it will be harder for some than for others.

There will be my fellow Pākehā who have been lucky enough to have reached a point where we share a longing for the full development of the possibilities of Te Tiriti. Others will have to get their heads around quite a lot of new stuff, and I say to them: don't be alarmed, there is nothing to fear because, as we are being reminded in this document, the spirit of Te Tiriti is one of wisdom and care for all people.

There are some who will be hard nuts to crack, who will turn a deaf ear, for reasons of fear, guilt,

greed, or who knows what? Let us hope that eventually a tide of justice will move them.

Now, we need to read this report, consider it carefully and ponder its implications. We are reminded that it was this document, Te Tiriti, in the Māori language, which William Hobson, representing the Crown, signed. It is not too late, in fact it is timely, to pick up on those mutually beneficial possibilities. A wise vision for the future is still as relevant now as it was then,

So be willing to be challenged and inspired.

Mitzi Nairn
26 October 2012

Reflection on the context of the Waitangi Day essay

My essay is relatively recent but I want to pick up on three key contextual points. Firstly, that Pākehā people often feel quite uncomfortable about our Treaty relationships. There seems to be a hidden guilt or shame; there can also be a feeling of not knowing what to do. I think Pākehā have had a strong sense of superiority, formed in a colonial identity, fed by the belief that deep down Māori have undoubtedly benefited from our relationship with them. We as a Pākehā nation felt secure in our identity that we had good race relations. Over the last thirty years through the Tribunal hearings and other sources, this has shifted. Revisions of history have unsettled that identity; I find some people are trying to cling very strongly to that original identity and advocating one nation, one way of seeing things. They are insecure about their right to be here. Fear and guilt gets in the way of forming relationships with tangata whenua. If we could have a different sort of relationship it might make for greater justice and something more productive for both Māori and Pākehā. That's what came out of the (Ngāpuhi) hearing that I went to: that Māori who entered into the Treaty relationship had a very inclusive vision. It was one where their rights and their authority in the land were in no way diminished, while giving a very real place to Pākehā.

Secondly, at the time of writing the essay, we had been advised that there would be a constitutional conversation that would involve looking at the Treaty relationship. The government had yet to outline the questions. But Peace Movement Aotearoa and others developed a valuable process that asked people to identify what their values were and then to see what values they would like to have in the country's constitution. This process affirms values and provides vision of what we would want in the constitution.

The third aspect of the context was the first stage of the Ngāpuhi Nui Tonu claim to the Waitangi Tribunal. Rather than focus on the loss of resources, land, and language Ngāpuhi wanted the Tribunal to look at what their people intended going into the Treaty relationship, and in particular He Wakaputanga. The Crown has always maintained that through the Treaty Māori said, "We give our sovereignty to the Crown". Ngāpuhi speakers in that hearing challenged that very, very deeply. Pita Tipene, who was the chair for the meeting, said this hearing would be the most important constitutional inquiry in New Zealand's history. The hearing was also significant for me personally as I was a member of the independent panel who attended all sessions of the hearing.

What became clear from the Ngāpuhi Nui Tonu hearing is that the form of government the Crown has put in place is very much based on a centralised, top-down model of authority. The Māori world held to a model of authority where local and extended communities retained their own authority and power. When leaders came together they sat down and collectively decided the way forward. You often hear Māori say: we want a place at the table. What they are saying is that when you come together around a table, whether physical or metaphorical, then you hear one another's voices face-to-face and you sort out the way forward face-to-face. The model the Crown established excluded Māori from the table.

Some councils have moved towards including Māori in decision making. In New Plymouth, for instance, the council has decided that there will be a Māori ward. So often what happens in local government is that you have few or no Māori on the council. Often those there come as representatives of a general populace not specifically to represent Māori. So the New Plymouth District Council has decided to establish a Māori ward. This means they will have Māori on the council who will directly represent the interests of their people. I see those sorts of moves as moves towards having Māori at the table. In the case of the New Plymouth District Council the Mayor was a leader in initiating this change. Some people are willing and wanting to move into this sort of conversation, while others want to prevent any of that from happening.

Reflections on the impact of the Waitangi essay

I didn't get much feedback, mainly people from the Treaty movement. Somebody said, "It's beautiful what you said", and that was affirming. So there was a small group of people who read it, and any feedback I got was very positive. The feedback came from people who were sympathetic to what was there! I think it is a great idea that these essays are going to be published.

A final point: I think the speakers up North talked about this – the need for an ongoing conversation about the issues. I heard Shane Jones saying that if he went to a Pākehā gathering, there was hardly ever mention of constitution and the Treaty, whereas these were common topics for discussion at Māori gatherings. I feel very strongly that when the colonisers came to this country they did not enter a true conversation with the indigenous people of this land. They brought their own way of doing things and set about imposing them. What we've done is receive a constitution from England, and we've never really deeply questioned it or entered into a deep conversation with tangata whenua. I think we were invited into a relationship by the tangata whenua of this country, and we have yet to enter truly into that conversation or that relationship.

It is important Pākehā people develop some healthy pride. By listening and talking with a different group of people you can grow to appreciate their values and your own. In this sort of conversation you can identify your values, and may well reconsider how you see them. You may decide that some of the things that once made you proud are things you need to revise. But there are other things that you can be proud of. It's like any human relationship; in getting to know the other person or the other group of people you understand yourself better and you revise what's of value to you. It's in the sharing that the relationship builds up between you.

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Photo: Denis Friar

Susan Healy, of Irish, English and Cornish descent, has been engaged in research and teaching on issues related to Te Tiriti o Waitangi since 1984. She has a doctorate in Māori Studies from the University of Auckland, her dissertation being *The nature of the relationship of the Crown in New Zealand with iwi Māori*. Susan was a member of the Independent Panel who wrote *Ngāpuhi speaks: He Wakaputanga and Te Tiriti o Waitangi: Independent report on the Ngāpuhi Nui Tonu claim*. She has been an active member of Tāmaki Treaty Workers for over twenty years. Susan has a particular interest in the Christian involvement in the treaty agreement, and the obligations this puts on Christian churches.

2014

Bushwhacking towards Tiriti-based justice

Dr Heather Came

As a compatriot of feisty feminist the late Joan Cook I am pleased to have this opportunity in this annual memorial essay to reflect on the State of the Pākehā Nation under her name. May the beer be cold where she is and the debate robust.

The first of my ancestors came to this country in the 1830s; others followed in subsequent decades. On my maternal line my family are descendants of the non-conformists Albertlanders¹⁹ and others came via the Australian goldfields in Ballarat where they were missionaries. On my paternal lines we are English and Waipū-Scottish²⁰ via the double migration from Canada, having survived the Highland clearances. Further back we can trace our ancestry to the Normans, Vikings, Saxons and Romans and at that point it all unravels a bit. These are my Pākehā (settler) credentials.

Upon arrival in New Zealand, we bushwhacked virgin forest into arable farmland to grow cows and apples. We primarily settled on Ngātiwai land and developed relationships with local Māori over time through living side by side; competing on sports fields and being weaved together through love and marriage, which for our family has led to a generation of Māori mokopuna. Our family's migration and settlement stories speak of the enduring pioneering themes of escaping persecution, endurance, stamina, adventure, optimism and hope for a better future, sprinkled with cultural arrogance and hard physical work.

From this consistently sports-mad ancestry I have inherited an enduring commitment to fair play and understanding of the importance of integrity. It is these drivers which have drawn me into caring about Te Tiriti o Waitangi²¹ and the state of race relations in this country and that have ultimately made me an (anti-racism) treaty worker. I wish to live in way that honours the treaty commitments made on behalf of my ancestors.

This essay is entitled bushwhacking for Tiriti based justice in honour of my reclaimed pioneering ancestors, and as a metaphor for the complicated ongoing processes of clearing and reclearing paths in pursuit of justice. It seems with changing racial and political climates we (Pākehā) are prone to lose sight of the tika thing to do. We tend to forget the promises made on our behalf and for middle and upper class Pākehā through inheritance laws and practices we have inter-generationally compounded the alienation of Māori land. To me the end goal of our contemporary bushwhacking is the honouring of Te Tiriti o Waitangi and the restoration of hapū sovereignty as a platform for harmonious race relations. A plethora of Waitangi Tribunal reports in recent decades confirm the ongoing and consistent failure of the New Zealand government to uphold their treaty obligations on our behalf. These ongoing contemporary breaches of Te Tiriti set the overall tone for race relations in New Zealand. As a New Year's resolution for my nephews, for my niece, for my god daughter I call for the end of Te Tiriti breaches by the current and all future New Zealand governments as irreversible line in the sand - a place to move forward from.

In considering the State of the Pākehā Nation in 2014 I wish to explore three domains of interest: i) constitutional transformation, ii) globalisation and free trade and iii) institutional racism. I propose these three

¹⁹Albertland (now known as Port Albert) is an area out from Wellsford (North of Auckland) which was the site of the last organised immigration from Britain in 1862 (Henry & Henry, 2003).

²⁰Waipū-Scottish refers to group of people that undertook a double migration from the highlands of Scotland (1820s) to St Ann's in Nova Scotia, Canada to finally settle in Waipū New Zealand (1850s).

²¹Te Tiriti o Waitangi refers to the Māori text of the Treaty of Waitangi signed by Captain Hobson and the majority of Māori signatories. Te Tiriti granted the British the right to kāwanatanga, reaffirmed Māori tino rangatiratanga and guaranteed Māori ōritetanga (equity) with British subjects.

sites are where Pākehā can most usefully bushwhack at this time to enhance Tiriti based justice. Other key developments in 2013 worth noting but not discussed in this essay are the governments' ongoing war on the poor that continues to disproportionately target Māori. Likewise the selling of state owned assets which thereby minimise the possibilities of those assets being utilised as part of the Waitangi settlement processes.

Constitutional transformation

In 2013 thanks to the Māori party's 2008 coalition agreement (National Party & Māori Party, 2008) we commenced a potentially powerful conversation about the future of New Zealand's constitutional arrangements. With over 5000 submissions received, many New Zealanders felt moved, equipped and motivated to contribute to this discussion. This degree of engagement speaks positively of levels of political literacy, which have in part has been fostered by the tireless education work of Treaty workers over recent decades.

In the review report it was heartening to see the importance and centrality of Te Tiriti o Waitangi within our constitutional arrangements being clearly affirmed (Constitutional Advisory Panel, 2013). I welcome the Advisory Panel's recommendation for a longer and deeper conversation about how we govern the people, land and resources of Aotearoa and that that conversation be informed by an education strategy to strengthen (Pākehā) New Zealanders understanding about the detail and significance of Te Tiriti o Waitangi.

Reviewing our constitutional arrangements is a rare, once in a lifetime opportunity. Given the active misinformation being circulated through the consultation period by well-resourced conservative activists this debate deserves a stronger base-line understanding of colonial history. Ours is often a history that we shy away from teaching in classrooms, and is rarely seen in mainstream media – thank goodness for independent Māori media.

Specifically we need to get our (Pākehā) heads around the significance of He Wakaputanga o Te Rangatiratanga o Nū Tireni (the 1835 Declaration of Independence) (Healy, Huygens and Murphy, 2012). It is time we understood that Te Tiriti is not a treaty of cession signed after Māori were defeated at war, rather a peacetime agreement between sovereign nations. It is time we understood that hapū signed the Te Reo Māori text of Te Tiriti o Waitangi as did Hobson and these are the words that according to international law and the principle of *contra proferentem*²² matter (Te Puni Kōkiri, 2002). It is time that the multiplicity of principles of the Treaty of Waitangi, made up by the Crown without their treaty partner are relegated to their appropriate place in history - a useful tool whose time has passed (Hayward, 1997).

At a deeper level the current constitutional discussion is a chance for Pākehā to reconsider what relationship we want with the indigenous people of this land. Social statistics produced regularly by the government (Ministry of Social Development, 2010) expose the systemic failure of our current arrangements and institutions to address the needs of many Māori families. The fact one in four children in this country live in poverty I suspect is unacceptable to most New Zealanders (Expert Advisory Group on Solutions to Child Poverty, 2012). I believe within this country we have enough resources to feed, clothe, shelter everybody and provide essential healthcare. The challenge facing us is how to share those resources so that we are providing a robust safety net for everyone.

Just as the myth of the flat earth was debunked it is timely that Pākehā let go of the pervasive myth that all New Zealanders start life with the same chances. This viewpoint ignores the well documented presence of structural discrimination among our institutions and the complexities of the legacies of colonisation (Human Rights Commission, 2011). A growing pool of researchers continue to expose powerful evidence of the impact of inter-generational trauma within indigenous communities as a result of colonial policies and practices of colonisation and assimilation (Reid, Taylor-Moore, & Varona, 2013). It makes sense that when genocide and other atrocities occur, as they have in New Zealand, the consequences are far reaching and spill beyond those

²²*Contra proferentem* is a legal doctrine that can be applied to bilingual treaties, which dictates that in cases of ambiguity, a treaty is to be interpreted against the party drafting it.

that experienced/witnessed it first-hand. This pain needs to be acknowledged if it is ever going to heal.

I hope nearly 175 years into this relationship with Māori that we (Pākehā) are mature enough to step off the well-worn colonial track of imposing mono-cultural institutions and systems, to listen to one another, and embrace real power-sharing. With this in mind I look forward to seeing what the Independent Iwi Constitutional Working Group, Aotearoa Matike Mai²³ come up with after their extensive engagement with Māori communities across New Zealand about their constitutional aspirations. I also recommend the meticulous work of the Kāwantanga Network (1996) as an exemplar of Pākehā thinking about what a Tiriti-based constitution might look like.

To me it seems obvious at a fundamental level a Tiriti-based constitution that addresses Māori aspirations, may go some way to stopping the devastating social, cultural and economic impact of current governance arrangements on whānau, hapū and iwi. I encourage Pākehā to contribute to this debate in an informed and constructive manner and to challenge the racism of well organised conservative activists.

In considering constitutional transformation I encourage you to consider the following strategic questions:

- What would it take for you and your family to be ready for a treaty based constitution?
- What would you like your relationship to be with local hapū?
- What are you prepared to do to contribute to this change?

Threat of globalisation and free trade

International trade has long been a part of economic life for both Māori and Pākehā. However in recent decades neo-liberal advocates have single-mindedly and passionately pursued a path of making planet earth a single market. Within this environment some multi-nationals have grown so vast that they have budgets and infrastructure larger than some countries (De Grauwe & Camerman, 2003). The dream of a single market place is enabled through free trade agreements which aim to maximise economic growth, opportunity and profit and minimise nation state intervention.

The World Trade Organization has responsibilities to supervise the implementation of free trade agreements. They can approve trade sanctions if domestic laws are not compatible with trade agreements. Domestic legislation around minimum employment conditions, protecting the environment and indigenous land claims are seen in this context as potential barriers to free trade and can and have been considered negotiable terms within agreements.

In New Zealand, trade agreements are negotiated by the government, approved by Cabinet, and then endorsed²⁴. This process is then formalised by being tabled in parliament and referred to a select committee and if necessary enabling legislation implemented (Ministry of Foreign Affairs and Trade, 2009). Agreements are not generally amended because of subsequent public or select committee input.

The New Zealand government is currently negotiating a range of free trade agreements²⁵ most critically the Trans-Pacific Partnership (TPP) which has been surrounded by considerable secrecy.²⁶ Noam Chomsky (cited

²³Check out <http://www.converge.org.nz/pma/iwi.htm#ao>

²⁴New Zealand has completed several trade agreements: Australia (1983), China (2008), Thailand (2005), Singapore (2001), Brunei (2005), Chile (2005), Malaysia (2009), Hong Kong (2011), Taiwan (2013).

²⁵New Zealand government is currently negotiating with United States, Peru, Vietnam, Japan, South Korea, Gulf Co-operative Council, India, Russia, Kazakhstan, and Belarus.

²⁶The Trans-Pacific Partnership is currently being negotiated between Australia, Brunei, Chile, Canada, Japan, Malaysia, Mexico, Peru, Singapore, the United States, Vietnam and New Zealand.

in Carter & Grim, 13 January 2014) warns that the TPP is “designed to carry forward the neoliberal project to maximise profit and domination, and to set the working people in the world in competition with one another so as to lower wages to increase insecurity”.

He Wakaputanga o Te Rangatiratanga o Nū Tirenī and Te Tiriti o Waitangi embody the right of Māori to define and control what is of spiritual, social, cultural and economic significance to them. Māori as a nation and as a treaty partner currently have no significant input into trade negotiations. Jane Kelsey (2013) argues this is problematic in that trade agreements seriously compromise the Crown’s obligations and Māori rights under Te Tiriti o Waitangi and open up the possibilities of further Tiriti breaches. Free trade agreements without formal involvement of indigenous nations also undermine the newly ratified Declaration on the Rights of Indigenous Peoples (United Nations, 2007).

Pākehā New Zealanders are in a unique position to challenge the government’s ongoing involvement in the TPP and to insist on transparency around trade negotiations. Trade agreements are not a magical panacea for economic growth; rather they can permanently usurp long established domestic policy mores about valuing indigeneity, caring for the planet and fair working conditions.

In considering free trade I encourage you to consider the following strategic questions:

- What are you and your family prepared to give up for economic growth?
- What information do you trust in relation to free trade?
- What alternatives do we have to free trade?

Institutional racism within the public sector

Prejudice is the belief in the superiority of one group of people over another and it remains widespread within New Zealand (Human Rights Commission, 2013). Personally-mediated racism occurs when an individual has the power or influence to act on those prejudices. Institutional racism in contrast is harder to detect and occurs at a macro level. It is a pattern of differential access to material resources and power determined by race, which advantages one sector of the population while disadvantaging another (Jones, 2000). Institutional racism can manifest within policy making, funding practices and service delivery which disadvantages ethnic minorities and contributes to inequitable social outcomes.

The presence of institutional racism as enacted against Māori first came to the public’s attention in the 1980s via a series of landmark reports (Berridge et al., 1984; Herewini, Wilson, & Peri, 1985; Jackson, 1988; Ministerial Advisory Committee on a Māori Perspective on Social Welfare, 1988). Through the work of the Māori Party, the Human Rights Commission (2011), activists in the criminal justice sector (Just Speak, 2012; Workman, 2011) and in the public health sector (Came, 2012; Came, Doole, Simpson, & Coupe, 2013) the issue of institutional racism has re-entered public discourse in recent years.

Activist scholars have revisited work from the 1980s and found compelling evidence of the ongoing existence of systemic racism within the administration of the public sector. Came’s (2012) research within the public health sector has isolated ten distinct sites of racism within both policy making and funding practices²⁷. These sites of racism are also sites for potential anti-racism interventions. Came’s findings suggest that a systems change approach via existing quality assurance frameworks within the public sector hold much promise for mediating institutional racism.

To permanently eradicate institutional racism requires vigilance and Pākehā to individually and collectively find the courage to proactively support anti-racism initiatives within our respective spheres of influence. If we

²⁷These sites of racism with policy making include: decision making practices, misuse of evidence, cultural and political competencies, consultation practices and use of Crown filters. Within funding practices sites of racism include historic funding allocations, mono-cultural funding frameworks, uneven access to Crown officials, inconsistent practice of Crown officials and compromised leadership (Came, 2012).

find institutional racism abhorrent it is time to step up and speak out. As Alice Walker poignantly points out “we are the people we are waiting for” and the costs of inaction are considerable.

In considering institutional racism I encourage you to consider the following strategic questions:

- How does institutional racism operate here?
- From my sphere of influence what can I do to disrupt institutional racism?
- What would strengthen my resolve to speak up and take action on this issue?

Where to from here?

My ancestors were pioneers who bushwhacked land to make pasture and orchards. If they were alive they would tell me it is important to maintain cleared land, if you became tardy it reverts back to bush with manuka and ferns sprouting forth and young saplings. Removing wayward gorse from land is extremely difficult it can take up to seven years until every seed has become barren. At times Pākehā have stepped up and attempted to address our complicated colonial legacies. But in recent times we have become distracted with concerns we consider more pressing.

This Waitangi Day let's remember the legacy of our pioneering Pākehā ancestors and continue to tend to our relationship with Māori. Let's be the contemporary pioneers - honourable Pākehā, the sort that Māori thought they were signing Te Tiriti o Waitangi with. Let's be proactive and step up and make the most of the current constitutional conversation. Let's challenge our government around their fixation with free trade agreements that expose us to all sorts of potential troubles. Let's challenge institutional racism and eradicate it once and for all. Let's fight for a society where fair play is the norm, where Māori are valued and Pākehā as a nation can be proud of the integrity we bring to our relationships with Māori.

Reflections on the context of Waitangi Day essay

I wrote my essay on the back of an intrepid adventure to Mexico and Guatemala. In their corner of the planet, people have watched civilisations rise and fall. They have been dealing with colonisation for hundreds of years. The locals have rich multi-layered whakapapa. Decolonisation for them rather than kicking out the Spanish, seems to be moving on the multi-nationals; the new colonisers, from the powerful North that stifle local efforts of sovereignty. After wandering around Mayan ruins I came home thinking our 175 year colonial history was a short heartbeat and if we could generate some willing, some courage, maybe we could heal some of the harms done - (not) in our name. It also reminded and reinforced to me that decolonisation is a global story.

Reflections on the content of the Waitangi Day essay

In editing this book I have been fortunate to read everyone's essay again and was privy to their reflections. It has been inspiring to read my peers staunch analysis and reflect on their personal stories. With hindsight I wrote a conventional head-based essay focussing on the substantive, yet safe, topics of constitutional change, institutional racism and free trade. If I get called up again I hope I have the courage to tell a more personal heart-story about what decolonisation might mean in my pioneering Pākehā family, or what it might mean within my professional life in the public health and the tertiary education sectors. We need more exemplars about how to do decolonisation – so we can learn and get better at it.

Reflections on the impact of the Waitangi Day essay

To be honest I was disappointed to not get to deliver my essay as a speech. I know you aren't supposed to, but I love the interaction of an audience. I was ready for tricky questions, debate and even a heckler or two but it wasn't to be. I heard from lashings of treaty workers about the essay – thanks for your staunch support and encouragement; my turn for tricky questions will come. I circulated the essay far and wide and posted a link to it on my Facebook page. I love that my Auntie read it and liked it and I hope one day my niece and nephews will read it too and know their auntie did what she could to oppose racism. I think the challenge for Pākehā Tiriti workers is to continue to recruit more allies and to extend the debate beyond ourselves to the farmers, retailers, bankers - to middle New Zealand. This is what we need to do if we want to change the State of the Pākehā Nation.

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Photo: Denis Friar

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Find Heather's academic writing <https://aut.academia.edu/heathercame> or check out <http://treatyblog.org.nz/> for other political writing.

2015

A place in the circle

Tim Howard

Two public moments on Friday 14 November, 2014.

The stage one report in response to the Waitangi Tribunal claim named as Te Paparahi o te Raki is to be released by the Waitangi Tribunal at Te Ti Marae at Waitangi. After all the years, the moment comes for director Julie Tangaere to stand and announce the Tribunal's conclusion. She re-states the key question, "did (the rangatira) cede sovereignty to the Crown?" and the descendants of Rāhiri shout back in answer, "Kao! No!!" She goes on to affirm that, indeed, by signing Te Tiriti o Waitangi²⁸ in February 1840 the rangatira of the north did not cede to the English Crown their "authority to make and enforce laws over their people and within their territories." Rāhiri's people, Ngāpuhi, knew that, and had been consistently saying that for 175 years.

On Radio New Zealand's Checkpoint programme that afternoon, the Crown's Minister for Treaty Negotiations Chris Finlayson reaffirms the Crown's claim of continued sovereignty over New Zealand. "Nothing will change. New Zealanders can rest easy in their beds tonight and wake up in the morning happy in the knowledge that the Queen still reigns over us and that the government still rules over us" (Wilson, 2014).

Two personal moments, the same day.

A line of Pākehā Tiriti educators in the crowded tent at the lower marae at Waitangi are overwhelmed with emotion at the announcement of the Tribunal's conclusion. They too – echoing Ngāpuhi and other hapū knowledge – have been saying this for many years. Ngāpuhi didn't cede sovereignty in 1840 or since. But to hear it from the dedicated agency set up, populated, resourced, ruled by the Crown...!

Later, cars bearing two of these educators pass at Onerahi airport, Whangarei – and they note each other's grim face as their radios carry Finlayson's bluntly dismissive words.

But this judgment, that Ngāpuhi did not cede sovereignty, is not so easily dismissed. Matching Ngāpuhi's knowledge, and what the majority of responsible Treaty scholarship has been saying for at least twenty years, the Tribunal in its own 'Pākehā way' has laid down what is in effect the new 'establishment truth.' Though England intended to gain sovereignty over New Zealand, the document it presented for signing did not include that intention. Its representatives did not explain such an intention to rangatira, nor did they gain the free assent from rangatira to hand over their sovereignty as they were instructed. Rather, rangatira were told they would retain their tino rangatiratanga, their independence and full chiefly authority. And they agreed to Te Tiriti on the basis that they and the governor would be equals, each administering laws for their own people.

An anchoring place to imagine the future

This reflection is consciously made from my personal perspective as a Pākehā, writing primarily to Pākehā and as a commentary on the dynamics of the Pākehā nation. We Pākehā have been in many ways the framers and doorkeepers of the dominant ideology, and so inherit particular responsibilities. The reflections may be largely relevant to other tauwiwi too, and of interest to Māori.

To secure the historical anchor of tāngata whenua sovereignty in our imaginations, I think it is worth briefly recapping here two intertwined strands of living history. Both reflect the Māori nations' sophisticated willingness to adopt strategic alliances that would be of mutual benefit for their peoples. I think of these strands as being symbolised as a 'circle,' and as a 'handshake' mirrored in the ongoing conversation between rangatira

²⁸Te Tiriti o Waitangi is the version of the treaty proposed by the Crown, presented in Te Reo Maori, the basis of explanation and debate amongst rangatira, signed by rangatira and Capt Hobson – the only substantive treaty.

and the Crown.

From at least 1807, and probably earlier, rangatira and peoples from the North, and from beyond, would gather at the gardens at Taiāmai near Kaikohe each autumn. The gathering would often include rangatira from as far as Ngāti Kahungunu in Hawkes Bay, from Tūwharetoa in the Central North Island, from Tainui peoples in the Waikato; these nations were each allocated their own land base at Taiāmai within the rohe of Ngāpuhi. The gatherings, reflected in the ongoing relationships between hapū – known collectively as Te Wakaminenga – would be times for harvesting and of trading. They planned, for example, large joint ‘transnational’ fishing expeditions. And they were times for rangatira to discuss matters of political importance, particularly that of the implications of Pākehā newcomers arriving in their lands. This ‘circle’ of rangatira increasingly became the basis for a new type of political organising, beyond the traditional authority each rangatira had within their own nation. This development led to them stating what might be called a Declaration of Independence when they promulgated He Wakaputanga o te Rangatiratanga o Nū Tirenī in 1835, a statement of collective sovereignty. “E kore e tukua e mātou te wakarite ture ki te tahi hunga kē atu” – we allow no other person (than ourselves) to make laws.

A specific aspect of the strategic alliance the rangatira engaged in as Te Wakaminenga was the ongoing conversation between the rangatira – often collectively – and the English Crown. The classic elements in Polynesian encounters and forming formal alliances are the handshake and the exchange of gifts. When Hongi Hika and Waikato representing Te Wakaminenga (with Waikato as ‘secretary general’ of Te Wakaminenga, this circle of ‘the United Nations of Aotearoa,’ as it were) met to shake the hand of King George and exchange gifts in 1820, a formal alliance was established. This was a mutually beneficial and respectful relationship of equals and the beginning of an ongoing conversation. The power of that alliance was reinforced over time – by the letter of the rangatira sent to George’s brother King William IV in 1831; by William’s reply, and his sending of Busby as his representative, carrying his speech; by the English endorsement of Te Kara, the Māori national flag, and by the English acceptance of the declaration by the rangatira in He Wakaputanga.

The 1835 declaration is the constitutional foundation of Aotearoa. There was no need for any further treaty between the rangatira and the English Crown; the handshake and particularly its reconfirmation in He Wakaputanga were sufficient. Te Tiriti o Waitangi, five years later, instigated by the new Queen Victoria, could be said to be in large part ‘unnecessary’ to Māori, as they already had the handshake, the relationship – but their partner had requested it. That said, the Tiriti did one thing particularly – it introduced the representative of the English Crown to that older circle of power. It gave the Crown a place in the circle as one amongst equals, with responsibility to look after their own non-Māori people – though clearly with no power to make laws over Māori. Hobson’s handshake with the rangatira sealed the terms of the relationship from then on.

What has been heard over time from Ngāpuhi and its claimants (their voices having been heard at the Tribunal hearings and gathered in the independent report Ngāpuhi Speaks), endorsed specifically by Tainui, and now by the Tribunal, refers explicitly to the iwi and hapū of the Tai Tokerau, the North. Ngāpuhi did not cede sovereignty. And neither arguably did the other iwi and hapū of Aotearoa, many of whom had also later on signed the constitutional document He Wakaputanga o te Rangatiratanga o Nū Tirenī – Tūhoe, for example, as late as 1921.

This context is significant when we address relationships now. The ‘circle’ of rangatira, the ongoing handshake and conversation, the agreement within limitations to share power with the Crown... all provide an historical anchor for us for the creative imagining and organising of us who are tauīwi and Pākehā. What shifting arrangements should be made now to honour that sharing of power?

Voices in response

The Tribunal’s formal announcement in November 2014 that they accepted the claimants’ main position – after which no-one could honestly say that Ngāpuhi ceded sovereignty in February 1840 – confirmed that the historical anchor was well secured.

Ngāpuhi leaders were immediately positive in response to the Tribunal's report (Dinsdale and Graaf, 2014). Hokianga kaumātua and scholar Patu Hohepa is quoted as saying that the English version of the Treaty was "fraudulent and absolutely not a translation" of Te Tiriti, which confirmed hapū rights to make their own laws. Ērima Hēnare, Ngāti Hine kaumātua, said the report's implications were "tremendously huge." He said that, in the worst case, the Crown might do nothing, which meant the sovereignty issue could end up in court. Co-chair of Te Kotahitanga o ngā Hapū Ngāpuhi, Pita Tipene, said hapū and whānau were elated, their case having been vindicated.

From a Pākehā perspective of how the Pākehā nation often operates, the Crown response is significant. It is deliberate and strategic.

The relevant Minister Chris Finlayson, while saying he had only had one day to absorb the Tribunal report, evidently knew what he had planned to say. It is interesting to note that the first letter in the Tribunal report, addressed to Finlayson and to Minister of Māori Affairs Te Ururoa Flavell, is dated one month prior to the launch (Coxhead, 2014). Finlayson and his spin doctors had all that time to come up with the 'rest in our beds' line, a dog whistle signal to non-Māori that there is indeed something to fear (Wilson, 2014).

There is no question that the Crown has sovereignty in New Zealand. This report doesn't change that fact," said Finlayson. "The Tribunal doesn't reach any conclusion regarding the sovereignty the Crown exercises in New Zealand. Nor does it address the other events considered part of the Crown's acquisition of sovereignty, or how the Treaty relationship should operate today (Chapman, 2014).

He went on to say that the Government would consider the report as it would any other Tribunal report, and would focus on completing Treaty settlements "in a just and durable manner."

Finlayson alluded to ways other than the Treaty that the Crown has gained sovereignty. He didn't spell these out, but his reference triggered my memory of a mid-90s Op Ed piece in the Dominion by Minister of Justice and Treaty Negotiations Douglas Graham, where he had acknowledged rightly that the Treaty was not an ethical basis on which Crown sovereignty could be claimed, but its basis was 'military conquest' and 'continued administrative authority.' Maybe this, alongside other 'legal' instruments, was what Finlayson meant.

Not a Crown voice, but one that feels to me like as an aspect of the establishment response, was that of Paul Moon. This historian is often singled out by media as an 'expert' for 'authoritative responses' to Treaty issues. Moon came out with his own media release twenty three minutes after the embargo on the Tribunal's own release was lifted. He strongly attacked the tribunal report, saying it distorted significant aspects of history (Kenny, 2014)²⁹.

Prime Minister John Key went a step further than Finlayson (Key cited by Su, 2014). While reasserting that the report didn't affect the Crown's authority to rule over New Zealand, he claimed on Te Hiku Radio that New Zealand was one of the few countries that had been settled in a peaceful manner. His failure to note the thousands of Māori deaths as a result of Crown invasion of their lands is being parodied on social media.

What was the Crown strategy then? While Key probably went further than Finlayson would have liked expressed, it would seem that the strategy was to ignore and invisibilise both Ngāpuhi and Tribunal voices, and if necessary deny. That said, Finlayson probably knew that any attempts on their part to reconstruct history would likely fall flat when faced with what might be seen as the establishment's own history of record now, that

²⁹Māori legal scholar Moana Jackson later challenged what he described as Moon's over-reliance on received Pākehā-defined history and his "ignoring crucial parts of the Māori evidence which was presented to the tribunal" (Waatea.com, 2014).

articulated in the Tribunal's report.

What were the other Pākehā voices? On social media there has been a number of ill-informed and even nasty responses, amongst others more open and generous. I won't dwell on them. Observing these responses, blogger and bicultural educator Graham Cameron assessed that "a large body of Pākehā get very angry when the discussion turns to Te Tiriti o Waitangi, sovereignty, co-management, co-governance and partnership... (because) consciously or subconsciously, they are aware that their sovereignty is not the only sovereignty in this country" (Cameron, 2014). Another blogger, No Right Turn, observed that "The biggest effect (of the report) will be psychological... Pākehā are going to have to confront the fact that our history is a bit more complex and far less comfortable than we like to pretend or not. Given past practice, this is likely to result in a surge of racist anger at Māori for upsetting our myths, then a return to comfortable ignorance" (No Right Turn, 2014).

In another vein, blogger Morgan Godfrey usefully distinguished between *de facto* (in reality, in practice) and *de jure* (legally based) sovereignty. He saw the Crown as confident in its *de facto* sovereignty - though some of us would note that this 'in practice' sovereignty and related colonising actions have been resisted and contested consistently over the centuries by *tāngata whenua* and some others, so would question how much confidence the Crown should really have. He went on to say that now the Crown "must have the burden to prove it's *de jure* sovereignty... whether out of constitutional, political or emotional necessity. Meanwhile, hapū and iwi can agitate for a new Treaty relationship - one more like a nation to nation relationship than citizenry to state relationship" (Godfrey, 2014).

One of the claimants' lawyers at Waitangi on 14 November, when reminded of Douglas Graham's dictum cited above, responded critically, "If the Crown did not gain sovereignty by the signings in February 1840, at what point, by what mechanism, can the Crown claim to have gained and Ngāpuhi ceded sovereignty? At what point in time?" He was implying that the Crown cannot prove its legal authority to rule over all.

Entrepreneur and new Treaty commentator Gareth Morgan, in a recent New Zealand Herald opinion piece, called the Tribunal 'one-sided,' meaning that it locked out Pākehā perspectives (Morgan, 2015). A number of people, this writer included, would agree that the process was indeed one-sided, but not as Morgan meant that term. As kaumatua Nuki Aldridge had submitted to the Tribunal, the rules of engagement which the Tribunal was following in these hearings - in terms of making the processes agreed to by Ngāpuhi something more legalistic and lawyer-dominated, the bombarding of Ngāpuhi *tikanga* with foreign processes, the appointment of Tribunal members and officials by the Crown, the emphasis on the Tribunal's independence being further controlled by government limiting resources, and more - were indeed 'one-sided'; one-sided against Ngāpuhi sovereignty and Māori perspectives. Yet, against those odds, the Tribunal still supported the substantive claim of the Maori claimants.

A number of legal commentators admitted that Crown legal assertions of sovereignty, like that by the English authorities in December 1840, were based on false grounds - for example, on the understanding that Ngāpuhi and other North Island tribes had ceded sovereignty by signing the treaty and that the 'empty' South Island was legitimately claimed by right of discovery. At the same time, there were allusions in the same commentaries to the Crown having sovereignty simply because it claimed sovereignty - and by that the courts are bound. Hmmm.

Usefully, in a blog in November, legal academic Andrew Geddis (2014) noted the challenge that the Tribunal report lays down. This is where we might start. Geddis stated: "The third response, then (after two untenable ones), is to accept that the Treaty did not function to transfer sovereignty to the Crown and so the way our society has developed has failed to keep to the original promises made in it... If we do accept that picture, then it really poses a challenge to us... It calls for a more radical reworking of the sharing of power over at least some aspects of New Zealand between the Crown and Māori in order to make good the Treaty's original vision... The Tribunal's Report [implies] that if we want to be true to the Treaty as it was formed, then something more radical is needed than just saying sorry and paying over some money" (Geddis, 2014).

Responding now

What might our response be to that challenge? How do we use this historical anchor well – the anchor of knowing that Ngāpuhi (and other iwi and hapū) did not cede sovereignty – to imagine and work towards another future? What are the occasions where we directly respond to the calls for support from hapū and orient ourselves towards them? – and when on the other hand is it best that we work more with our own people so that we together increasingly become people of honour and respect?

Our first responsibility, as Pākehā particularly but also other tauwi, must be to put pressure on our representative in the circle, the Crown, to act as an honourable party to the ‘handshake’ and Te Tiriti. The Crown’s current strategy is clear. On the other hand, many of us, Pākehā and tauwi, would like to see a society in Aotearoa based on something more moral than ‘military conquest and continued administrative authority’ or on ‘the Crown simply claiming sovereignty is sufficient.’ We could imagine a different society based rather on our collective place as one seat in the circle of equals. And, once that dream is seized upon, there’s the challenge for us to work together to shift the Crown towards a position of integrity. Whatever is required to achieve that.

At first instance this would mean we call on the Crown to respond to the Tribunal report ethically, and not with the dismissive tone that is evident to date. Such invisibilising or minimising is evident in Crown behaviour in relation to Te Tiriti o Waitangi – as well as echoed in other areas of current policy and practice. I would suggest that our peoples, tauwi as well as Māori, would like to see the Crown act with integrity rather than hear sheer restatements of their power, the approach of a bully.

Beyond that - and it would be great if more people absorbed some of the stories and voices included in the Independent Panel’s report Ngāpuhi Speaks (Healy, Huygens, Murphy, 2012, p335-339) - the recommendations in that claimant-based report present a set of directions that we could well be demanding from the Crown. They are clear and far-reaching. “That the Crown formally acknowledges its fundamental misrepresentation... That the Crown work with hapū representatives from across the country to develop rules of engagement...” and more, worth considering well.

It is true that in a few instances the Crown has moved positively to share power to some degree with hapū and iwi. There have been some gains in power-sharing between hapū and the Crown in the Waikato River Authority; in the Tūhoe settlement and its unique Mana Māori Motuhake redress dimension, aimed at healing relationships; in the agreed status of Te Urewera; in the Whanganui River settlement, and in particular in the legal entity that gives recognition to the Whanganui River. These gains could well be developed further, openly promoted and used for example as inspirations for other arrangements around the country between hapū and Crown-authorized bodies like local government. It is important too, however, that we lobby government to ensure that, when they speak of ‘treaty settlements,’ they give no room for settlements to be misconceived by people as a process to wipe out Te Tiriti o Waitangi. Te Tiriti still speaks – now.

Second, however, it is not just a matter of us waiting for government to come to the party. It’s about us informing ourselves, and acting, wherever we are. Sharing these living histories in our families and communities, and the images of a circle of shared power, and of a handshake between Ngāpuhi and the Crown that needs to be honoured now. Sharing a recognition that tāngata whenua have been gracious in granting settlers a place on their lands. Encouraging media to contact appropriate Māori sources on issues affecting hapū, and Māori in general. Our contributions towards changing our collective ‘arrangements’ are relevant in all sorts of places where we find ourselves.

In encouraging our councils to move towards more mutually beneficial relationships with Māori – in which local hapū are more than citizens but collectives to be effectively engaged in decision making. So the councils know the implications of once again overriding tāngata whenua in consent issues, for example. Or so they embrace planning that assists papakāinga development.

In issues like oil exploration and hardrock mining – where tangata whenua perspectives must have real

influence in decision-making. Currently, tokenistic consultations of tāngata whenua characterise government and industry approaches to extractive capitalism – quoted when it suits the ‘powerbrokers,’ but when a kaumatua and whānau throw over the table and tell the oil company to leave the rohe, ignored. Rather, then, let’s see tāngata whenua heard as the people of the circle of Te Wakaminenga.

In social matters like housing – where the harm from the loss of practical authority by Ngāpuhi and other iwi and hapū over their peoples, lands, spirituality, resources, is reflected in almost every social indicator. Here we Pākehā have a daily role alongside Māori, if only to ensure our Pākehā practices do not drown out Māori assessments and Māori solutions.

In education particularly – where in so many ways we prefigure how we will shape our society. Education that is grounded in the real history of Aotearoa, with useful resource material, from primary to tertiary levels and in many informal contexts, is sadly lacking at present. Where are the stories of Ngāpuhi heard in schools and universities above the comfortable versions of Treaty history? In very few places, I would suggest. But education has the potential to sow seeds that will grow well, and new generations will be in a position to exercise their own knowledge and creativity. Then, younger people will be in more of a position to review how we Pākehā can be better in our relationships with tāngata whenua. More broadly, we will perhaps learn how together we will shape a society in which people are more to the fore than profits and the needs of capital. “He tangata, he tangata!” Now that is worth working for. The opportunities are for us to play our part are many, and at hand.

The anchor

An anchor can function as an instrument to hold one’s ground with surety amidst the flux of changing times. It can also provide a still place in order to dream of and plan for another future. This clear historical anchor, laid by Ngāpuhi and endorsed by the Tribunal, with its images of power shared amongst respected equals for mutual benefits, is hugely valuable. It presents opportunity, challenge, hope. An anchoring place for us Pākehā to get organised... so we might be adequate to our place in the circle, by acting as the Pākehā (and tauiwī) with whom the rangatira thought they were signing Te Tiriti o Waitangi.

To continue that ongoing conversation.

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Photo: Heather Came

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Tim is employed as a community development worker with Northland Urban Rural Mission, Joan Cook's home group in Whangarei, where he works on a range of community development, social justice and environmental issues within a framework of Tiriti justice. Particular areas he works in include Māori and community housing, organised opposition to mining and oil exploration, welfare advocacy, child poverty, community economic development, Tiriti education, and development of the Tāngata Whenua Community Voluntary Sector at local and national levels. All of these contexts involve applying Te Tiriti in different ways. He is active in Network Waitangi Whangarei, and has been involved for twenty years in national Tiriti educators' networks.

Tim is also one of the co-founding trustees and tutors with Kotare Trust which, through participatory education and research, supports activist groups and broader coalitions in their work for Tiriti, environmental and social justice. Previously, Tim worked as a Catholic priest in New Zealand and the Pacific with particular involvement in social justice, community and youth work. He continues to be active in a number of international solidarity movements supporting liberation struggles particularly in East Timor, Philippines, West Papua and Palestine.

GLOSSARY

Aotearoa – New Zealand	Pātaka kai – food storage place
Atua – a god or supernatural being	Pipi – type of seafood
Haka – vigorous dance	Pounamu - greenstone
Hapū - nation	Rangatira – chief or leader
Hikoi – walk or march	Raupatu – to take without right
Hui - gathering	Rohe - area
Iwi - tribe	Ruru – morepork
Kai mara – organic produce	Ta moko - tattoo
Kaimoana - sea food	Taiaha – spear like weapon
Kaitiakitanga – guardian or stewardship	Tamariki - children
Kanohi ki te kanohi – face to face	Tangata whenua – people of the land
Kaumātua - elder	Tangihanga - funeral
Kawa - protocol	Tauīwi – non-Māori
Kāwantanga - governorship	Tautoko – agree, support
Kawenata - covenant	Te Ao Māori – the Māori world
Karanga – to call out summon	Te Pāti Māori – Māori party
Kaupapa – topic/ purpose	Te Reo Māori – Māori language
Kōhanga reo – language nest	Te Tiriti - Treaty
Kōrero - talk	Tika - correct
Kotahitanga - unity	Tikanga – rules protocols
Kuia – female elder	Tino rangatiratanga - absolute sovereignty
Kura kaupapa Māori – Māori school	Taonga tapu - treasures
Mana – authority, prestige	Urupā - cemetery
Manaakitanga	Wahine- woman
Mana whenua	Wāhi tapu – sacred sites
Māori - ordinary indigenous people	Waka - canoe
Marae - courtyard	Whakapapa - geneology
Mātauranga Māori – traditional Māori knowledge	Whānau – extended family
Maunga - mountain	Whanaungatanga – relationship building
Mihi - greet	Whare kai – kitchen
Mokopuna – grand children	Wharenuī – meeting house
Pākehā - settlers	