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*Building  
Relationships  
Between  
Catholic  
Schools  
and Māori  
Communities*



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## **Information to Support the Development of Relationships of Catholic Schools with their Māori Whānau and Communities, and to Support the Teaching of Māori Students**

### **Introduction**

This paper is provided to assist in further developing the knowledge and effectiveness of teachers and Boards of Trustees in New Zealand Catholic schools.

Catholic schools have a two-fold responsibility towards Māori students and families, both because of their commitment as part of the Catholic community to the support of the tangata whenua, and also in terms of their general responsibility as State schools.

The first of these responsibilities is specified for the Catholic community in a series of statements by the Bishops' Conference. The appropriate documents are mentioned below.

Relating to schools' responsibilities for the education and wellbeing of their students, in recent years a number of publications have analysed Māori educational achievement, and the approaches schools might take to working with whānau and with students to promote the wellbeing and academic achievement of Māori students. Sometimes such documents are no longer accessible in schools when they are needed. Therefore, below is an annotated list of some of these key documents, to enable Boards of Trustees and teachers to refresh or to further their understanding of planning strategies in relation to the education of Māori students.

Ally Gibbons, Principal of Sacred Heart Girls' College, Hamilton, is thanked for her input into this paper.

### **New Zealand Bishops Conference**

There are three key statements from the New Zealand Bishops Conference. They are available on the national Catholic website, under Bishops' Statements: Justice, at <http://www.catholic.org.nz/statements/statements.php>. They are also printed as an appendix at the end of this document.

The statements are:

*He Tau Whakamabarātanga Mo Aotearoa-Nui Tīreni*  
*A Commemoration Year for Aotearoa-New Zealand 1990*  
[http://catholic.org.nz/statements/90\\_commemoration.php](http://catholic.org.nz/statements/90_commemoration.php)

*The Treaty of Waitangi in Today's Perspective, a Pastoral Letter to the Catholic People of New Zealand.* New Zealand Catholic Bishops Conference 1995. This is the key document for the Catholic Church in New Zealand.  
[http://www.catholic.org.nz/statements/9509\\_treaty.php](http://www.catholic.org.nz/statements/9509_treaty.php)

*Let Us Be Fair and Informed* April 2004, Bishop Peter Cullinane.  
<http://www.catholic.org.nz/statements/0404treatybeinformed.php>

### Information Specifically Relevant to Education

The following resources are worth placing in the school's professional library, if they are not already there.

***KIA HIWA RA! LISTEN TO CULTURE*** – *Māori students' plea to educators*, Angus H MacFarlane, NZCER, Wellington, 2004. 120 pages.

Dr Angus McFarlane affiliates to the Te Arawa confederation of tribes in the central Bay of Plenty. He is an experienced teacher and educator in secondary schools, Special Education Services and the Ministry of Education. He is currently a senior lecturer at the University of Waikato.

Kia hiwa ra literally means "to be alert". The book is intended to alert teachers to models of good teaching in diverse classrooms and to encourage them to be alert to the various cultures that are represented. A key theme underlying the book is the role that culture plays in education, and the implications of that role for teaching and teachers, and for learning and learners. It provides a number of teaching and learning strategies which are preferred by Māori, many of which are based on whakawhānau, building the relationships. Chapter 8 is full of practical strategies and actions that schools or teachers might adopt. This book has been very well reviewed

An extract from page 18:

"The Maori concept of special abilities is broad and wide-ranging, with importance placed on both qualities and abilities. These include service to Maoridom, Maori knowledge, spirituality, language, musical, literary and artistic ability, aesthetic appreciation, leadership, sporting prowess, intelligence, knowledge and appreciation of nature, and qualities such as patience, humility, bravery, and sensitivity to others. ... many Maori students who present with challenging behaviours may also present with special abilities, through mana tinana, manaaki, and aroha or other such qualities, which may not even be identified or acknowledged. ... not listening to culture has the potential to mar teacher, student, and parent relationships."

***A PATHWAY TO SUCCESS: RESPONSIVENESS TO MAORI STRATEGY*** – *a Summary Handbook for New Zealand Secondary Schools* prepared by Te Hiringa i te Mahara, (a project managed by Gardiner Parata for the Ministry of Education), Te Tāhuhu o te Mātauranga, Ministry of Education, Wellington 2004. 62 pages.

***TE HIRINGA I TE MAHARA 'THE POWER OF THE MIND'*** is a project developed to address and manage the stresses associated with excessive workload amongst Māori secondary school teachers. The project is managed by Gardiner Parata, Wellington, ([www.gpl.co.nz](http://www.gpl.co.nz)), for the Ministry of Education. There is plenty of website information on the overall project, including a section on Te Kete Ipurangi ([www.tki.govt.nz](http://www.tki.govt.nz)), however there is little mention of the book for school leadership, produced as one of the activities of the project.

Backed by the work done in nine trial schools with high Māori rolls in the upper half of the North Island, this book for principals, senior staff and Boards of Trustees provides detailed models of good practice for creating a school environment responsive to the needs of Māori and improving education and achievement outcomes for Māori students. The material is applicable to primary schools as well as secondary schools. Topics include the need for leadership, setting up a project plan, involving Māori staff, managing the potential for conflict and ensuring engagement, doing an audit of the school's current data, and determining critical factors influencing success, developing an Iwi Partnership Accord, a framework for planning for responsiveness to Māori, and a number of templates to shape actions.. It is a very useful text, but it may be difficult to get a copy! Approach the Ministry of Education, Māori group. Also, each diocesan office has been provided with a copy.

The book provides the following principles for effective consultation in developing an Iwi Partnership Accord:

1. **Inclusiveness:** the way the consultation is set up and run encourages the participation of appropriate people who are affected by a decision.
2. **Timing:** adequate time is allowed for participants to contribute and for unexpected issues to be raised.
3. **Focus:** consultation is purpose-driven.
4. **Information Provision:** information relating to the consultation is readily available so that participants can make informed and timely contributions.
5. **Resourcing:** consultation exercises are carefully costed and the Board will undertake to provide some form of assistance to groups who would otherwise be unable to contribute.
6. **Responsiveness:** there is genuine commitment to consider and respond to participants' contributions.
7. **Consultation with Whānau, Hapū, Iwi and Māori:** the unique perspective of whānau, hapū, iwi and Māori are acknowledged in Board consultation.
8. **Accuracy:** appropriate methods are used to ensure that the information gathered summarises the views of the whole community.
9. **Implementation and feedback:** all consultations are evaluated after the decision-making they contributed to is complete. Feedback is provided to participants, whenever possible.
10. **Pragmatism and balance:** all consultation is carried out in the context of the importance of the decision requiring input and the extent to which caregivers/parents' input will make a difference.

*Te Kōtahitanga: the Experiences of Year 9 and 10 Māori Students in Mainstream Education*, Report to the Ministry of Education by R. Bishop, M. Berryman, S. Tiakiwai and C. Richardson. Ministry of Education, 2003. Access: [www.minedu.govt.nz/goto/tekotahitanga](http://www.minedu.govt.nz/goto/tekotahitanga). 247 pages.

This major report on research by Professor Russell Bishop and others of the Māori Education Research Institute at the University of Waikato, in collaboration with the Poutama Pounama research whānau in Tauranga, is essential reading. The document includes many quotations from students and parents which give a devastating insight into why some Māori students are disengaged at school, and how teachers can change their practice, in order to create “a culturally appropriate and responsive context for learning in their classroom.” Chapter 4, The Effective Teaching Profile, provides the characteristics of effective teachers of Māori students, and outlines the ways such teachers behave in the classroom. It would provide useful material for staff development.

*Evaluation of the Te Kauhua Māori Mainstream Pilot Project* Report to the Ministry of Education by M Tuuta, L Bradnam, A Hynds, J Higgins, with R Broughton, Ministry of Education 2004. Accessible at [www.minedu.govt.nz/goto/tekauhua](http://www.minedu.govt.nz/goto/tekauhua). 80 pages. Seven secondary and ten primary schools across the country, with varying proportions of Māori students (less than 20% to 70%) took part in a pilot project to develop strategies for improving the success of Māori students in mainstream education. All schools made substantial progress in reframing the experience of these students, and teachers became more effective at meeting Māori students' needs.

The following key themes emerged from an analysis of the eleven final milestone reports from participating schools:

**Relationships** are pivotal, between teachers and students, students and students, teachers and teachers, teachers and whānau, school communities and whānau.

**Tikanga Māori principles** must underpin professional development initiatives, including whakawhanaunatanga (relationship building), tautoko (genuine support and endorsement), tino rangatiratanga (active recognition of the mana of the tangata whenua) and manaakitanga (meeting the physical and emotional needs of people).

**Principal, management team, and Board of Trustees** support, involvement and on-going commitment and participation is critical to success and sustainability.

**Facilitators** are needed with the requisite knowledge, skills and communication abilities to support and guide professional development.

**Refined research methodology** works better than random disjointed activity.

**Professional learning communities** enable school cultures to shift and academic and social outcomes to improve.

Teachers need to care about Māori students' success, to learn about their needs, interests and backgrounds, to listen to their views, to incorporate students' knowledge, and to enable students to use their preferred learning modes.

*Te Mana Kōrero Teachers' Videos 1 and 2*, Ministry of Education, 2002, and 2005. These videos help teachers focus on quality teaching practices that can better engage Māori students in learning and improve academic and social outcomes. Through modelling what successful teaching of Māori students looks like, two key messages are communicated: a strong belief in high expectations – Māori students do and can achieve; you make the difference – and these are some of the ways (evidence-based pedagogy).

Advisors and facilitators were trained to support professional development work with schools throughout the country. To access the videos contact regional school support services:

Northland: [teamnorthland@ace.ac.nz](mailto:teamnorthland@ace.ac.nz)

Auckland: [teamsolutions@ace.ac.nz](mailto:teamsolutions@ace.ac.nz)

Waikato/King Country/Coromandel: [hmoftit@waikato.ac.nz](mailto:hmoftit@waikato.ac.nz)

Palmerston North/Napier/New Plymouth: Massey University, Anne Te Punga Somerville  
06 350 9269

Wellington: Wellington College of Education, Jenny Rowe 04 924 2080

Christchurch: [ross.paniora@cce.ac.nz](mailto:ross.paniora@cce.ac.nz)

Dunedin: [Peter.king@dce.ac.nz](mailto:Peter.king@dce.ac.nz)

Invercargill: [bill.somerville@dce.ac.nz](mailto:bill.somerville@dce.ac.nz)

*Pathways over the Transition to Schools – Studies in Family Literacy Practices and Effective Classroom Contexts for Māori and Pacific Children*, report to the Ministry of Education by Auckland Uni Services, prepared by Lavinia Turoa, Ema Wolfgramm, Lonise Tanielu, Stuart McNaughton of the Woolf Fisher Research Centre of the University of Auckland, 2002. Accessible at [www.minedu.govt.nz/goto/pathways](http://www.minedu.govt.nz/goto/pathways). 119 pages.

This report investigated literacy practices in Māori and Pacific Island communities, in relations to children in early childhood, and at the beginning of schooling. It describes excellent teaching practices for this age level, and therefore adds to teachers' effectiveness in building on and optimising children's knowledge and skills on entry to school

*Seeds of the Word – Ngā Kākano o te Kupu* Philip Cody SM, Steele Roberts Ltd, Wellington, 2004. 134 pages.

In this book Fr Phil Cody explores the seed of the Gospel and the seedbed of Māoritanga, examining the differences and similarities between Māori spirituality and Christianity and uncovering the potential for a mutually enriching harmony of the two. This is a gently persuasive book for teachers to read, and for students to have access to for Religious Education. It could be useful to supplement professional development.

Fr Phil Cody is a chaplain to Māori in Wellington, having completed a Master of Mātauranga Māori at Te Wānanga-o-Raukawa, Ōtaki, researching Māori spirituality. Among his hopes for this book are that it will add to a pathway already begun by Māori, that it will help Pākehā to deepen their appreciation of Māori spirituality, and that it will help people obtain a better understanding of Māori life and so be more open to aspects of inculturation.

*Better Relationships for Better Learning – Guidelines for Boards of Trustees and Schools on Engaging with Māori Parents, Whānau, and Communities*, Ministry of Education, 2000, updated 2003. 32 pages. Accessible at [www.minedu.govt.nz](http://www.minedu.govt.nz). (Enter the title in the search facility.) Schools originally received three copies of

these guidelines, one for the Board of Trustees and two for school and community use. Further copies are available through Learning Media Limited, [orders@learningmedia.co.nz](mailto:orders@learningmedia.co.nz). The guidelines provide schools with ideas and valuable source material for meetings and hui, as well as a checklist for self-review. Eight sections deal with aspects of consultation and development. Relevant sections could be photocopied for discussion at Board or staff meetings. The self-review section of the document is useful in planning for improving the achievement of Māori students, as well as carrying out self-review. There is also a pamphlet available for Māori parents.

## **Conclusion**

We would welcome information on additional key resources that would be of value to schools.

NZCEO  
November 2006

Please note that quoted text did not always use macrons. The spelling in the text has been preserved.

APPENDIX: STATEMENTS FROM THE NEW ZEALAND CATHOLIC BISHOPS  
CONFERENCE

HE TAU WHAKAMAHARATANGA MO AOTEAROA-NUI TIRENI  
A COMMEMORATION YEAR FOR AOTEAROA - NEW ZEALAND 1990

**Tihei mauri ora.**

**Behold, we live.**

<p>Ka poua te Pou tuatahi Ko te Ao me ona mea katoa; Ka poua te Pou tuarua Ko te Tangata hei kaitiaki mo te Ao; Ko poua te Pou tuatoru Ko Tama-nui o te Ao katoa; He Atua! He Tangata!  Whano! Whano! Tu mai te Ripeka! Haumi e! hui e e e! Taiki e!</p>	<p>Life has three signposts - the world, and all living things - the people, guardians of the world - the divine and human Son, the Saviour  Come! Let us go to the Cross standing before us.  Let us bind together in solidarity.</p>
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In 1988 the Catholic Church celebrated 150 years of involvement in pastoral ministry in this land of Aotearoa-New Zealand. 1990 marks an equally important occasion-150 years since the signing of [Te Tiriti o Waitangi/The Treaty of Waitangi](#), the document which marks the beginning of New Zealand as a nation. In the Old Testament and in Church history we know of the existence of Jubilee years. The origins of the Jubilee lie in the book of Leviticus and involve a new ordering of all things that were recognised as belonging to God: the land, which was allowed to lie fallow and was given back to its former owners; economic goods, in so far as debts were remitted and above all, people, whose dignity and freedom were reaffirmed in a special way by the manumission [emancipation] of slaves. The Year of God, then, was also the Year of People, the Year of the Earth, the Year of the Poor.<sup>1</sup>

As Bishops of the Catholic Church in Aotearoa-New Zealand, we call all the people of this land to celebrate 1990 in the spirit of Jubilee, and in particular to undertake the twin tasks of renewal and reconciliation. Recent historical research and our own knowledge of Church history in this country leads us to understand that this country was established as a bicultural state through the signing of texts in Maori (Te Tiriti o Waitangi) and in English (The Treaty of Waitangi). The signatories were 540 Rangatira, representing their hapu and iwi (subtribe and tribe), and Lieutenant Governor William Hobson, representing the British Crown. We understand that the Maori signatories were not giving away ownership of their lands, seas and resources, but were allowing the Crown to exercise governance over these. The first Catholic bishop in New Zealand, Jean Baptiste Pompallier, recorded in his diary (19 January 1845) that he was told by Catholic Maori leaders: that New Zealand is like a ship, the ownership of which should remain with the New Zealanders (Maori) and the helm in the hands of the Colonial authorities.<sup>2</sup> Te Tiriti acknowledges the special place of the Maori people as tangata whenua (the people of the land)-that is, indigenous. They understand it to be a covenant and a taonga tapu (a sacred treasure). The Treaty also provides the moral basis for the presence of all other peoples in Aotearoa-New Zealand and guarantees reciprocal rights and obligations between the Crown and Maori. As a result of Te Tiriti, Maori people conferred great benefit on British subjects then living in Aotearoa-New Zealand and on all other immigrants since.<sup>3</sup>

The review of our history clearly indicates that the promises and guarantees made in 1840 have not been consistently upheld and that the Maori partner has suffered grave injustices. The Maori have not always been given the protection of the State as promised under the Treaty. Worse still, the State has often deprived them by law of many of the promised guarantees. The State reflects the attitudes and behaviour of its people. In New Zealand racial prejudice still exists and is practised, particularly against the Maori. Racist thoughts, attitudes and behaviour are sinful because they are clearly against the specific message of Christ, for whom neighbour is not only a person from my tribe, my milieu, my religion or my nation: it is every person that I meet along the way.<sup>4</sup>

1990 marks an opportunity for renewal and reconciliation. Pope Paul VI reminds us: "This renewal and reconciliation pertain in the first place to the interior life, above all because it is in the depths of the heart that there exists the root of all good, and unfortunately of all evil. It is in the depths of the heart, therefore, that there must take place conversion or metanoia, that is, a change of direction of attitude, of option, of one's way of life.... This call to renewal and reconciliation is in harmony with the most sincere aspirations to liberty, justice, unity and peace."<sup>5</sup>

Renewal and reconciliation concern not only the interior life of each individual, but the whole Church, and also the whole of human society. The "all-consuming desire for profit" and "the thirst for power with the intention of imposing one's will on others . . . at any price" are sinful attitudes contributing to the creation of "structures of sin".<sup>6</sup>

These powerful attitudes are reflected in the pain and suffering that Maori people constantly refer to when they talk of the principles of the Treaty of Waitangi being broken. Like a Jubilee Year, 1990 gives us an opportunity to recognise past and present injustices and to work to resolve them and effect reconciliation based on justice. With the tradition and teaching of the Church, we affirm: that the right of the first occupants to land, and a social and political organization which would allow them to preserve their cultural identity, while remaining open to others, must be guaranteed.<sup>7</sup>

This is what the Treaty set out to do. There is need for constitutional supports for protecting the rights of the tangata whenua - cultural, social and political - and for supporting the efforts of the Waitangi Tribunal as a court of inquiry to assess claims and define principles.

We believe and proclaim the importance of recognising the diversity and complementarity of one another's cultural riches and moral qualities as well as the need for building community and solidarity.<sup>8</sup>

In order to achieve the necessary respect, community and solidarity which our faith requires of us, our two national bodies, Te Runanga o te Hahi Katorika ki Aotearoa (Catholic Maori body) and the Catholic Commission for Justice, Peace and of Development, have proposed that we all work to promote and create "structures of grace" for Aotearoa. As Bishops, we support this call on all Catholic people and on all people of goodwill to take the creating of new structures of grace as the challenge of the present generation and of this 1990 year.

To further assist the Church on matters of the Treaty of Waitangi and the partnership created, a Catholic Committee will be established to promote bicultural relationships in our multicultural society. Its membership will reflect the diversity of cultural backgrounds which make up our Church membership. In addition, two educational programmes will be published to help Catholic people become aware and informed about the challenge before us. Guided by the social teaching of our Church, the programmes will encourage Catholics to be active and informed contributors to the current debate and constructive builders of structures of harmony and grace. 1990 must be more than a commemoration. It must be a year that marks a new beginning in the Church's work for reconciliation and racial harmony. May it be a year in which we make even more resolute efforts to "secure justice and equality for every human being, an end to all division, and a society built on love and peace".<sup>9</sup>

#### *References*

<sup>1</sup> Pope Paul VI, Bull of Indiction of the Holy Year 1975, 23 May 1974, n 34. ([Return](#))

<sup>2</sup> P. T. B. McKeefry, *The Fishers of Men*, ed. 1938, p.115. ([Return](#))

<sup>3</sup> Gordon Orr, Professor Emeritus of Constitutional Law, Victoria University, member of the Waitangi Tribunal, in a Letter to the Royal Commission on Social Policy on behalf of the Waitangi Tribunal, December 1987, cited in *The April Report*, Vol. III, Part I, Future Directions, Report of the Royal Commission on Social Policy, pp.128-131. ([Return](#))

<sup>4</sup> Pontifical Commission Iustitia et Pax, [The Church and Racism: Towards a Fraternal Society](#), 1988, n.24. ([Return](#))

<sup>5</sup> Pope Paul VI, *op. cit.* n.7. ([Return](#))

<sup>6</sup> Pope John Paul II, [On Social Concerns](#), 1987, n.37. ([Return](#))

<sup>7</sup> Pontifical Commission Iustitia et Pax, *op. cit.* n.10. ([Return](#))

<sup>8</sup> *Ibid.*, n.23. ([Return](#))

<sup>9</sup> Prayer from the Mass for the Progress of Peoples (Roman Missal). ([Return](#))

## A STATEMENT ON THE TREATY OF WAITANGI IN TODAY'S PERSPECTIVE

1 SEPTEMBER 1995

### **Is There a Way Forward? The Treaty in Today's Society**

During 1995 especially our country has been faced by the question of justice in the settlement of grievances resulting from past failures to implement the requirements of [Te Tiriti o Waitangi / The Treaty of Waitangi](#). All New Zealanders who know something of the history of the last 155 years admit that justice has not been done and that the partnership, signified by the two languages at Waitangi, has not been honoured. Confiscated or appropriated land continues to be a cause of conflict in parts of the country; tino rangatiratanga has not been recognised; frustration at the lack of progress has deepened.

This frustration has found expression in the tension of this year's Waitangi Day ceremonies. It is a frustration that has been also expressed in occupation of land at Moutoa Gardens and other places, and in symbolic gestures such as the attack on the landmark of One Tree Hill.

There has also been frustration on the part of the current Government, which in an attempt to find a permanent solution to grievances against the crown, put forward the 'fiscal envelope' proposal. The thorough rejection of this proposal at successive hui throughout Maoridom, was a rejection of a process which appeared to place expediency before proper consultation and partnership. The spirit of the Treaty demands that the Government rectify this mistake.

In the midst of all this frustration there has come the glimmer of hope in the signing of the Tainui settlement. Not only the settlement, but the reconciliation it has fostered, has been a bold and positive step forward, the result of goodwill and negotiation on both sides. Yet this settlement has also brought to the fore the changing circumstances in which many Maori find themselves. It is the common good of all Maori that must be sought, and solutions must be inclusive not just of iwi, but also of hapu, and of those who find themselves outside of tribal structures. These emerging problems demand new solutions, and a new openness from Maori leaders.

And so the air of frustration continues. Progress is slow, and solutions are not easy. Yet the temptation towards a cynicism that wonders whether there will ever be a lasting reconciliation between the Crown and Maori, must be met with a genuine commitment to the partnership that was promised in 1840.

The Church was present in 1840, and is still present in 1995. Through its social teachings, the Church seeks to ensure that the dignity of persons, and the common good of all, are reflected within the economic, social and political structures of society. Where there exist situations of conflict the Church seeks that social and economic life be directed toward just and peaceful solutions.

On the 150th anniversary of the signing of the Treaty of Waitangi, the Catholic Bishops of Aotearoa [reaffirmed the Church's commitment](#) to promote bicultural relationships in our multicultural society. In 1993 the Church leaders of New Zealand asked in their [Social Justice Statement](#), that whichever political party formed the next Government, it would carry out the recommendations of the 1986 Royal Commission on the Electoral System (1986:112). Now in 1995, the Catholic Bishops reiterate this recommendation that Parliament and Government "should enter into consultation and discussion with a wide range of representatives of Maori about the definition and protection of the rights of the Maori people".

And so we wish to say:

#### **To the Government:**

Please, keep trying to address the grievances of the past with integrity and consultation. The indigenous people of our country, the Maori, deserve better than unilateral arrangements and imposed settlements for genuine, acknowledged wrongs. Treaty of Waitangi issues are not about party politics. They are about honouring with goodwill the covenant entered into by the Crown and Maori, on which this nation is founded. They are about the right of the first occupants to land, and a social and political organisation which would

allow them to preserve their cultural identity. They are about a people still searching for the sovereignty guaranteed them 150 years ago.

We ask then that you look boldly to a new process of consultation on the meaning and application of tino rangatiratanga and kawanatanga as encompassed in Te Tiriti.

**To the Maori People:**

You have been patient over a long period of time. Your patience is being stretched to breaking point. Please remember that as well as legislative and policy changes being required by the demands of justice, attitudinal change is also required among many New Zealanders. Know that there is great goodwill for the resolution of past wrongs, but that growth in understanding is still required.

**To the Maori Leaders:**

Yours is a prophetic duty - to ensure that the justice arising from settled grievances is justice to be shared among all Maori. Authority is exercised legitimately only when it seeks the common good of the group concerned. Just as in 1840 at the signing of the Treaty, it is the good of all your people that must be foremost in your minds and at the heart of your efforts.

**To New Zealanders generally:**

We all need to know our history and the different legacies it has left to Maori and Tau Iwi. In many parts of the world, indigenous peoples face the loss of land, of language, of culture and identity. In the Treaty of Waitangi, we find the moral basis for our presence in Aotearoa New Zealand and a vision that sets this country apart. We hold in our hands a great treasure - the opportunity to create a society that truly honours the rights of its indigenous people.

We have an opportunity to heal wounds that have been present for too long. The Treaty of Waitangi was built on respect for persons and respect for their diversity. There is a way forward. It lies in continued goodwill and open recognition that there are many paths that we as a nation can embark on as we strive to realise the bicultural foundation of our society. Together, we must find the way which meets the demands of justice and of solidarity among peoples.

APRIL 2004

**The difference between a claim to privilege based on race, and the claim to rights based on indigenous status and recognised by the very existence of the Treaty, has been blurred.**

We all have a vested interest in the future of Maori-Pakeha relations. Recent events have made it even more important that we require of ourselves, of our politicians, and of the media, objectivity and fairness in identifying the issues.

Looking to the future, the late Justice Paul Temm QC told a NZ Law Society Seminar in 1989 that what we have going for us is: “the extraordinary patience of Maori New Zealanders and the tremendous sense of fairness of Pakeha New Zealanders ... It is reasonable to say that when New Zealanders know what the facts are, they always try to do what is fair ... One of our difficulties is that Maori New Zealanders know the facts of our history because they and their families have lived through them. Pakeha New Zealanders are generally quite unaware of Maori complaints and frequently show their lack of knowledge by asking somewhat plaintively: “what’s the Maori on about?”

It is precisely this situation that Dr Brash seems to have taken unfair advantage of. It is one thing to stimulate honest, constructive debate around the real issues. It is another to appeal to the fairness of people while blurring the issues, which only leads to people talking past each other. Let us look at four examples of how the issues have been misrepresented through blurring, in political speeches, in the media, and in the public discussion.

### **Special Treatment**

To ask whether Maori should get special treatment, or to suggest that they should not, is bound to appeal to all fair-minded NZers who dislike privilege, and especially privilege based on race. And Dr Brash has consistently spoken of special treatment based on race. That is not the issue. No claim to special treatment is being made “on the basis of race”. Certain rights have been claimed on the basis of historical realities.

Whether we like it or not, this country had been home to the Maori people for a long time before the Europeans arrived. On this basis they had the rights that belong to any indigenous people. The British acknowledged these rights by entering into a Treaty with them.

When the Colonial Secretary asked Captain Hobson to seek out a Treaty with the “Natives”, he gave this explanation: “I have already stated that we acknowledge NZ as a sovereign and independent State ... admission of their (Maori) rights ... is binding on the faith of the British Crown. The Queen disclaims for herself, and for her subjects, every pretence to seize on the islands of NZ, or to govern them as part of the Dominion of Great Britain, unless the free and intelligent consent of the Natives ... shall first be obtained.”

The difference between a claim to privilege based on race, and the claim to rights based on indigenous status and recognised by the very existence of the Treaty, has been blurred by Dr Brash, by the media and by the polls. Of course, it gets the predictable applause of all who dislike privilege based on race.

### **Treaty Rights**

The rights of the indigenous people would have involved obligations on the new-comers even if there had been no Treaty. Given, however, that Maori’s rights were recognised in Article 2 of the Treaty, we need to look at another fudging of terms that goes right back to the Treaty itself. It is the difference between the right to govern and the right to sovereignty.

Legal argument over these terms is certainly justified, and there is no doubt that the Treaty lacks the normal requirements of a legally drawn-up document. But we cannot leave it at that. The legal doubts only give more point to the moral question — what are our moral obligations given that the Treaty is as it is?

Moral obligations are always wider than what is defined in laws. In this case, the moral obligation requires us to look at the intent and the purpose of the Treaty; why the Treaty was entered into, and what the parties were hoping to achieve by it. Those intentions are revealed in a number of ways: What Hobson explained to the Chiefs he was asking for, and likewise what the Chiefs understood they were exchanging, has been outlined by historian Claudia Orange in an affidavit prepared for the Court of Appeal of New Zealand in 1987: “At the Waitangi meeting of 5 February, for example, Hobson explained that he was seeking Maori assent to British jurisdiction or authority over British nationals in N.Z. This was conveyed by the word *kawanatanga* (governorship). Colenso’s pencilled and abbreviated notes record this explanation, and a Pompallier letter confirms that it was authority that Hobson asked for, not sovereignty.

“What then did the Chiefs think of Article 2, that left them *rangatiratanga*? Chieftainship, its literal translation, was a far cry from ‘possession’ of the English text. A glance at the 1835 Declaration of Independence is instructive for it indicates that *rangatiratanga* there expressed Maori sovereignty or independence. Since this was not being asked for by Hobson, but actually guaranteed, Maoris might naturally have drawn the conclusion that at most they were being asked to share some of their authority with a British administration which might more effectively deal with British nationals than Busby had. Putting it in European terms, it was a Protectorate-type relationship that was being presented at Waitangi, one in which power and authority would be shared.”

- The preamble to the Articles of the Treaty shows that the need to govern was the principle reason for the Treaty.

- Article 1 of the Treaty— the Maori text which was signed by Hobson — shows that what the Chiefs ceded was governorship, for which the word “*kawanatanga*” was coined. The Maori word for sovereignty — or chieftainship in Maori society — is expressed by the terms “*rangatiratanga*” and “*mana*”. Neither of these words is used in Article 1. Instead, *tino rangatiratanga* was used in Article 2 where the Maori text said: “the Queen of England confirms and consents to give to the Chiefs, the hapus, and all the people of NZ, the full chieftainship of their lands, their villages and all their possessions...”

The English text elaborates: “...the Queen of England confirms and guarantees ... the full, exclusive and undisturbed possession of their lands and estates, forests, fisheries and other properties which they may collectively or individually possess so long as it is their wish and desire to retain the same in their possession...”

The French Catholic Bishop Pompallier, who had participated in the proceedings made the following entry in his diary: “Their (the Maori) idea is that NZ is like a ship, the ownership of which should remain with the NZers (Maori) and the helm in the hands of the Colonial authorities.”

These sources and other contemporary sources reveal the intent of the Treaty, which the Chiefs entered into “in the full spirit and meaning thereof” — final clause of the Treaty. The other signatory’s moral obligations equally include honouring the “spirit and meaning” of what was intended, whatever the legal ambiguities.

Clearly, what Maori ceded was authority to govern — *kawanatanga*. What they did not cede was ownership — *rangatiratanga* — of all that was theirs. “*O ratou taonga katoa*” means everything they value, which included their lands and customs, culture, spirituality and health practices.

Given what we know about the intent of Article 1, and the intent of Article 2, it is deplorable that the concepts governorship and sovereignty continue to be fudged.

### **One People**

A third area of blurring surrounds the slogan “one people”. It might suit some, according to their vision of a “modern, efficient economy”, to want NZers to be homogenised into one people. Over a very long time this might yet happen, but it cannot just be decided by one partner to the Treaty. The Treaty was an exchange between two parties involving obligations that were intended to carry over into the future — all three articles would be meaningless otherwise. That is the basis of a kind of partnership. And, yes, Maori can be members of the same nation and “other” at the same time. They are the other party to the Treaty on which our one nation was founded.

New Zealand’s position is not strictly comparable to that of nations which did not have a founding Treaty, and we need to take our place in the community of nations in ways that are true to our foundation.

True integration of Maori and Pakeha actually presupposes acceptance of each other's identity. That is how it differs from assimilation and homogenisation.

### **One law for all**

A fourth area of fudging is deplorable for its naivety, i.e. the references to “one law for all” and “treating everyone the same”.

When people's disadvantages have resulted from historic injustices, redressing them is a matter of justice. The injustices included the land confiscations, and the serious social and economic deprivations that resulted from the confiscations. These included poorer living conditions, greater vulnerability to sickness and disease, and no financial resources for participating in the new cash economy. To these can be added what happened to Maori in an education system geared primarily to the needs and assumptions of the dominant culture, right up till the 1940's.

In the face of the resulting inequalities, it would be unjust to treat all NZers “the same”. That would simply perpetuate the inequalities.

Is it so difficult, even for political leaders, to see the difference between, on the one hand, treating everybody “the same”, and on the other hand, aiming at equality of opportunity? The media, too, must bear some responsibility for propagating this simplistic equation between “the same” and “equal”.

So much for examples of how the public debate is not helped by the blurring of terms, which are unnecessary and avoidable. Even if this mostly happens out of ignorance, it is hard to avoid the impression that some of it is culpable.

We need honest and constructive discussion of the real issues, e.g.

- how the partnership is to be lived out in a democracy;
- how, in the pursuit of a “modern, efficient economy”, the governorship ceded in Article 1 is to be exercised in ways that respect the rangatiratanga guaranteed in Article 2;
- how the rangatiratanga guaranteed in Article 2 can be exercised in ways that are credible, transparent, not exaggerated, accountable, and accepting of the governorship ceded in Article 1.
- how the work of the Waitangi Tribunal can be stream-lined.

The only things that should be excluded from the discussion are misrepresentations:

- “special treatment based on race” is a different issue from a “special position resulting from the facts of history”;
- governorship (kawanatanga) does not mean the same as sovereignty (rangatiratanga), and didn't to the chiefs at the time;
- integration (which respects people's cultural identity) is not the same as assimilation (which doesn't);
- “same” does not mean “equal”, and the same treatment can perpetuate inequality.

Honouring the Treaty calls for genuine goodwill on both sides. It was the late Paul Temm who said: “I suggest that the reasonable way to spell out the concept of partnership is not to act out of fear and apprehension, but in a way that is based on justice and on fairness, so that each partner acts reasonably and in good faith towards the other. As the Court of Appeal has said this calls for “careful research, rational positive dialogue, and above all, for generosity of spirit”.

“All the facts of the matter show a need for the honour of the Pakeha to be restored.

“But if you would restore the honour of the Pakeha, you must first restore the mana of the Maori.”

The legal status of The Treaty of Waitangi

Building right relationships between Maori and Pakeha for the future cannot be achieved by denying the past, or by down-playing the role of the Treaty. Failure to honour it fully could only make matters worse. What will be needed are goodwill, adjustment and time.

In 1989 Chief Justice, Sir Robin Cooke said: “It is obvious that, from the point of view of the future of our country, non-Maori have to adjust to an understanding that does not come easily to all: reparation has to be made to the Maori people for past and continuing breaches of the Treaty....

“On the side of Maori it has to be understood that the Treaty gave the Queen government, *kawanatanga*, and foresaw continuing immigration. The development of New Zealand as a nation has been largely due to that immigration. Maori must recognise that it flowed from the Treaty and that both the history and the economy of the nation rule out extravagant claims in the democracy now shared.”

Efforts to diminish the significance of the Treaty are not new, and have actually given rise to the strongest evidence that the Treaty was intended to be taken very seriously and had long-term implications:

- In a letter to Governor Fitzroy, the Colonial Secretary ordered him to fulfil the conditions of the Treaty of Waitangi “scrupulously”. This Treaty was similar to other treaties which the British Crown entered into with indigenous leaders in the Pacific, Africa and Asia, and to which the British government felt bound in good faith.
- This attitude of the British Government never changed, and other governors were given similar messages.
- There have been judgements made by N.Z. Courts, including one that in 1987 involved the full bench of the Court of Appeal, all of which confirmed the binding nature of the Treaty.
- The one contrary judgement by an N.Z. Court delivered in 1877 by Judge Prendergast was overturned by the Privy Council in 1901. The late Mr Justice Paul Temm QC said Prendergast had based his judgement “on international law which had no application in the matter, instead of following two centuries or more of colonial law which governs the legal relationship between the Crown and its native subjects.”
- Rights and obligations which derive from the Treaty take their legal force from laws passed by N.Z. governments. The 1975 Treaty of Waitangi Act, which set up the Waitangi Tribunal, is an example of governance being exercised in support of Article 2 of the Treaty.

It is simplistic to blame the Tribunal for racial tensions. The tensions were already there precisely because their causes were not being adequately addressed.

The Tribunal has exposed the underlying causes of these tensions and helps NZ governments to find ways of remedying injustices. Paul Temm said that without the Tribunal, “Maori New Zealanders would be in the unequal bargaining position that they have been subjected to for far too long”.

Statutes requiring consultation with Maori in their own right are further examples of taking seriously the ongoing partnership established by the Treaty. When Maori are consulted on matters such as health, conservation and resource management, it is not a privilege based on race but a way of recognising the partnership entered into through the Treaty. Of course, it would be simpler and quicker not to do so. Governments and business could just get on with what they believe is best. But the government represents only one party to the Treaty, and the partnership consists of two.

Whether or not we need special provisions for consultation should indeed be calculated ‘on the basis of need’. But is need to be understood in narrowly materialistic terms, or does it include all the essentials of human well-being?

Maori have a deep need to know that the guarantee given them in Article 2 of the Treaty still holds. And Pakeha need to know that at the end of the day they have acted honourably.

+PETER CULLINANE  
BISHOP OF PALMERSTON NORTH