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Background to this material:

Work on advancing awareness about the Treaty of Waitangi/Te Tiriti o Waitangi and considering the relevance of the Treaty for the work of the New Zealand National Commission for UNESCO has been a component of Social & Human Sciences Sub-Commission programme for some years. In 2007 the Sub-Commission contracted Veronica Tawhai, Independent Contractor, to prepare material on the Treaty of Waitangi/ TeTiriti o Waitangi for use on the New Zealand National Commission UNESCO website. The brief was to situate the Treaty as the founding constitutional document of Aotearoa New Zealand and indicate connections between UNESCO principles and debate about the Treaty. The goal was a website that would give readers access to different perspectives on the Treaty and the range of material available on other websites – input into the website consistent with the ‘laboratory of ideas’ concept.

Introduction
The Treaty of Waitangi (English) / Te Tiriti o Waitangi (Māori) is Aotearoa New Zealand’s founding constitutional document. Signed in 1840 between representatives of the British Crown and Rangatira representing hapū and iwi Māori, it outlined the terms under which Māori and people of the Crown would live side by side in Aotearoa New Zealand. In exchange for the right to govern (kāwanatanga), the Crown guaranteed to Māori continued exercise of rangatiratanga (chiefly authority). Equality between the citizens of the Crown and hapū and iwi Māori was forged with the promise of equal citizenship. Over time, and largely because of key differences between the English (Treaty of Waitangi) and Māori (Te Tiriti o Waitangi) versions of the Treaty, different people have viewed it differently. Once rejected and forgotten, and more recently recognised in a range of legislation in Aotearoa New Zealand, Te Tiriti o Waitangi is a document of great significance. Currently, the Treaty of Waitangi helps to shape our democratic system, including political representation, our social structures and education, health, welfare, and justice services, our past and our future. It is the focal point of ongoing debate about where we have been, and where we as a nation are going. (See http://www.treatyofwaitangi.govt.nz).

1. UNESCO and the Treaty of Waitangi

UNESCO’s mission is to promote cooperation and understanding in the fields of education, the social and human sciences, the natural sciences, culture, communications and information. In Aotearoa New Zealand, the National Commission for UNESCO considers that Te Tiriti o Waitangi is fundamental to all its activities. It is also committed to developing a strong multicultural society. (See http://www.unesco.co.nz/unesco_in_nz.htm).

Recent research for the New Zealand State Services Commission about citizens’ knowledge of and interest in the Treaty of Waitangi revealed that under half of all New Zealanders have a level of comprehensive knowledge about the Treaty. In addition, participants reported that Treaty issues are generally associated with confrontation and conflict. All agreed, however, that finding out more about the Treaty would be beneficial to New Zealand. (See http://www.ssc.govt.nz/upload/downloadable_files/TreatyofWaitangiAwarenessResearch.pdf)

In advancing UNESCO’s vision of peace and understanding amongst citizens, the New Zealand National Commission for UNESCO supports and promotes education about and engagement with the Treaty of Waitangi. It is the National Commission’s hope that through enhanced awareness and dialogue, Te Tiriti o Waitangi will move beyond being a symbol of conflict to a focal point for strengthening understanding, social justice and harmony for all New Zealanders.
2. Different perspectives on the Treaty

Understanding Te Tiriti o Waitangi includes developing an awareness of the many different perspectives held by New Zealanders about the Treaty and its significance to New Zealand’s past, current day, and future. Both different and overlapping perspectives are held by Tangata Whenua (indigenous people / Māori) and Tangata Tiriti (people of the Treaty) who include Pākehā (New Zealanders of European descent), those who trace their descent from the wider Asia and Pacific region, and new immigrants from many different parts of the world. There are of course variations within these groups; the following is a review of some of the different perspectives on the Treaty.

2.1 Tangata Whenua - Māori

Many Māori perspectives on the Treaty of Waitangi revolve around rangatiratanga, and the desire to maintain, regenerate, and sustain for future generations the cultural, intellectual, spiritual, and physical foundations of Māori communities - their taonga. This ranges across natural resources such as lands and waterways, to cultural / intellectual properties such as knowledge and language. Mason Durie (2004) refers to these aspirations as the desire “to live as Māori”. Māori enjoy these taonga as part of their human rights, and their rights as an indigenous people. They see Te Tiriti o Waitangi as a tool through which Māori can protect and advance their human and indigenous rights in Aotearoa. (For example, see http://www.hrc.co.nz/hrc/worddocs/Manuka%20Henare%20PPT%20presentation.ppt).

Many Māori therefore see the Treaty of Waitangi as a guarantee of Māori rights to wellbeing. For example, because Māori were promised equal citizenship in Article Three of the Treaty, they can expect to enjoy socio-cultural and economic outcomes equivalent to that enjoyed by non-Māori. This includes the enjoyment of full participation in decision-making fora and in wider society. In guaranteeing rangatiratanga in Article Two of the Treaty, it follows that Māori should expect to achieve these outcomes, and participate in society, in a way that is congruent with their cultural framework (as opposed to having to assimilate). (For example, see http://www.hrc.co.nz/hrc/worddocs/Mason%20Durie%20presentation.doc).

Te Tiriti o Waitangi therefore has acted as a rallying point for Māori making claims on the Government to provide the means by which Māori can uphold their wellbeing. This includes the redress of past and current injustices against Māori communities, and a greater degree of political power to determine Māori futures. The Treaty has been the basis of Māori development initiatives, protest activity, submissions to national and international bodies, and a focus for ongoing engagement across all sectors of civil and political society.
2.2. Tangata Tiriti - Pākehā

Many Pākehā agree that Māori grievances about the past should be addressed. However, among some Pākehā there is also a strong desire to settle grievances as a means to ‘move on’, on the grounds that the Treaty is more about the past, with little relevance to the future. These concerns over the Treaty of Waitangi often focus on Māori claims to resources. In particular, some people argue that Te Tiriti o Waitangi, as it is currently enacted in New Zealand, privileges Māori, and therefore undermines the equality of all New Zealanders. For example, there is an argument that provisions such as the Māori parliamentary seats are undemocratic. Some Pākehā accept the Treaty of Waitangi as the basis of New Zealand society, but disagree that the Treaty afforded Māori and Pākehā a partnership. They argue that the Treaty created one sovereign nation under the Crown Westminster system of government (http://www.national.org.nz/files/We_Are_All_New_Zealanders.pdf).

A significant number of Pākehā argue that all New Zealanders must embrace the relevance of the Treaty as the constitutional foundation of our society. This involves recognising past breaches of the Treaty, as well as the implications of the Treaty in forging our future. These Pākehā argue that addressing the future requires recognition of how, because of these breaches, Pākehā have secured a position of privilege in current society, and placed Māori in a position of disadvantage. These people subsequently view Te Tiriti o Waitangi not only as a Māori issue, but also as an issue of social justice for all New Zealanders. (See, for example, http://www.waitangi.co.nz/Chapter10HealingOurHistory.pdf).

Consequently, many Pākehā are committed to the Treaty, and to embedding Treaty principles in their work and wider society practices. The notion of partnership and participation in the Treaty has provided the foundation for shared decision-making, resources, and recognition of Māori rights to autonomy, including between Māori and Pākehā in public sector and public organisations, such as unions and public service (http://www.hrc.co.nz/hrc/worddocs/Colin%20Tarr%20-%20Speech%20ToW%20Symposium%20(Murihiku)%20April%202004.doc).

Some Pākehā, whose work requires an adherence to the principles of the Treaty of Waitangi, are unsure of exactly what this means and how to progress this in a meaningful way. They are aware of Māori complaints that many processes that appear to address Treaty concerns are tokenistic, with no real accountability to Māori. These people are interested in better guidelines and resources about how the Treaty is relevant to what happens in workplaces.
(For example, see http://www.waitakere.govt.nz/OurPar/pdf/meansandends.pdf).

2.3 Pacific and Asian communities

Contrary to popular belief, reports from a number of diverse communities in New Zealand indicate that many of those who are neither Māori nor Pākehā have a good understanding of Te Tiriti o Waitangi. In particular, these communities understand biculturalism and the fundamental place of Māori culture in society. There is support for the Treaty and acceptance that the Treaty is the basis of their being in New Zealand - as it is for other non-Māori. (http://www.hrc.co.nz/hrc/worddocs/PRESENTATION%20-%20Steven%20Young.pdf). In some instances, these communities identify themselves with Pākehā as Tangata Tiriti under the Treaty. (http://www.tzemingmok.com/study_notes/race%20you%20there.pdf).

Pacific communities have a long historical connection with Māori communities. This connection is expressed through aspects of shared cultural heritage and their historical experience as communities struggling for a better socio-economic status in New Zealand. Many people in these communities see the Treaty of Waitangi as an avenue for challenging government structures that exclude Māori and are similarly culturally inappropriate for their own communities. (http://www.hrc.co.nz/hrc/worddocs/PRESENTATION%20-%20Galumalemana%20Hunkin%2017%20Nov%2006.ppt).

Many of those who are not Māori think that Pākehā is the specific identity of New Zealanders descended from Europeans, who have a distinct culture. Therefore they do not identify or feel an affiliation with this group. Some report that they feel the Treaty has no relevance to them, since representatives of their ethnic group were not among those who signed. Similarly, many do not feel represented by the Crown, due to the Crown’s focus on ‘mainstream / middle’ New Zealand. Some citizens therefore feel that the current Treaty discourse, which focuses on the Māori-Pākehā or Māori / Crown relationship, and biculturalism, does not provide a space for other ethnic communities. Sometimes people think that the Treaty, if not inclusive of the current multicultural context, is not particularly relevant to current day New Zealand. (See, for example, http://www.hrc.co.nz/hrc/worddocs/PRESENTATION%20-%20Kumanan.pdf).

Many of those from Pacific and Asian communities feel excluded from Treaty dialogue. Against the background of these diverse perspectives, however, members of these communities agree...
that they would like greater involvement in Te Tiriti o Waitangi discussions. They have expressed openness to the idea of creating a new public discourse on the Treaty that is more inclusive of all New Zealanders. This would include attention to relationships between Māori and other ethnic communities. For example, there is a desire for dialogue and a strengthened relationship between Tangata Māori and Tangata Pasifika, based on the Treaty of Waitangi.

**2.4 New immigrants**

New immigrants express a range of perspectives and mixed levels of interest in the Treaty of Waitangi. Some people in new immigrant communities express support for action to redress Māori grievances, based on common experiences of dispossession in their homelands. They also think that the Treaty is relevant to their communities because it is important for new immigrants to understand New Zealand’s history. Young immigrants in particular are very politically aware, and able to draw connections between Māori experience, their own nations’ histories, and the importance of being informed about Treaty issues. (See [http://www.hrc.co.nz/hrc/worddocs/PRESENTATION%20-%20Sally%20Liu.pdf](http://www.hrc.co.nz/hrc/worddocs/PRESENTATION%20-%20Sally%20Liu.pdf)).

Many new immigrants express an interest in the Treaty because of its relevance to the status and treatment of Māori. There is general concern for the wellbeing of Māori as New Zealand’s indigenous people. How well Māori culture, needs, and aspirations are acknowledged and catered for in the social fabric of New Zealand is an indication of how they, another minority culture, will be treated. (See, for example, [http://www.hrc.co.nz/hrc/worddocs/PRESENTATION%20-%20Young%20Asians%20ppt.ppt](http://www.hrc.co.nz/hrc/worddocs/PRESENTATION%20-%20Young%20Asians%20ppt.ppt)).

Some new immigrants, however, feel threatened by Treaty debates. They fear that their rights will be overwhelmed by the focus on Māori and Pākehā. There is also recognition that some Māori feel that their attempts to regain resources are threatened by immigration. Consequently, some new immigrants feel vulnerable and anxious about becoming involved in Treaty dialogue. They are unsure of their position under the Treaty, and are tentative in exploring that position. What is emphasised is the desire of many new immigrant communities for a greater level of information about the Treaty. Initiatives led by these communities have included the translation of the Treaty into the languages of these communities, and the dispersion of copies of the Treaty to community households. This effort is underpinned by new immigrant aspirations to be in a better position to enter debate and dialogue about its current relevance in an informed and meaningful manner. (See [http://www.arts.auckland.ac.nz/FileGet.cfm?ID=3a967ac9-e90f-4d18-8663-b21806686d6a](http://www.arts.auckland.ac.nz/FileGet.cfm?ID=3a967ac9-e90f-4d18-8663-b21806686d6a)).

**3. New directions for the Treaty**

**3.1 Debates**
There is much debate about the position currently afforded the Treaty of Waitangi in contemporary New Zealand society. There has been some discussion on removing the Treaty of Waitangi references from legislation. Many sectors of New Zealand society, however, believe that removal of Te Tiriti o Waitangi from its current place in society will be detrimental to the further harmonious development of our nation. Consequently, the inclusion of Treaty of Waitangi references, principles and provisions in legislation and public sector policies dominates current debates.

### 3.2 Dialogue

Increasingly there are public fora for dialogue amongst citizens about Te Tiriti o Waitangi. For example, the Human Rights Commission Te Kahui Tika Tangata has facilitated community dialogue sessions throughout New Zealand. Training workshops, for Māori, Pākehā, and other New Zealanders that draw upon participant dialogue include Te Pumamao and those run by Waitangi Associates. There are several online forums where citizens can submit web-blogs, read others’ comments, and enter into discussion with other citizens about the Treaty of Waitangi. Popular sites include Public Address and nzs.com.

Every year New Zealanders are engaging with each other in different ways about Te Tiriti o Waitangi issues. These initiatives, through the dialogue they produce, continue to raise
awareness, understanding, and new thinking about the Treaty of Waitangi and where this thinking can take the Treaty debate.

3.3 New thinking and direction around the Treaty

There are several concerns about Te Tiriti o Waitangi. While some people fear the continuance of grievances, others are concerned that discussion of the Treaty is becoming exclusively historical in focus. Many feel that dialogue on the Treaty of Waitangi is at a standstill. However, alongside these concerns is also the desire that the Treaty discourse will grow with the changing needs of society and evolve to incorporate new views, ideas and approaches directed at a society that is better for everyone. Two current issues about the place of Te Tiriti o Waitangi in the future of Aotearoa New Zealand involve:

- The constitutional and legal status of the Treaty
- The status and identity of different New Zealand communities under the Treaty

(See, for example, http://www.lawcom.govt.nz/UploadFiles/SpeechPaper/d485a642-906b-4368-bc48-119d441f062e/ToW%20Te%20Papa%20speech%20final%20310106.pdf)

3.4 Lodgement of Treaty Settlements finalised by 2014

Current government policy is to have all Treaty of Waitangi/ TeTiriti o Waitangi claims settled by 2014. There have been two hui to date to discuss with claimants how to progress settlements to achieve this goal. Further information on this process can be found in the report of the Ministerial Review Panel commissioned by Hon. Chris Finlayson (Minister of Treaty Negotiations) on the Foreshore and Seabed Act 2004.


Hon. Chris Finlayson speech for Ta Apirana Ngata Memorial Lecture on Treaty Negotiations

http://www.beehive.govt.nz/speech/treaty+settlements+speech+ta+apirana+ngata+memorial+lecture

4. Resources

To assist those wishing to develop their understanding of the Treaty of Waitangi and its place in New Zealand’s past, present and future, there are several resources accessible to members of the public. This material includes electronic resources, print material, and other resources.

4.1 Electronic resources
http://www.treatyofwaitangi.govt.nz is the official Government website about the Treaty of Waitangi. This website hosted by the Ministry for Culture and Heritage’s site New Zealand History Online, which has several pages providing an in-depth timeline of the Treaty, its background, biographies of the key figures, copies of its texts, and the current role it has in Aotearoa New Zealand. A history of Waitangi Day is provided (by Claudia Orange), as well as information about current initiatives stemming from Waitangi Tribunal Claims, such as Māori Language Week.


http://www.teara.govt.nz/NewZealandInBrief/GovernmentAndNation/1/en is the Online Encyclopaedia of New Zealand. In offering a detailed history of all aspects of Aotearoa, it provides a record of the role of the Treaty of Waitangi in shaping New Zealand society.

http://www.waitangi.net.nz focuses on the work of the Waitangi National Trust Board and activities at in the Waitangi Treaty grounds.

http://www.waitangi-tribunal.govt.nz is the site of the Waitangi Tribunal Te Rōpū Whakamana i Te Tiriti o Waitangi. It provides information on the establishment and role of the Tribunal, the claims process, and electronic copies of its reports to date.

Also of relevance for those wanting to know more about the settlements process is the Office of Treaty Settlements at http://www.ots.govt.nz.

http://www.trc.org.nz/index.htm is the site for the online Treaty of Waitangi Resource Centre, which focuses on connecting individuals and groups with resources about the Treaty and how to apply the principles of the Treaty in their everyday lives and work.

4.2 Print resources
There is a range of print material available about the Treaty of Waitangi, aimed at different audiences. Based on the material at New Zealand History Online, the State Services Commission has a series of three information booklets: The Story of the Treaty, The Journey of the Treaty, and the Timeline of the Treaty. Copies of the booklets can be obtained from The Treaty of Waitangi Information Programme, State Services Commission, PO Box 329, Wellington, New Zealand, or by calling 0800 TREATY. An information poster Treaty of Waitangi Wallchart is also available from Reed Publishers.

The historian Claudia Orange authored An Illustrated History of the Treaty of Waitangi (2004). This book includes 200 illustrations/photographs, and is published by Bridget Williams Books. It is available to buy online and in most bookstores.

Some other popular print resources that discuss Treaty of Waitangi issues in New Zealand include:


### 4.3 Other


This 56 page publication is a revised and updated edition of Treaty Questions and Answers which was first published in 1989 by Network Waitangi. Covering many historical and contemporary issues, it is for people who want to gain a basic knowledge about the Treaty of Waitangi and its implications, as well as for those who want to refresh and update their understanding. It includes a summary of legislation and events since 1840 which have breached the Treaty, and a comprehensive reading list for further information. It is available for you to download from [www.nwo.org.nz](http://www.nwo.org.nz) and permission is given for this publication to be copied, distributed or transmitted, providing it is properly attributed, not altered in any way, and is not sold for profit.

### Conclusion

The call of many communities in Aotearoa New Zealand is for greater opportunities to engage with the Treaty of Waitangi. This includes resolving issues about the Treaty as a divisive force in New Zealand communities. Many believe the Treaty of Waitangi is, and can be, a powerful source of unity and cooperation. It is consistent with UNESCO’s vision for greater peace and understanding that more resources and opportunities are available to facilitate discussion about
the Treaty. A greater sense of citizen knowledge and confidence about the Treaty of Waitangi and its relevance to our past, present, and future can advance understanding of the Treaty as both a commitment by the Crown to the indigenous people of Aotearoa New Zealand and as a safeguard of social justice and harmony for all New Zealanders.