

JUSTICE BEFORE CELEBRATION

Ideas and information for today's discussion of 1990 and the Treaty

There's been lots of talk about 1990, about the Treaty of Waitangi, and about whether or not celebration is appropriate.

Here is some background to help church people think and talk about what's involved.

These four articles provide ideas for sermons, or for a group study. Read them, share them, talk about them.

THE "ONE NEW ZEALAND" MYTH

We are all New Zealanders.

There is one law for all.

I don't see a person's colour, I see them as human beings.

We are a democracy, and we are all equal, and have equal opportunity.

We see such statements almost every day in our daily newspapers. The belief that we are one people goes back to February 6th 1840 when the Treaty of Waitangi was signed between the Crown and selected Maori chiefs. The initial signing was a rather rushed affair and Hobson was not properly briefed. He had not worked out what he should say. It seems likely that the missionary Henry Williams gave the words "He Iwi Kotahi Tatou" to Hobson to say each time a chief signed the Treaty.

These words, translated to mean "We are one people" have often been quoted by our leaders, especially at the annual Waitangi Day celebrations. However, on February 6th 1981, the then Governor General Sir David Beattie was to say "I am of the view that we are not one people, nor should we try to be. We do not need to be."

Since the arrival of the Pakeha, whenever Maori people assert their indigenous status, or their demands for a fair share of the resources of the land and the sea, the Pakeha renews the plea, "We are one people".

Claudia Orange, in her book *The Treaty of Waitangi* says:

"Maori struggles to secure rights and a measure of control over their affairs have continued since 1890, but the government has been reluctant to make concessions or to relinquish control of Maori affairs. To accede to Maori demands for autonomy would indeed be proof that the goal of 'one people' has not been achieved. And for many New Zealanders that remains the most significant aspect of the Treaty."



CONFERENCE OF CHURCHES IN AOTEAROA NEW ZEALAND

L G Sutherland in *The Maori People Today* written in 1940 said:

“There is in New Zealand a widespread belief and it is certainly one cherished by the average white New Zealander, that no native people have ever been so fairly treated by Europeans as has the Maori People...”

Alan Blackburn who edited *Racial Harmony in New Zealand - A Statement of Issues (1980)* said that one synopsis of views expressed by many is:

“We are all New Zealanders and we should have pride in our country... After all there are only a few full-blooded Maoris left anyway, and they should learn to identify themselves as New Zealanders...”

The Prime Minister at Waitangi, 1986, said:

“it is time for those who believe in this country as one people to speak out...”

The One New Zealand Foundation continues this same theme today.

What is our reaction and response to this familiar theme?

We start with the Treaty. The Treaty is a ‘covenant’ between two sovereign peoples, the Maori represented by the chiefs and the Pakeha represented by the Crown. That partnership, established in 1840, has not been made invalid or out of date by the ongoing waves of migration into Aotearoa. For Maori people in particular the idea of a sacred covenant between two people was there right from the beginning when Hone Heke referred to the Treaty as a ‘new covenant’. It persists today - the late Sir James Henare said in 1987 “The covenant that was signed at Waitangi is sacred...”

For we Pakeha it is difficult to recapture the covenant nature of the Treaty, as it is our representatives, the Crown, that have continued to break the Treaty not only in spirit but also in deed. In this regard we rejoice that the Waitangi Tribunal is able to recommend to the Crown what could be done to rectify the injustices of the past.

We Pakeha are beginning to see and to understand that we too have a culture and a history, and are able to talk about the partnership of two peoples under the Treaty of Waitangi. Being a partner is a privilege and a responsibility.

It was the Waitangi Tribunal, when reporting on the Manukau claim, which said that if we deny the Maori their rights according to the Treaty, then we deny our own right to be here. So the covenant that we cherish is about a partnership of rights and resources.

To sum up, the Churches of the Conference of Churches in Aotearoa New Zealand are quite clear in their Goal on Bicultural Partnership:

“The Conference of Churches acknowledges Te Tiriti O Waitangi as the covenant establishing our nation on the basis of bicultural partnership between the Maori as tangata whenua, the people who are the land, and the Pakeha, Pacific whanaunga and other manuhiri tuarangi who have come since to make their home here.”

This resource was written by the Public Issues Group of the Conference of Churches in Aotearoa New Zealand.

Published by the Conference of Churches in Aotearoa New Zealand, March 1990.

POWER AND POLITICS

Maoris get enough preferential treatment already. Why all this fuss now? It's just a few radicals stirring up trouble. Why talk about partnership when they're only 10% of the population?

What has changed?

Nothing very much, but various things being said in the media, especially by politicians, deceive people into thinking that things are changing. The reality is that the Pakeha majority still make the laws in all areas. Maori may sometimes be consulted, but as a minority they have no real control in the government or in the law-making processes. Any concessions to Maori are limited by the fact that Pakeha voters are in the majority and dictate the limits. The proximity of the 1990 election strongly influences government attitudes.

Maori influence is also limited by the fact that, in spite of the proportional increase in Maori population since 1867, there are still only four Maori seats. The establishment of those four Maori electorates in 1867, and their continuance today, have served to divert and limit Maori political influence. We need to ask ourselves some serious questions about the processes that should be in place in 1990 to ensure Maori have full participation in decision-making.

Democracy, which is ruling by the majority, can deny justice to minorities. The Treaty was not about democracy, it was an agreement between two sovereign parties. The Treaty promise of protection for Maori has not been kept, not has there been any real access to the Queen on Treaty matters.

As Pakeha we need to question the superiority complex that often underlies our attitudes towards Maori and their values. Such an attitude works against a partnership of equals, and ensures that power remains in the hands of one partner.

Recent apparent concessions towards Maori control do not stand up under close scrutiny. The proposed electoral reform Bill does not transfer any real power to Maori, nor does it guarantee any Maori control. The devolution of the Maori Affairs Department to the Iwi, as outlined in the report 'Te Urupare Rangapu' could easily result in Maori having less power and fewer resources at the end of five years. Maori civil servants deployed to other government departments will be in a minority within their department, and will lack any real influence on obtaining a fair share of resources for Maori.

Maori protest is not new. Since the 1840s there have been many forms of protest in the matters of land, fisheries, and sovereignty. Hone Heke cut down the flagstaff at Kororareka in 1844. The King movement refused to sell land from the 1850s. Te Whiti led a remarkable passive resistance movement at Parihaka against land confiscation in 1870. Delegations of Maori chiefs went to England in the 1880s to lay grievances before the sovereign. Resentment at confiscation of land from the Land Wars led Waikato Maori under Te Puea to resist conscription in World War I. Since the 1970s Nga Tamatoa, Waitangi Action Committee, and the 1975 Land March have kept the issues before us.

Why talk about partnership?

The Maori offer of partnership in 1840, when Maori had overwhelming numerical superiority, is not reciprocated today when the numbers are reversed.

In 1854 when power was transferred to the settler government, the Maori majority of the population were not given a voice - Maori population was 60,000, while Pakeha population was 30,000.

In 1867 when the four Maori electorates were set up they were not a fair representation on a population basis. If that had happened there would have been twenty Maori seats out of a total of seventy seats.

In 1990 Maori remain poorly represented in decision-making bodies, in Parliament, local bodies, commissions, committees and business structures.

FEARS AND MYTHS

Many of us have heard some of the following:

Don't call me Pakeha, Maoris are racial too.

What use is Maori language - why should my kids have to learn it?

If Maoris have control there won't be a place for me.

Maoris don't use the land properly.

If we all love God, everything will be all right.

The missionaries brought God to New Zealand, race and colour don't matter to God.

Maori religion isn't Christian, it's superstition.

No doubt you could make up a similar list, but the question for us in the churches is really about power and control.

The fact that these ideas have survived for so long and so strongly is a clear indication of the level of Pakeha fear of loss of control. For 150 years Pakeha have assumed the right to name people, to name land, and to place values on lifestyle, language and belief. It is appropriate for the church to examine these familiar statements and identify the fears behind them. We all need to face our fears and to place them alongside the facts of history, and our responsibility now.

In 1840 the Treaty of Waitangi was signed as a covenant agreement between two sovereign peoples. What has been forgotten in the past 150 years is that Maori were numerically, politically and economically the stronger of the two. The significance of understanding the Treaty as covenant has not been appreciated.

The primary Biblical covenants that the Church celebrates are between unequal parties - God and Noah, God and Abraham, God and Moses, God and the people of Israel. Many Maori at the time of the signing of the Treaty of Waitangi were Biblically literate and well aware of the meaning of

covenant. From a position of strength Maori agreed to allow a place in Aotearoa for those who wished to settle here. Now that Pakeha have a position of strength how can we restore the covenant? Whether our churches began here as missionary or settler churches, we owe our right to be here, to the freely given assent of Maori in the Treaty of Waitangi. Standing in this covenant tradition, acknowledging God as creator of all, we can rejoice in the conviction that it is in the differences between us that God is more fully revealed.

CHANGE ENABLERS

The following groups either have the ability and the resources to help change occur, or they are perceived to have the ability and those resources - they are the courts, politicians, the Waitangi Tribunal, public opinion, business and the churches.

The Courts: The courts are limited by the letter of the law, and can only decide on what politicians have written into the law in the first place. While the courts are consulting Maori in some areas, e.g. State Owned Enterprises Act, and Maori Fisheries Bill, that consultation has not resulted in any more significant power or control for Maori. The 1987 Court of Appeal judgment in the New Zealand Maori Council case has forced the Waitangi Tribunal to change its stance on the ceding of sovereignty through the Treaty.

Politicians: Politicians are limited by their fear of losing their seats, by party discipline, by the brevity of the three-year term, and by the small amount of electorates. Politicians can change law to get round things they find 'difficult'. Many people in power positions find it difficult to give up any of their power, and politicians are no exception. It is clear that the government finds it hard to recognise Maori sovereignty or self determination, even in a limited way with regard to fisheries or the justice system.

The five principles for Crown Action on the Treaty of Waitangi published on 3 July 1989, and clearly biased in the government's favour, assume that sovereignty has been given away by Maori, a fact which is vigorously contested. These principles amount to a rewriting of the Treaty.

The politicians' main concern appears to be with gaining and keeping votes, and as the majority of people are Pakeha, the politicians are unlikely to risk losing votes in order to uphold the rights of Maori.

The Waitangi Tribunal: The Tribunal is seen as having educational value, and creating an awareness of Maori grievances. In most cases it can only make recommendations to the Government, and the implementation of these is exceedingly slow. As at November 1988, of the 59 recommendations made by the Tribunal between 1983 and 1988, five had been rejected by the government, 13 had been fully implemented, eight partially implemented and 32 are being addressed. No tangible results are evident.

The Tribunal can only make binding decisions on State Owned Enterprises, and these decisions are subject to appeal in the courts. This effectively makes the Tribunal an agent of the government.

Politicians' control of the courts was clearly seen in the campaign of some politicians on 'The Waitangi Tribunal is biased.' This campaign resulted in a much larger Pakeha membership of the Tribunal, yet at the time of the comments Maori outnumbered Pakeha by only one. Curiously, no politician at the time, or since, has questioned the bias of the Court of Appeal - five white, male judges - or of Parliament itself.

Public Opinion: Public opinion is notoriously fickle and easily swayed by the media, particularly television. The media have an important role in forming and informing public opinion in a non-biased and non-sensational manner. As yet they have made little significant contribution in this regard. A good example was the media hype around the Maori Fisheries Bill. A clear impression was given that ordinary New Zealanders were being robbed of 'their' resource by Maori. In fact 70% of the fisheries is owned by five major trans-nationals: Fletcher Fishing, Carter Holt Harvey (Sealord), Goodman Fielder Wattie, Skeggs/Wilson/Neil/Brierley, and Sandfords. The ordinary New Zealanders lost their fisheries a long time ago, but in this case Maori became the scapegoat for government legislation.

Business: Money knows no national loyalty or morality. The victory of the market policies of Rogemomics and the Business Round Table mean the business lobby in New Zealand is now international, with little national loyalty.

Some of our largest companies have questionable records in other countries where they operate with little regard for local environmental issues, indigenous people issues, or human rights issues.

The decisions and actions of business will inevitably be directed towards profit and continued control by the economically powerful. Business pressure on the government is strong and focused on change that will benefit them and not those deprived economically and socially.

Churches: In Colossians 1:20, the redeeming mission of God is to restore creation and reconcile all things. The Church finds its identity in this mission, and in seeking to be the first fruits of God's new creation. Therefore the search for justice and right relationships is not only for the sake of the Christian community, but that the world may see and believe that God intends to overturn the way things are and to make a new life for people and creation. This requires a commitment to a reality of upside down power as recorded in the Magnificat (Luke 1:46-55). Such a commitment requires faith, hope and courage. The practical implications of this are spelled out in the gospel story of Zaccheus (Luke 19:1-10). The promise to Zaccheus that salvation has come to his house is contingent on public restitution to those he cheated.

From the Old Testament comes the tradition of the Year of Jubilee (Leviticus 25) characterised by the return of land, restoration of right relationships, cancellation of debt, amnesty of prisoners, reconciliation of enemies. This was followed by a celebration of these relationships in the year of jubilation. This is the Lord's year of favour that Jesus proclaims in the synagogue at Nazareth (Luke 4:16-22).

What are the challenges these scriptures put before the Church today as it seeks to be a prophetic body in Aotearoa, working for justice? It is not enough for Pakeha Christians to know more about the Treaty of Waitangi, if that knowledge does not make a difference to the statistics. In areas of health, education, justice and welfare, Maori remain disadvantaged - knowledge without action is not partnership.

Before there can be real celebration of the Treaty and of the nation, there must be restitution which shows Pakeha commitment and responsibility under the Treaty covenant.

Resource Materials for Study and Worship are available from the offices of the Conference of Churches:

P O Box 9573
Auckland

P O Box 22-652
Christchurch