

Section Three

**PAKEHA MYTHS
AND
MISCONCEPTIONS**

MORE QUESTIONS AND ANSWERS

■ 1. Get the facts right

There is a lot of misinformation in New Zealand about our history and a lot of energy is put in by some people to keep it that way. Challenge the information that you read, or you hear. There are many books about New Zealand that give a true perspective on events. □ See Appendix Five for a reading list.

■ HOW CAN A DOCUMENT NEARLY 150 YEARS OLD HAVE RELEVANCE FOR TODAY?

Just because something is old doesn't mean it is not relevant. Our present day laws are based on the Magna Carta which was signed in 1215 A.D. The Treaty has been described as a living document whose basic principles can be applied to any age. In the 1987 Maori Council Case against the Crown, the five judges of the Court of Appeal (all of whom are Pakeha) talked about positive approaches to the Treaty for today's world. The two parties to the Treaty, the Crown and the Maori, entered into a solemn commitment, based on justice and recognition of Maori as the prior inhabitants of this country. Justice can never be outdated.

New Zealand history shows that this commitment was not honoured by the Crown. Only recently has the Waitangi Tribunal been established and it has a key role to relate the Treaty to what is happening in the country today. They have said about the practical application of the Treaty for the modern world: "Any impracticality today results not from the Treaty but from our failure to heed its terms. The important point is that there was and still is, room for an agreement to be made." (Muriwhenua Fishing Report)

Had the Treaty been honoured from the time it was signed this country would be a very different place today.

Pakeha New Zealanders of this generation have not before had to face what the implications of the Treaty might mean for them. Some Pakeha are fearful of change, thinking of the losses that they believe they will incur. Other Pakeha are trying to honour the Treaty in positive ways.

Organisations that are taking seriously the commitments of the Treaty have found that both Maori and Pakeha have gained from the process.

34 ■ MAORI PEOPLE HAVEN'T DONE ANYTHING BEFORE - THEY'RE JUST JUMPING ON A BANDWAGON.

Maori people have tried every possible avenue during the last 150 years in order to have their Treaty claims heard.

They have directly petitioned the Queen and the Governor-General. They have worked through the courts - even after the 1877 judgment dismissing the Treaty.

They have worked through Parliament - by attempting to introduce legislation (like a Bill of Rights in 1894), by petitioning and lobbying members. In 1932, the first Ratana member to enter Parliament, Eruera Tirikatene, presented a petition containing over 30,000 signatures. It asked that the Treaty be made

statutory. No action was taken.

Maori people have set up their own systems - health and education, political and spiritual movements like Kingitanga, Ringatu, Ratana and Kotahitanga - which form the basis for current Maori developments.

They have been prepared to take direct action. Hone Heke signalled his anger at the breaking of Treaty promises when he cut down the flag-pole at Kororareka. Maori people fought back when settlers called in imperial troops to take over Maori land by force. At Parihaka, Te Whiti used passive resistance tactics against the settler militia. More recently, Te Matakite o Aotearoa saw thousands of people march in protest about land - from the tail of the North Island to Te Upoko o Te Ika (Wellington). There have been protests at Waitangi, occupations of Bastion Point, Raglan golf course and the Tauranga Town Hall.

The courts have usually ruled against them because, they said, they lack jurisdiction over Treaty issues. Parliament has paid little heed. When the MP for Tai Tokerau tried to introduce a Maori Bill of Rights in 1894, the Pakeha MPs all left the chamber so there was no quorum and proceedings just halted.

The long history of attempts to be heard are detailed in many of the Waitangi Tribunal claims. The Orakei report details all the efforts Ngati Whatua made through the courts, through Parliament, through royal commissions and through direct action. The Muriwhenua report lists the efforts made through the courts, through petitions to Parliament (93 all told, one was on behalf of 11,976 people) and through various major hui since the 1860's.

The Treaty of Waitangi has been a real and living document for Maori ever since 1840. Pakeha have consistently failed to listen.

25 ■ WHY IS THERE SO MUCH TROUBLE ABOUT THE TREATY NOW?

The "trouble about the Treaty" isn't a recent event. Since 1841 Maori leaders have tried many avenues to get the Crown to honour the Treaty. Some of these are described in the answer to the previous question.

One of the common myths still held by some New Zealanders is that divisions are being created now, because of the focus on the Treaty of Waitangi. In fact, when we begin to look at the truth of our history, it is clear that the divisions have existed for many years. All the social and economic statistics that place Maori at the bottom of the ladder have been present since the 1860's.

Disregarding the Treaty has created the divisions in our

society. Since the Waitangi Tribunal was formed in 1975 through our own systems, Pakeha have had to learn more about the injustices that have occurred and the divisions are finally beginning to be addressed.

26 ■ WHY CAN'T WE THROW IT OUT AND START AGAIN?

There is nothing in the Treaty to suggest it was only a temporary commitment.

The Treaty was entered into in good faith by two parties in 1840. If this contract is to be rescinded, then it will take the agreement of both parties. If the Government bow to the wishes of some people who want the Treaty thrown out, then this will provide no solution at all. The grievances of Maori will not be removed, simply swept under the carpet to emerge at a later date.

27 ■ WHY CAN'T WE JUST GET ON WITH LIVING LIKE ONE PEOPLE?

We began as two peoples, agreeing to share one country for our mutual benefit. Since then, the Treaty has been broken by one party, the party which subsequently became more numerous and more powerful. The name of "New Zealand" belongs to that group. The country was already known to its previous inhabitants by a number of other names, of which Aotearoa would seem to be the most commonly used today.

New Zealand will become unified when the cultures of the two parties who signed the Treaty, Maori and the Crown, have equal status and power.

Many of the calls for us to be one people, or for us to all be New Zealanders need to be challenged. What makes a New Zealander? Is it a person who only speaks English, operates only along Pakeha cultural lines, and does not value or allow recognition in REAL terms (not just tokenism) of Maori cultural development? Many of the people talking about us all being New Zealanders would find themselves in this position. On the other hand, many Maori people operate in both worlds, speaking both Maori and English, and respecting the place of other cultures.

28 ■ WHAT ABOUT SEPARATE OR PARALLEL DEVELOPMENT? ISN'T THAT APARTHEID?

No, apartheid is a political system where one race holds all the power and strictly enforces and imposes total separation of different races, in order to maintain that power.

Separate development practices in New Zealand are being implemented as a Maori response to monoculturalism, because most New Zealand institutions are controlled by the Pakeha majority and are culturally inappropriate for Maori people. Separate development is a positive process towards self-determination in a particular sphere. Separate development models do not necessarily exclude members of other cultural groups.

Some people confuse apartheid with separate development described above. In apartheid it is the powerful group that enforces separation. In separate development, as it is occurring in New Zealand, it is the powerless group that has chosen to separate.

29 ■ WHAT DOES THE TREATY HAVE TO DO WITH PAKEHA AND TAUWIWI?

Everything. It established the right of Pakeha to settle in this country. It is the Treaty that gives Pakeha the right to be here. All our rights here are derived from that Treaty - our rights to work, our rights to health care, education, justice, housing and so on. The rights that we were promised under the Treaty have been honoured. What hasn't been honoured are the rights Maori people were promised.

The Treaty is about Pakeha honour. To be able to describe ourselves as honourable people, we need to address the wrongs of the past and work to make this country a Treaty-driven society. The Treaty is a legal agreement between two equal parties, one of which was the Crown representing British immigrants. The culture which has evolved from these immigrants is unique to this country and has come to be defined by the word Pakeha, to represent the European and particularly British immigrants.

The word Tauwiwi represents all cultures who have come here since 1840. Since the Treaty is the foundation document of this country, it applies to all peoples who live here. Tangata Tiriti is another term for the people whose right to be here is determined by the Treaty of Waitangi.

33 ■ WHY CAN'T MAORI PEOPLE LOOK AFTER THEIR LANGUAGE AND CULTURE IN IN THE SAME WAY THAT OTHER RACIAL GROUPS DO?

The short answer is that Maori people should have their culture enhanced, nurtured and protected every day, without having to ask for it. That's what the Treaty promised.

Other racial groups come to New Zealand knowing that the culture of this country will be different. Most of them make a free choice to come here (refugees are one exception). They are prepared to adapt to some of the cultural ways of this country, just as we do when we travel overseas.

They are able to adapt because their culture and ways of life will be protected in the country they came from. For example, there is a whole nation protecting Greek culture and there is a whole nation protecting Indian culture. If Indian or Greek people lose some of their culture, it will not lead to the decline of that culture on a world scale.

New Zealand is the only place where Maori culture can survive. Maori people not only have to live within a system that promised to enhance and protect their culture and doesn't, but also have to fight for the very survival of their culture in the world.

Other cultures apart from Maori have not suffered the colonial process in this country. Enormous amounts of energy from Maori people have been diverted into defending the survival of their culture. This continues to the present day, with the monocultural institutions, policies and attitudes that still exist. Many people do not understand the pressure this puts on the Maori community.

34 ■ DOES HONOURING THE TREATY OF WAITANGI MEAN GIVING MAORI ALL THEIR LAND BACK?

Honouring the Treaty means returning land and other resources that were taken illegally OR giving adequate compensation. It is not always practicable to return land illegally taken in the past and the Waitangi Tribunal states in the Orakei case: "The resolution of one injustice should not be seen to create another."

Honouring the Treaty also means that Maori people have control and authority over things that are theirs, and a genuine say in decisions that affect all New Zealanders.

35 ■ MAORI PEOPLE ARE ONLY 12% OF THE POPULATION, WHY ARE WE TALKING ABOUT EQUAL PARTNERSHIP?

Equal partnership is based on the fact that the Treaty was signed by two parties - the Crown and the Maori. This has nothing to do with the numbers of either party. In fact, when the Treaty was signed in 1840, Maori people outnumbered settlers by at least 50 to 1. They agreed to the Treaty which was based on reciprocal rights and responsibilities and established that two peoples would make up this new nation.

Today, that partnership has implications for all levels of society, in our government departments, parliamentary systems, voluntary and community organisations.

35A ■ IS THE TREATY LEGAL?

Yes, but like other treaties, the Treaty of Waitangi is not directly enforceable by the courts unless Parliament has so directed in an Act of Parliament. These include:- Treaty of Waitangi Act 1975, Environment Act 1986, Conservation Act 1987, State Owned Enterprise Act 1987.

36 ■ WHAT ABOUT THE WAITANGI TRIBUNAL?

The Waitangi Tribunal was set up in 1975 to sift through claims of breaches of the Treaty of Waitangi from 1975 onwards. In 1985, the Act was amended so that claims back to 1840 could be examined. The Tribunal has the authority by Parliamentary statute to determine the meaning of the Treaty for today, and find practical solutions to acknowledged grievances. It makes recommendations to Government on what action should be taken. The Government then has the final decision on what will happen to the recommendations.

37 ■ HAVEN'T MAORI PEOPLE GAINED FROM HAVING EUROPEANS HERE WITH MODERN TECHNOLOGY AND OTHER MATERIAL BENEFITS?

Yes, there have been gains from European technology coming into New Zealand. However, the colonial process has resulted in far more disadvantages for Maori people. Before 1840, Maori had long established systems of social, economic and cultural well-being. The Treaty guaranteed that these would be protected and further enhanced. The breaches of the Treaty have meant that Maori systems were deliberately broken down. This has

resulted in disparities between Maori and non-Maori in health, housing, employment, educational achievement, income levels, wealth, land holdings and so on.

It could also be argued that if the British had not formed a colony in New Zealand, the Maori people would have developed like any other nation where indigenous people are in control. They had extensive communication with the outside world before 1840 and were already taking on and seeking out new technology and adapting it to their own cultural ways of operating. This process of adaptation was set back by colonisation. No longer were they free to adapt the technology to their culture, but were forced to assimilate to the British systems.

38 ■ WHY DO MAORI SAY THEY WANT THEIR LAND BACK WHEN THEY DON'T ACTUALLY USE IT AND JUST LET IT GO TO WASTE?

Maori did use their land for agricultural and production purposes, for centuries before 1840 and up until the mid 1850's.

History shows that they were forced off their land through confiscation, through illegal land deals and through parliamentary statute.

Until recently, Maori who retained land were unable to receive the developmental and rural grants that were available to Pakeha farmers. One of the official criteria was holding individual title. Much of the land that Maori tribes retained was marginally farmable, with all the best land being taken by the settlers, or the Crown with legislation like the Settlements' Acts.

Planning legislation, like the Town and Country Planning Act, has worked against Maori communities operating according to their own ways.

In addition, Maori and Pakeha have different attitudes to land use, to economic activity and to the relationship between human beings and nature. Maori reasons for wanting their land back may include spiritual and ancestral connections.

39 ■ WHERE IS THE TREATY RECOGNISED AS IMPORTANT?

Maori tribes and organisations base their work on what the Treaty says.

Community, church and many other organisations are beginning to recognise the Treaty in their constitutions, structures and decision-making processes. Some cabinet policies and government departments are including the Treaty. The High Court and the

Court of Appeal have been required to consider the validity of government actions in the light of the Treaty. The Waitangi Tribunal of course has the Treaty as its base document for all work.

40 ■ WHY SHOULD WE HAVE TO DO ANYTHING?

Our ancestors made a solemn commitment in the form of the Treaty of Waitangi. There have been breaches to the Treaty which have particularly ensured Pakeha would benefit and Maori be denied access to resources of all kinds.

If we are a people who value justice and equity we need to actively make changes to address the wrongdoings of the past and to ensure a more equitable system for future generations.

41 ■ THE TREATY MAKES EVERYTHING TOO COMPLICATED AND TAKES UP TOO MUCH TIME...

Change is always a difficult process and takes time to work through. Time is one of the resources that Pakeha currently control. The benefits of having a fair and just society include harmonious relations, cost effective and equitable use of resources, long term solutions - in short a much more efficient use of time and energy.

Those organisations that have addressed the Treaty in their structures and policies clearly show positive results. Maori have been resourced to put in place their systems and Pakeha also benefit by being part of an organisation that respects and implements different cultural perspectives.

42 ■ MAORI PEOPLE THEMSELVES ARE DIVIDED. MOST ARE CONTENT WITH THE STATUS QUO. ISN'T IT JUST A FEW RADICALS STIRRING UP TROUBLE?

"Radical" has become a bit of a label to pin on anybody who makes challenging statements about our society. Some of these "radical Maori" have perceptive ideas about what is happening and where we are as a country and how we could go into the next decade. Many of the "radical" things that have been said recently are by older Maori people such as Dame Whina Cooper, Sir Graham Latimer, Mira Szaszy and the late Sir James Henare.

New Zealand society expects all Maori people to be saying the same thing and criticises them when they differ in their views. But Pakeha society is also divided into a wide range of groups, views and beliefs.

Another thing that divides Maori people are policies created by

monocultural institutions. When this happens, Pakeha people use this as an excuse not to listen to what Maori people are saying.

■ THE TREATY DOESN'T APPLY TO ME - I'M A PRIVATE INDIVIDUAL...

The Treaty applies in all areas of society. Pakeha individuals have enormous benefits which may not be apparent to them. The systems within which they operate are monocultural. This means that Pakeha have free access to their cultural values, language and ways of life everyday without having to think about or ask for them. Society's institutions do not operate on Maori tikanga, cultural values, language or traditions. Access to society's services for all Maori usually requires going through monocultural processes. This benefits the people who belong to that culture and penalises those who don't.