
The treaty is a potent symbol

By Michael King

For those who believe in the document's value, it is a symbol of New Zealand's commitment to racial equality. For those who condemn it, the treaty is a symbol of Pakeha duplicity and oppression — this is the basis for the accusation that "the treaty is a fraud".

But, from both differing points of view, the treaty is a potent symbol.

I happen to hold the first view. According to this view, the treaty is not a fraud — but it has been defrauded by the behaviour of Pakeha governments and individuals. These bodies seek to deprive Maori People of much of their territorial and cultural resources.

I do not believe however that the differing viewpoints on the nature and value of the treaty can be reconciled. Former arguments have not been reconciled, but they are more sharply stated in the 1980's more than ever before. Consequently, the mere notion of celebrating the Waitangi anniversary is under more threat than ever before.

I propose that a new Waitangi agreement be drawn up. It would be called the Waitangi Covenant. This new document would embody the principles that all parties believed were, or should have been in the Waitangi Treaty. It would be signed by all Members of Parliament as the current representatives of Maori and Pakeha people.

It should include the name Waitangi, to remind us of the promises made and accepted in good faith in the Bay of Islands and elsewhere in 1840. And also to remind us that these initial promises were frequently dishonoured.

And it should be called a covenant because it is a morally forceful agreement on principles, rather than a legal document subject to narrowly legal interpretations and subsequent litigation.

It should be signed by Members of Parliament, because Parliament's elective foundation is more representative of the values and aspirations of New Zealand life than any other single body.

However, after a solemn and ceremonial Parliamentary signing, or more suitably, a Maori ceremony, there is no reason why the covenant should not be signed by other organisations and individuals, Maori and Pakeha.

This agreement would not be a legal document. The effects of the legal treaty on existing and future laws would lead to interminable and non-productive

argument. Instead, it would be a solemn statement of principles governing cultural and race relations to which New Zealanders — through their elected representatives — wish to commit themselves in the interests of fair play and genuine equality.

It should include wholehearted acceptance of the Maori right to retain the Maori language and Maori culture; acceptance of the Maori right to control and dispose of remaining Maori land and its resources according to Maori wishes; and recognition of traditional practices associated with land ownership, such as food gathering and the protection of sacred places. It

should also affirm the right of people to identify as Maori or Pakeha citizens of New Zealand, and the right of access to all the cultural resources and legal remedies which such an affirmation implies.

I have put this proposal forward because I believe that the need to resolve racial issues is a race against time. I believe it is one that could find acceptance from all parts of the political and ideological spectrum. I believe it **does** reconcile current points of contention. And because I believe, that more than ever before, we all want racial harmony as a foundation for a fruitful national life in Aotearoa.

Re-interpret the treaty

Marjorie Fuller

Although there has been no debate by the public regarding the Treaty of Waitangi, it is a timeless subject still widely discussed on most marae in the country. This proves the serious concern it holds for Maori people rather than the general public.

Most petitions to Parliament by Maori people regarding lands, sea-shore, rivers and lakes are based on the Treaty of Waitangi. The document, signed over 140 years ago, guaranteed to the Maori people the full possession of their lands, estates, forests and fisheries.

Breaches of the Treaty of Waitangi are seen in the compulsory acquisition of customary Maori Land under the Public Works Act 1928; the Soil Conservation and Rivers Control Act; the Petroleum Act 1937; and other Acts pertaining to the land confiscation.

Radicals protest that the Treaty is a fraud saying at the time of its inception it gave the Maori people no protection against land-hungry capitals who carved up and developed Maori lands. These radicals push for ratification of the Treaty of Waitangi to give it judicial

recognition. However, the result would end in amendments to the Treaty which would end up becoming a political football.

Another veto against the interference with the Treaty, is that a majority of Maori people believe it has strong tapu elements, thus making it sacrosanct. The document is signed by ancestors. Their mark or signature is inked onto the parchment indicating the significance and tapu as is any piece of traditional material preserved from former days. In short, who would dare alter the surface of a carved doorway or panel within a meeting house because his or her modern view looks better done another way?

Now, 144 years later, it would be unwise to alter the words of the Treaty. What is needed is to alter the effect of the words. With the full consultation and cooperation on equal terms with European and Maori alike, and with full awareness on both sides of the demands and obligations of both culture's customs and concepts, this could be done.

The Motunui furore would never have occurred if this had been the policy in 1840. (Abridged)