

# Waitangi Tribunal Hearing

**Toi te kupu, toi te whenua toi te mana. Cherish the word and retain and nurture the land, by doing so you will uplift your mana.**

The logical conclusion of this Wanganui whakatauki is currently under question by the Waitangi Tribunal, a three man tribunal that is empowered to look at government policies and acts in light of the spirit and intent of the Treaty of Waitangi.

Before them is a case brought by Nga Kaiwhakapumau I Te Reo, the Maori Language Board of Wellington.

Chairman, Huirangi Waikerepuru has claimed that he and Nga Kaiwhakapumau are denied rights in respect of the use of Maori language as guaranteed in the Treaty of Waitangi.

The Tribunal has met on Waiwhetu Marae, Wellington to hear oral submissions by possibly the tino rangatira of this country.

The hearing has adjourned with a right of reply still to be given to the government bodies specified in the claim as having allegedly acted contrary to the provisions of the Treaty of Waitangi.

In attempting to sum up a week of oral submissions before the Tribunal, one thing becomes clear.

The brief of the Tribunal is as wide as the flexibility of Tribunal procedures. All Tribunal members felt free to offer their learned opinion both to those making submissions and to legal counsel, so as to focus in on matters they could legally look at.

An early indication of this was the comment by Tribunal member, Mr Paul Temm who suggested it was one thing to say the Treaty guaranteed and another to say it was obliged to foster certain rights.

Another feature of the hearing was the practical difficulties raised by the use of Maori language, not only in the Maori text of the Treaty, but also in the original claim which was in Maori, and the need for an interpreter so that the Tribunal could fully understand those making submissions in Maori.

As one person put it, "English is very inadequate for carrying Maori ideas". Tu Tangata acknowledges this in its coverage of the case.

However as several speakers noted, it was more important that what was said was understood by the Tribunal and so English was used by most.

Professor Sid Mead, Ngati Awa, of Victoria University examined the Maori wording of the Treaty and spent some time giving his meaning of what taonga meant.

He saw the guaranteed possession of "o ratou taonga katoa," as meaning indispensable customs. He said the 'o' signified this importance and the 'taonga katoa' meant all the valued possessions and customs, of which the Maori language would be central.

He saw the 'tino rangatiratanga' as meaning the hereditary chieftainship that would stay with the Maori people as in 'home rule'. For the Maori right to self-government, the use of the Maori language was essential.

Quoting from letters between Governor Hobson and Waka Nene around the time of the Treaty, Professor Mead said Waka Nene had specifically asked Hobson "you must preserve our customs and lands".

Professor Mead maintained that the addition of 'o ratou taonga katoa', encompassed this desire.

Article three of the Maori text was seen as the most confusing part of what is generally seen as most confusing use of inadequate missionary Maori. Article three talks about the Queen agreeing to 'tiaki nga tikanga katoa'. Professor Mead saw it as more than protecting but also preserving all the correct customs of the Maori people of which the language was an integral part.

He was asked by Mr Paul Temm to give his translation of article three which Professor Mead saw as giving Maori people their just rights and privileges according to their customs, authorities and contracts 'just like those afforded to the people of England.'

Kaumatuas were then called to back up the claim that the Maori language was a taonga handed down generations.

Maori Marsden from Te Aupouri spoke of the language as the vehicle for transmission of a culture, the transmission of knowledge and that made it a reality, not an abstraction that couldn't be found in a treaty.

"Is it possible to think without words?"

For the first time the Tribunal heard about what happens when a language is suppressed.

"Over 60 years ago I was caned for speaking Maori at school."

Maori Marsden said if the language is suppressed, so is the mana. He's started to work with children in the North, to give them their tribal identity,

but without the transmission vehicle, the language, total rehabilitation isn't possible.

John Rangihau was next speaking in Maori.

Miria Simpson interpreted saying there had been too much beating about the bush. "If we don't retain our language we are nothing."

"I don't wish to ignore the pakeha... I don't expect him to even learn mine (my language)... he wants me to give up mine."

Wiremu Ohia from Tauranga Moana district Maori Council spoke of the mounting concern for the disappearance of the language and the worsening effect that was having on the Maori people.

Monita Delamere then voiced his concern and spoke of the need to support the take of Nga Kaiwhakapumau.

Koro Dewes of Ngati Porou then spoke of te reo, "he kaakano i ruia mai i Rangiatea," a treasure that came from our ancestors.

To him the Treaty guaranteed 'te tino rangatiratanga' which he interpreted as 'mana motuhake', Maori people controlling their own affairs according to their own customs.

Without that control he said Maori beliefs about their ancestors have been relegated to the area of myths.

Te Arawa elder, Tamati Wharehuia next said his piece thanking the Tribunal for their favourable decision in stopping the flow of effluent into the Kaituna River. He told the members that they had looked at how our tupuna saw things in that case and he was confident of their powers of judgement.

Sonny Waru of Taranaki took his legal argument out of the bible.

"In the beginning was the Word and the Word was God."

Mr Waru took this to mean that God has his own language. At the time of the building of the tower of Babel, different languages were given out, and Mr Waru saw this as meaning the Maori language was approved by God.

He said that at the time the first pakeha missionaries arrived, 90% of the bible was already written into carvings with 10% retained orally.

Sonny Waru maintained that as language is a God-given right, it is wrong to suppress it as has been done to Maori. He also said that a Patea Maori Club request for money for a royal command performance had been recently turned down by the government on the grounds that Maori culture is not New Zealand culture. Mr Waru contended that there needed to be equity in culture as well as language.