

THE CONVERSATION

New Zealand's indigenous reconciliation efforts show having a treaty isn't enough

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Despite the Treaty of Waitangi, acts by both the British Crown and successive New Zealand governments have had detrimental effects on the Māori population.

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Australia is being held back by its unresolved relationship with its Indigenous population. Drawing on attempts at reconciliation overseas, this series explores different ways of addressing this unfinished business. Today, lessons from New Zealand.

The relationship between Māori and the British Crown (which delegated its authority to the New Zealand government) has historically been filled with broken promises. Māori reached their nadir at the turn of the 20th century when their population had fallen to half of what it was at first contact.

Ever since the 1840 signing of the Treaty of Waitangi (New Zealand's founding document), a raft of government initiatives have resulted in Māori losing both resources and power. To tackle grievances stemming from these actions, reconciliation efforts were established in the country 30 years ago.

These efforts generally fall within three mechanisms: the Treaty of Waitangi settlement process; the Office of the Race Relations Conciliator; and public education platforms.

Treaty settlements

The Treaty of Waitangi contains three articles which recognise Māori retaining their mana (authority) and allow the British Crown to govern its own people; protect Māori resources and culture; and require Māori to enjoy equal rights with British citizens.

Despite all this, acts by both the British Crown and successive New Zealand governments have had detrimental effects on Māori. These span the loss of lives to the taking of land through various measures, with Māori becoming culturally and economically bereft within their own lands.

But there is recourse. The New Zealand government established a forum to hear treaty-based grievances, known as the Waitangi Tribunal, in 1975. The current framework for settling historical grievances focuses on the restitution of Article II

rights: the taking of resources including land and the absence of protective measures regarding Māori culture.

According to the **Office of Treaty Settlements**, the government entity responsible for negotiating agreements with iwi (tribes), 51 claims were settled between 1990 and 2014; three others dealt specifically with resources rather than being solely iwi-based; and another 35 are at various stages.

Each settlement contains financial and commercial redress, cultural redress and an apology for the offending acts.

The process is often criticised for being dependent on the government determining parameters of the settlement framework, and on the basis that settlements don't necessarily equate to actual losses suffered by the iwi. Despite the iwi Ngai Tahu settling for NZ\$170 million, for instance, the actual economic loss the tribe suffered is estimated at NZ\$20 billion.

But it's had positive outcomes too: the creation of an increasingly powerful Māori **economy**, with iwi such as Tainui and Ngai Tāhu estimated to be worth NZ\$1 billion in assets. Both iwi have attributed their success to property investment.

Crown apologies are received differently by various iwi. Some believe they aren't important, while others consider an apology to be a significant part of the process that allows both parties to move forward.

The conciliator, the media and education

The Office of the Race Relations Conciliator was formed under the **Race Relations Act 1971** and releases reports that serve as educational resources for the public. Its purpose is to "work to promote positive race relations".

The office has dealt with a number of complaints that have generated national publicity. An example is the **1979 He Taua incident**, when a Māori protest group confronted Auckland engineering students who mocked the haka.

But the most influential educational platform for indigenous reconciliation in New Zealand is the media, which have experienced something of a transformation since the 1990s. This reflects, to some extent, the growing awareness of treaty and Māori issues.

Trends that were commonplace in the media 30 years ago – such as the dearth of Māori broadcasters; poor pronunciation of Māori names and words; and, at times, racist reporting of stories involving Māori – are now largely absent.

This transformation also includes programming that focuses on Māori; **Māori language being televised** by the main state broadcasting network; and the **establishment of Māori Television** in 2004.

Other public education platforms involve treaty educators, the education system and public education initiatives. Treaty educators, who are invited to present to

communities or organisations on a largely voluntary basis, run workshops and produce multiple resources.

The public education system teaches material regarding Māori and the Waitangi Treaty, and also has readily available resources. It does all this despite the treaty **not** being a compulsory educational component or course, although the national curriculum:

... acknowledges the principles of the Treaty of Waitangi, and the bicultural foundations of Aotearoa New Zealand.

In effect, public education initiatives have tended to fluctuate. And efforts over time have coincided with nationwide events and political policies, such as the 1990 sesquicentenary celebrations of the signing of the Waitangi Treaty, or the release of the 1995 Fiscal Envelope (the government policy to settle historical grievances).

Lessons for other countries

Lessons that other countries can learn from New Zealand's experience of reconciliation is for indigenous people and governments to have a genuine and robust discussion at the outset of any attempt to resolve grievances.

The government established both the Waitangi Tribunal and the Fiscal Envelope with little or tokenistic consultation with Māori. An approach like this can result in recurring accusations of unfairness because one party clearly has more power when equality is needed for fair and enduring settlements.

Along with efforts to address the past that are satisfactory to both indigenous people and the government, there is the need to better educate the wider public. The New Zealand education system was monocultural for a long time, teaching all that was great about the British Empire with little or no attention to the poor treatment Māori had received.

This resulted in the majority of New Zealand citizens believing that race relations between Māori and the Crown had historically been harmonious, when that was clearly not the case.

Finally, a forum is needed where race issues can be raised and discussed in a mature and sensitive fashion. New Zealand has the Race Relations Conciliator, but that office has been criticised in the past for not having enough legislative clout to impose penalties.

Real progress toward indigenous reconciliation requires fairness and equality.

This is the second article in our series on efforts towards indigenous reconciliation in settler countries around the world. Look out for more snapshots of other countries' progress in the coming days.