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Planning Council

*Te Kaunihera Whakakaupapa
Mo Aotearoa*

**"PAKEHA PERSPECTIVES
ON THE TREATY"**

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ON THE TREATY"**

Proceedings from
a Planning Council seminar
23 & 24 September 1988
Quality Inn, 255 Willis St,
Wellington.

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Planning Council

*Te Kaunihera Whakakaupapa
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FOREWORD

DOES the Treaty of Waitangi have a place in New Zealand today?

WHY is the Treaty important?

WHAT are the implications of the Treaty debate for Pakeha New Zealanders?

Those were just some of the questions which the Planning Council hoped would encourage discussion and debate at the seminar it organised on 23 and 24 September 1988 at the Quality Inn, 355 Willis St, Wellington, entitled "Pakeha Perspectives on the Treaty".

The seminar was attended by around 170 people drawn from a wide cross section of interests, professions and organisations from right across the country.

For two days they came together to listen, to learn, to appreciate and debate, to accept and reject, and finally to urge and recommend. The speeches and formal presentations which formed the basis of that discussion are all included in this booklet.

The Planning Council's objective in organising the seminar was to encourage Pakeha New Zealanders to become better informed about Treaty issues so that they could play a constructive part in the debate. From the comments of those who attended, it is clear that this objective was largely achieved. More importantly, we all learned that we still have so much to learn - about the Treaty and its significance; about the implications for our future; and about each other.

We hope that the publication of these papers will continue the process of learning, of challenge, of debate and understanding. This publication is but a small gesture of thanks and recognition to those who attended, those who spoke, and those who have taken the process of communication and understanding back to their own communities. We thank you all.

Peter Rankin
DIRECTOR

OFFICIAL OPENING

The seminar was officially opened by the Minister of Maori Affairs, Hon Koro Wetere. Mr Wetere affirmed the government's commitment to a fair and equitable settlement of proven Maori grievance, outlined the steps that the government had taken to achieve that goal and stressed that claims made under the Waitangi Tribunal were claims against the **Crown**, not claims against private individuals:

"The public should have no fear that their lands or possessions will be seized in satisfaction of claims that are found to be justified,"

said the Minister. His speech follows:

**Opening Address by the Hon K T Wetere
Minister of Maori Affairs
to the NZ Planning Council Conference
"Pakeha Perspectives on the Treaty"
23 September 1988**

148 years ago our nation was born when our forebears signed the Treaty of Waitangi. That compact pledged a partnership between our two peoples.

Whilst the Treaty was signed by both partners in good faith and with high ideals, the fact is that inequities soon developed, and rights pledged to the Maori partner were quickly and surely invaded, or set aside.

The Treaty is a simple document, but its provisions have proved to be elusive, despite the fact that it is our founding covenant.

The Treaty gave distinct promise of a nation based on trust, co-operation and partnership between the Maori tribes of New Zealand and the Crown.

However the Treaty has been honoured more in breach than in compliance, and it is this issue which grieves the Maori partner.

Madame Chairwoman you have asked me to outline in 10 minutes the government's objectives and plans for achieving resolution of Treaty issues.

I will try to oblige, but the time available will do little justice to the 148 years of Maori despair and anguish over breaches of the Treaty. It is this hurt which gives rise to the government's commitment that a fair and equitable settlement, of proven Maori grievance, must be found. We need to cast out those ghosts of our past, if we are to leave our children with an inheritance of peace and opportunity for the future.

This is a critical time in our bi-cultural history as Treaty issues dominate the nation's immediate concerns over land, race and resources. However lest you think that Treaty issues are a recent 'bandwagon' phenomenon let me disagree. It is important to realise that there is a long history of Maori endeavour which has kept the Treaty alive to the present day.

Maori accepted that the Treaty ceded sovereignty over the land to Queen Victoria. In return, they accepted that it also guaranteed possession of their lands, forests and fisheries. What is not commonly understood is that the Treaty also established your forefathers legal rights to be here, and hence your rights to be here as well. In seeking to set aside the Treaty, detractors conveniently overlook the fact that their rights to be here would be forfeit also.

Certainly since 1860, Maori believed that the Treaty was a solemn covenant and not some out-dated document that had no relevance for the day. In the 1860's Maori chiefs sent two delegations to England to wait upon Queen Victoria herself, in a bid to have the Treaty recognised. These failed. In 1924 a delegation attempted to wait on King George. This was turned away. In the 1930's Maori stated cases to Parliament and the Court of

Appeal. These too, were lost.

Past governments have had the opportunity to settle some of the major grievances that confront us today. But they pleaded adverse circumstances or electoral difficulty, or else forced mean-hearted settlements upon Maori claimants. Many Maori Trust Boards are having to exist on mere pittance as compensation for the millions of hectares which were misappropriated nationally, for New Zealand settlement. Little wonder then that a climate of Maori tension has slowly built up.

My government's policy has been to provide the means where-by Treaty grievance can be objectively examined by a skilled and independent body. In 1975 it established the Waitangi Tribunal and vested it with powers to examine claims from that date. It became clear that whilst this was a major step forward, wider powers were needed. The party's 1984 manifesto pledged to invest more powers in the Tribunal and vote more resources for its support.

The 1985 amendment to the Tribunal's Act allowed it to consider claims back to 1840. This giant step has made the Tribunal much more effective and has allowed it to examine some of the historically important Maori land issues of the day. The work of the Tribunal, Court decisions from other jurisdictions and a general improvement in awareness of Treaty issues has led to a minor revolution, as new principles are evolved from these sources.

In 1984 our manifesto spoke of improving the Tribunal, honouring Waitangi Day and establishing a Bill of Rights for the Treaty. However these matters pale against the reality of what is now happening in 1988. The government now requires that all new legislation must have regard to the principles of the Treaty of Waitangi. It has accepted the challenge of having this provision turned against it in court, because of its belief in the correctness of that requirement.

The government has accepted some of the major recommendations of the Waitangi Tribunal and it is still considering several more. In acceptance of recommendations made, the government agrees with the Tribunal's finding that degradation of the environment may be contrary to the principles of the Treaty. That the Crown may have had a duty to ensure a tribal land base. And that the Crown may also have a duty to see a tribal economic base established as well.

My government is prepared to move resolutely to settle genuine grievance. Issues that are settled include the Kaituna claim which arose from pollution of that river by sewerage. Bastion Point, where the tribal base was taken by the Crown. Maori fisheries, where ownership of the fishery was in dispute. My government has been prepared to accept fair decisions rather than to seek popular ones, as it believes that the time is past for sweeping these matters under the carpet.

The number of claims that are presently registered with the Tribunal and the numbers that are expected to arise as a result of the Waitangi (State Enterprise) Act, will overload the present Tribunal members.

Accordingly I propose that the Tribunal will be expanded from 7 to 16 members and be permitted to sit in divisions, so that several claims may be heard at the same time. I expect this to substantially speed up consideration of the claims expected.

The Tribunal's logistic support side is being strengthened by the Justice Department. As a result of the Waitangi (State Enterprises) Act, a new body called the Maori Land Information Office has been established. This will assist claimants to draw on Crown

information which may help their claims. Legal aid may now also be advanced to bona-fide claimants. All of these provisions are designed to afford speedy resolution of claims.

One of the major frontiers still to be tackled is that of the public perception. Central to a growing acceptance that settlements are fair, is a need for a better informed public. And I am bound to say, opposition as well. It is difficult to educate the public when the media often sees more mileage in highlighting the negative aspects of the hysteria of the self-interest groups who rise to each new decision, with carping and often racist criticism.

There is still a misconception in the community that claims that are made by Maori will in some way deprive other people of their rights to ownership of land which they now hold.

I want to make it quite clear that claims made to the Tribunal are claims made against the Crown and not against private individuals. The public should have no fear that their lands or possessions will be seized in satisfaction of claims that are found to be justified.

To illustrate this point, I quote an early Tribunal recommendation. *"That it would be out of keeping with the spirit of the Treaty, that resolution of one injustice should be seen to create another"*.

Government will not allow this and recompense which is found to be justified will be made from out of the Crown's estate, or by way of monetary compensation if this is more appropriate.

I have recently completed an extensive tour of Maoridom and talked with over 6,500 people in the process. Maori are united in their view that the Treaty should be enshrined as our supreme piece of legislation, governing all aspects of our national way of life. That is also my personal hope and contribution to a tribal crusade of seeking recognition of the Treaty. This was started by my ancestor Tawhiao in 1884, and continued by my mother and uncles with Ratana's visit to England in 1924.

In closing my address, I trust that this conference will be informative and helpful to your understanding of Treaty issues. The Treaty, and indeed Maoridom, needs friends of goodwill. If these friends are well-informed then this would be better still. An understanding of the Maori dimension will be essential to successful planning for the future. I thank you for your invitation to be here today and I thank you for listening to me.

KEYNOTE ADDRESS

Sir Peter Elworthy was invited to deliver the keynote address to the seminar. Sir Peter is currently Chairman of the Queen Elizabeth II National Trust; he is on the board of the Reserve Bank, of BP and of Landcorp. He is a former President of Federated Farmers, which he led nationally for three years during the difficult period of the mid-1980's.

In his address Sir Peter draws heavily on his experience as a farmer and the affinity he has with the land that his family have farmed for generations.

Sir Peter discusses frankly his lack of knowledge about the Treaty and the steps he has taken as an individual to learn and to begin to understand. He encourages us to accept the differences which exist within Maori and Pakeha cultures and to learn from the respective strengths within those cultures. He speaks in favour of a campaign to educate every New Zealander about the Treaty and the effect on the Maori of losing their economic base, ie primarily their land.

Pakeha Perspectives on the Treaty

Key-note Speech:

Sir Peter Elworthy

23 September at 2.30pm

Thank you for offering me the privilege of speaking to such a gathering on this all important and current subject. The Chairperson suggested that Pakeha leaders need to take the Treaty seriously and that this gathering is calculated to do just that. To prepare a talk on Pakeha Perspectives on the Treaty has certainly made this speaker take the Treaty very seriously over this last period.

Firstly, a fair question should be posed.

Is this speaker a suitable victim as Key Note Speaker at this conference?

He is a third generation farmer, on freehold land in South Canterbury, on which lies ancient Maori drawings in limestone caves. Presumably our land, being in the South Island, is subject to the Ngai Tahu claim. Not the land itself, because it is freehold, but perhaps compensation by the Crown for that land.

Our family has a close relationship with the Arowhenua (looking towards the land) Marae at Temuka.

This friendship, and the preservation of Maori rock drawings on our family land in perpetuity through a covenant with the Queen Elizabeth II National Trust could be construed as tokenism.

But it has been, and is, a warm and close friendship with the Maori people.

Our family loves very deeply the land we have lived on for 132 years. We have farmed it faithfully with a mind to conservation over that period, and now share its history and beauty with Maori and Pakeha. But the economic base is ours - Pakeha - not Maori.

As with most New Zealanders I was substantially unaware and all but superficially informed of the Treaty of Waitangi's implications until a decade ago.

I am now learning to understand the implications of the Treaty. A beginning, a learning and an understanding. My comprehension is helped by such people as Claudia Orange, by our Maori friends, and such agencies as the Waitangi Consultancy which is assisting the Queen Elizabeth II National Trust in its understanding.

So perhaps I am an appropriate victim to provide a Pakeha perspective as being average in understanding and perspective, having a farming and potential economic base to provide a livelihood for our family and others, and certain alleged privileges. That economic base in agriculture has been somewhat tenuous these last years, regardless of the excellence of ones farming practices or size of holding.

The reality of the Treaty was, of course, that out of it has grown misunderstandings, misconceptions and injustices - particularly over land.

Over definition, of the Maori words Kawanatanga and Rangatiratanga.

Of the English word - pre-emption.

Over the simple things, such as the Maori need to travel for food in 1840, which resulted in an atypical sense of urgency by Maori Chiefs at Waitangi which undoubtedly affected their understanding of the Treaty and its effect on their land on that all-important day in February of 1840. Such an essentially practical problem is easily understood by this countryman.

Understood also by farmers who have read the Treaty and studied history is Maori ability to farm and trade. Farmers know that a successful entrepreneurial enterprise and leadership comes from people in control of their economic base. This is, of course, one of the agonies of modern agriculture in New Zealand. By farmers of every race - that the economic base (the land), can often no longer be controlled because of excessive debt.

Maori people proved, of course, their extensive farming, adaptive and market place skills of the 1830's to 1860's when the land, their economic base, was in their control.

The "Maori Land" publication by the New Zealand Planning Council quotes examples of this, perhaps the most impressive being an observation by William Swainson on the level of Maori economic development:

"In 1857 the Bay of Plenty, Taupo and Rotorua natives - being about 8,000 people - had upwards of 3,000 acres of land in wheat, 3,000 acres in potatoes, nearly 2,000 acres in maize, and upwards of 1,000 acres of kumara. They owned nearly 1,000 horses, 200 head of cattle, 5,000 pigs, 4 water-power mills and 96 ploughs, as well as 43 coastal vessels averaging nearly 20 tons each, and upwards of 900 canoes. In the course of the same year the Ngatiporou from East Coast to Tauranga supplied 46,000 bushels of wheat to the English traders, at a value of thirteen thousand pounds. In 1860, according to the official statistical return, the natives of Eastern Canterbury - 480 in number - owned 205 horses, 214 head of cattle, 197 pigs and had 51 acres of wheat and 56 acres of potatoes under cultivation. In a single year 1,792 native canoes entered Auckland harbour, bringing to market by this means alone 200 tons of potatoes, 1,400 baskets of onions, 1,700 baskets of maize, 1,200 baskets of peaches, besides very many tons of firewood, fish, pigs and kauri gum. (R Firth, Economics of the New Zealand Maori p 449)."

And there were flour mills, wool weaving and transport. As early as 1830, 28 ships averaging 110 tons made 56 voyages between Sydney and New Zealand carrying Maori grown potatoes and milled grain.

Back to the Treaty.

There were misunderstandings over spirituality, the love of God as translated by the missionaries and turned by Maori into faith in the missionaries themselves.

Regardless of those missionaries' abilities or motives, the problem of delivering such trust in a secular colonial government with a division between Church and State became increasingly insurmountable.

That position worsened, of course, by the passage of time as the N.Z. State becomes

even more secular and the Church less influential in opinion making, and less important in influence upon the Government itself.

There were misconceptions over trust in the Crown, where the Queen reportedly offered her love to the Maori and love and loyalty was returned in full measure to the Crown by Maori.

Again, at that time it was an impossible fulfillment and it's difficult even now as New Zealand moves, if not towards Republicanism, then certainly towards a different and more distant relationship with the British Crown.

And there was the illusion of Pax Britannica offering protection from Hobson's (his phrase) "escaped convicts and other low ruffians", and indeed, of old Maori foes.

We have also to take into account the comparative material on indigenous rights to resources which were not, in fact, exploited by indigenous peoples. In Australia, in the United States and in Canada there is a new understanding of the resources which should benefit the indigenous peoples of those countries.

In New Zealand, we are still talking of Sovereign rights over gold and silver and of the rights of the nation of the government over other non-renewable resources such as coal, oil, iron sands, gas and geothermal energy. This is quite apart from the question of the returns from waters in rivers and lakes used for hydro-electricity. Who in fact owns those assets? Who in fact deserves returns from those assets?

So those are some perceptions of a marginally informed Pakeha of just a few of the misunderstandings and misconceptions which led to injustices.

Those perceptions include some incontrovertible truths.

One undeniable fact is that every acre of land in New Zealand was appropriated, at the time of the coming of the Pakeha, amongst various tribes. Some of these appropriations overlapped, but not one hectare of land was left out.

A further perception held by most Pakeha New Zealanders is that Maori agreed in 1840 to give up their rangatiratanga or sovereignty in return for the protection, the rights and privileges of English people (British subjects) but to maintain the full, exclusive and undisturbed ownership of land, forests and fisheries.

These truths add up to a perspective that the Treaty has ensured that, in farming parlance, there are fences to mend between the Crown and Maori. That conclusion is supported by most modern Pakeha, including farmers.

That there are wrongs which must be put right.

Most importantly, the moderates in that group, embracing Maori and Pakeha views, make up the great majority.

But it must be said in delivering a true Pakeha perspective that landowners, and lessees, that is landowners of freehold land, and lessees of Crown land, believe that the Crown can honour those injustices and must not at the same time interfere with the lawful ownership or leasing of land - by Pakeha or Maori. That is a matter between the Crown and Maori, it is a matter of New Zealand law and therefore a case of compensation, not taking the land unlawfully.

My Maori contacts agree with this perception, and agree with it as a principle. Assuming that the injustices done to Maori since the signing of the Treaty can be put right, based on those principles, to the satisfaction of the moderate majority of Maori, I offer you a Pakeha perspective on the Treaty as it affects the future.

That there are cultural, racial, spiritual and social differences which mean that the concept of assimilation of the Maori by the Pakeha was never possible, should never have been advocated or attempted, and that all races should be encouraged to focus on that fact.

Neither Hobson in 1840 nor Holyoake in 1979 could justifiably preach, as they both did, "He iwi tahi tatau" - "We are one people".

If we can assume that two races can and should live side by side to make New Zealand and that the covenant of Waitangi be set right through the Tribunal and Government making satisfactory arrangements between Maori and the Crown, then this Pakeha's perspective would be that there are the most positive aspects to a small nation in which Maori and Pakeha reside.

Let's look at leadership and role models in that context.

Humanitarian ideals guided the birth of this nation. To continue to hold this belief it may be necessary to block out of mind the darker strands of history, of settler anxieties in a strange land, of avarice and greed, of political power-seeking, of the issues which eroded the substance of the space that the Treaty defined - some of which I have described.

But that is not a conscious blockage or some act of self-deception. That view of things was not really available; history told us (and it spoke mainly with a Pakeha voice) often of such positive things as the establishment of a society here based on Christian ethics and values. Both Maori and Pakeha came to share the view and not to emphasise that darker side of our Nation's history.

Maori attitudes to conservation are revealing.

It took Maori people a millenium to reach balance in this New Zealand environment. They practised it superbly by the arrival of Pakeha yet in 100 years we have produced one of the most modified environments on earth and the challenge of attaining balance is before us yet again. In my Chairmanship of the Queen Elizabeth II National Trust, which was established as a gift to Her Majesty by New Zealand, and which works to conserve open space, or land, of Pakeha and Maori tenure, I am made constantly aware of this.

I do not believe that the science of ecology and the Maori world view are too far apart but I am equally sure that it is facile and futile to attempt to reduce one view to the other or to allow either to dominate. While the Maori world contained conflict and contest, the collective conservation of good prevailed in the end. Is that not also true of the Pakeha world too? Sometimes not, for the collective good and the individualistic ethic may be in conflict. But this is not necessarily the case and we should not so attend to conflict that we miss the real accord. That is the essence of the new view of the Treaty to which we must now be accountable. Accord shall prevail but not at all or any costs. Only on reasonable terms and recognising those differences.

How does leadership in New Zealand measure up to such an accord?

Some New Zealanders often present our current situation as though we are faced with sets of absolute and exclusive alternatives.

In my view that mindset is a New Zealand disease. The cancer of absolutism. That child of the Pakeha's individualistic and ambitious thrust for personal endeavour and reward. If you go fishing, I do not. If I acknowledge land claims, I will be dispossessed by you, and so on. This attitude is rightly to be feared. But that is not what accord is about. That is not what the Treaty said. As I read the record, the Maori position has never been like that. When Maori people needed to learn trade skills they made room for Pakeha traders in their midst to mutual benefit. If the missionary might have sense and wisdom to offer the people, they were there to listen, to learn, to adapt and adopt. Even in the darkest days, as Quentin Baxter noted "The relationship between the two peoples was not without a certain grandeur".

The Treaty has now moved us into a new alignment. It challenges us to affirm common ideals. It is a profoundly moral document and after all the law is the servant of morality and not the other way round.

Because here we have the classic situation of two cultures. In very simplistic terms the one traditional with strong spiritual values, the other also with its traditions and ethics - but more material than spiritual. And when one looks to the debate about land in the Treaty of Waitangi context, conducted at a time when almost every sector of the community is threatened by change and all the associated insecurities, both actual and potential, there could probably not have been a worse time for hardened attitudes, prejudice and the impatient opinions arising out of fear and insecurity. Fed by that New Zealand disposition toward absolutism.

It will take statesmanlike leadership to bring us out of this situation as one nation. I'm not only talking here of central government, but of all community leaders. The teaching profession who can wittingly and unwittingly be so formative in moulding opinions. The media, whose understanding and expression of complex issues can be so constrained by deadlines and space, yet whose ability to crystallise complex issues in a succinct and comprehensible way is so vitally important to us all. The Maori leaders whose 'management' role in their tribe and community should include, for the future, a strongly developed sense of public affairs in which they must recognise the impact of recent events on a European land-owning community and appreciate the force and implications of the Maori impact upon the community.

Europeans, whose comfortable preconceptions about New Zealand history are being progressively dismantled and replaced with a series of questions and assertions reported from Waitangi Tribunal hearings, which cause emotions ranging from discomfort through fear to bristling prejudice and antagonism.

We are now in step one of a process in which the community leadership, in a positive and not defensive manner, needs to have us all recognise that in our two major communities - Maori and European - there are different cultural attributes to recognise, respect, sometimes adopt or adapt, sometimes to modify for the benefit of the broader community, and the eventual strength of the market economy on which it is based.

The points of recognition include:

1. Maori, a people whose collective psyche is deeply based in the land, and the traditions and values attached to the collective ownership of that land.

2. Maori, a people who, over a century, have been collectively and often unfeelingly treated, with little respect for their differences in values and heritage from the relative new comer.
3. Maori, a people largely urbanised in location and lifestyle, but often without the ability to handle all aspects of that complex lifestyle.
4. Pakeha, a people who have found in NZ material wealth and comforts, and have led us all into a world and a market economy from a capital base which, with good management at our end of it, can provide a sound basis for economic growth - and which will be needed to support the costs of social change and the community support which is part of that change.

There are different values and attitudes and strengths of two peoples. We must build on the understanding and recognition that there is a difference - that people are entitled to be different (so long as one tolerates other's rights), and indeed that a community is strengthened and enriched and deepened by there being those differences.

The ancient Maori proverb is relevant:

"By your basket and by my basket the people shall be fed."

Each basket is different and the food within these baskets is very different. Bring the food together and a rich and varied feast is promised.

Above all, there is the need to recognise that without acknowledgement of these differences, there will be long term pain and economic downturn if not political turmoil. There will be no winners, just losers. The leadership we need, from all levels of society, will be that which brings together the positive elements of both - or rather all - peoples to create the intrinsic strength and unity that lies only in a nation mature enough to recognise its internal differences, and to utilise the energy of potential conflict for everyone's good.

And where is the leadership now in New Zealand? To make the Treaty always speak, in the words of the Royal Commission on Social Policy?

Where is the leadership towards an accord over a covenant, not on an absolutist solution for one race?

Leadership can have many definitions - but the common theme is respect for the leader, and what he or she stands for. It is mana, but not necessarily charisma. It is humility, but not being retiring, it is compassion, but not indecisiveness. It is the ability to listen with care. To synthesise ideas, views, opinions, then to capture that community 'feel' for a topic and extend it beyond existing thought patterns.

Let's look now at leadership in the Maori community - and here I speak of my observations and perceptions, not on the basis of detailed research.

The mana of a leader is created out of accumulated wisdom, and the families of those people. Age and experience in tradition and rights, rate high. Knowledge is passed on orally, rather than in writing. Decision making will be at a gentle pace, and by consensus, after much debate with courtesy. Listening is a highly developed art for Maori. So also is the ability not to take oneself too seriously, because in a community where consensus and listening and thinking and compromise play important roles, there can be no place for the arrogant, or the opinionated, or the brash. To sustain the

tradition of leadership and mana for one's children, there must be a respect earned by performance within a traditional pattern of behaviour. Pride, in both family and tribe, hapu and iwi is paramount.

I return to the theme of leadership and how it is expressed and perceived - because there must be few issues, within the context of social change, which have produced such tensions and negativism as the debate about the Treaty of Waitangi. If leadership includes the ability to stand back, to reflect, to highlight key issues and provide assurances about the future, this must surely be one of the issues of the century to which leadership skills should be applied.

So what is the single positive action to ensure that this occurs, from the perspective of this Pakeha with limited background, experience or knowledge?

My suggestion would be that every New Zealander needs to be persuaded to a learning process about the Treaty. To ensure that leadership prevails, and through the community, based on an understanding of the Treaty. That knowledge and understanding is sadly lacking throughout every sector of the New Zealand community.

The lack of understanding of the Treaty and its implications is the single largest impediment to a successful accord. Because most New Zealanders, if they have a sound basis of knowledge and through knowledge understanding, will deliver attitudes based on goodwill.

That information and understanding gap could be lessened by every New Zealand leader, from every sector, being invited to speak to a Planning Council Seminar and so be forced to that steep learning curve which your key note speaker has experienced.

That solution is somewhat impractical.

Nor can misunderstanding be eliminated by a G.S.T. type advertising campaign.

The issues are too complex for that.

However, I support those who call for the government to embark upon a major information campaign to ensure that, as far as possible, every New Zealander is reliably informed about the Treaty, and its implications.

Only with this information can leadership be exercised to put past wrongs to right.

An understanding of the Treaty shows that New Zealand history is full of outcomes which have benefitted the European population of New Zealand to the disadvantage of Maori. This has occurred in economic, political and social areas. Disadvantage has often been heightened by uninformed Pakeha guilt complex being translated into social and other programmes which, in the end result, act in the reverse of the intention.

However, the factor which the Pakeha farmers best understand is the effect of the Pakeha demand for land which has so harmed Maori enterprise, and which has so undermined Maori resourcefulness and adaptability.

An understanding of Maori interpretation of the Treaty, and of the effect of the loss of that economic base, primarily land, will help every New Zealander to resolve the Treaty and land question.

I commend the Planning Council for assisting that progress by staging this seminar.

HISTORICAL OVERVIEW

Dr Claudia Orange is the author of the book "The Treaty of Waitangi", the Goodman Fielder Wattie 1988 Book of the Year.

In her presentation Dr Orange outlined the Maori understanding of the Treaty at the time it was signed, the motivations that drove the Crown to seek a Treaty, and the various attempts that have been made since 1840 to have the Treaty recognised as a legal, binding document.

She also examined the development of Pakeha attitudes towards the Treaty from the initial post-Treaty period of 1840 - 1870 through to the early 20th Century when the Treaty was regarded as somewhat irrelevant, through to the mid to late 20th Century when the Treaty has been "rediscovered" by Pakeha and used as a basis for proposals for real partnership between Maori and Pakeha.

Tipene O'Regan is Chairman of the Ngai Tahu Trust Board, just one of the many busy roles he fulfills within Maoridom. His task within the context of this session was to provide an insight into historical Maori perceptions of the Treaty. He does this by traversing issues of both substance and perception which have moulded Maori attitudes to the Treaty.

The Treaty of Waitangi - A Historical Overview

Claudia Orange

When I started research in 1977, public interest in the Treaty was not great. The first sitting of the Waitangi Tribunal in the ballroom of Auckland's Intercontinental Hotel drew only moderate media attention. The Auckland Star asked: 'Window-dressing or new heart to a treaty?' Many observers at the time thought that the first assessment was the more accurate.

Today, however, as a number of commentators have observed, the treaty, and indeed New Zealand history in general, is a growth industry. How this has come about - the historical background to this development - will be discussed in this paper.

Looking back over the last 150 years and the history of the treaty one can identify three major shifts in the treaty's fortunes, involving three periods of time:

1. the 1840 to 1870 period when the treaty served a European need for peaceful settlement and a Maori need for reassurance that certain rights would be honoured;
2. the 1870 to 1930 when European New Zealand suffered a loss of memory over the treaty, whereas for Maori New Zealand the treaty assumed an increasing relevance;
3. the 1930s to the 1980s when there has been a rediscovery of the treaty by Pakeha New Zealanders and a continuing and more articulate assertion of their treaty rights by Maori New Zealanders.

Why have a treaty?

The treaty served three needs - legal, diplomatic and humanitarian. The legal one was the need to deal with a Declaration of Independence of New Zealand. Lodged by a group of northern chiefs in October 1835, duly accepted by Britain and recognised internationally, the Declaration was twice printed and by 1839 was signed by 52 chiefs. This Declaration impeded Britain's freedom of action in intervening in New Zealand. Officials were aware, too, that Cook's "discovery" of the country in 1769 had not been secured by occupation; in fact three statutes had acknowledged that New Zealand was outside British dominion. This legal factor was probably the primary reason for the treaty.

The diplomatic need was certainly important, however. The treaty gave Britain an entitlement to peaceful settlement in the country. The third need, and one that cannot be ignored, is that Britain wanted to satisfy a humanitarian audience in England. In the 1830s humanitarians had sought better treatment of indigenous peoples in British settlements; they were concerned that Maori should get a fairer deal than the Aborigines in Australia. The treaty with its guarantees of protection and its promises to confer on Maori the rights and privileges of British subjects, seemed to many to herald a new departure in colonial practice. And we have continued to believe this: it forms the basis for our belief that we have made a good job of race relations - at least until recently.