



TE TIRITI O WAITANGI



Kia ora,

This workbook has been developed to accompany your visit to *He Tohu*. We've received overwhelming interest from public servants for more information on how to apply te Tiriti to their mahi and the opportunities that knowledge could present.

Learning about, and understanding, te Tiriti is a dynamic space. We hope this workbook adds to that range of information and thought and prompts further discovery. It also represents a particular time and place and it will be interesting to reflect on how the conversation changes over time. We expect to update the content within two years.

Our cover design references a navigational point used by Māori ancestors to find their way back from the fishing grounds at Tawapata, the tip of the Mahia peninsula. This is also the site of Rocket Lab, New Zealand's first rocket launch site. It is a fitting analogy as we embark on a greater understanding of how the past has shaped our world today and the opportunities of tomorrow.

This workbook is our koha to you.

He Tohu

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HE WHAKAPAPA KŌRERO, HE WHENUA KURA. TALKING ABOUT OUR PAST TO CREATE A BETTER FUTURE



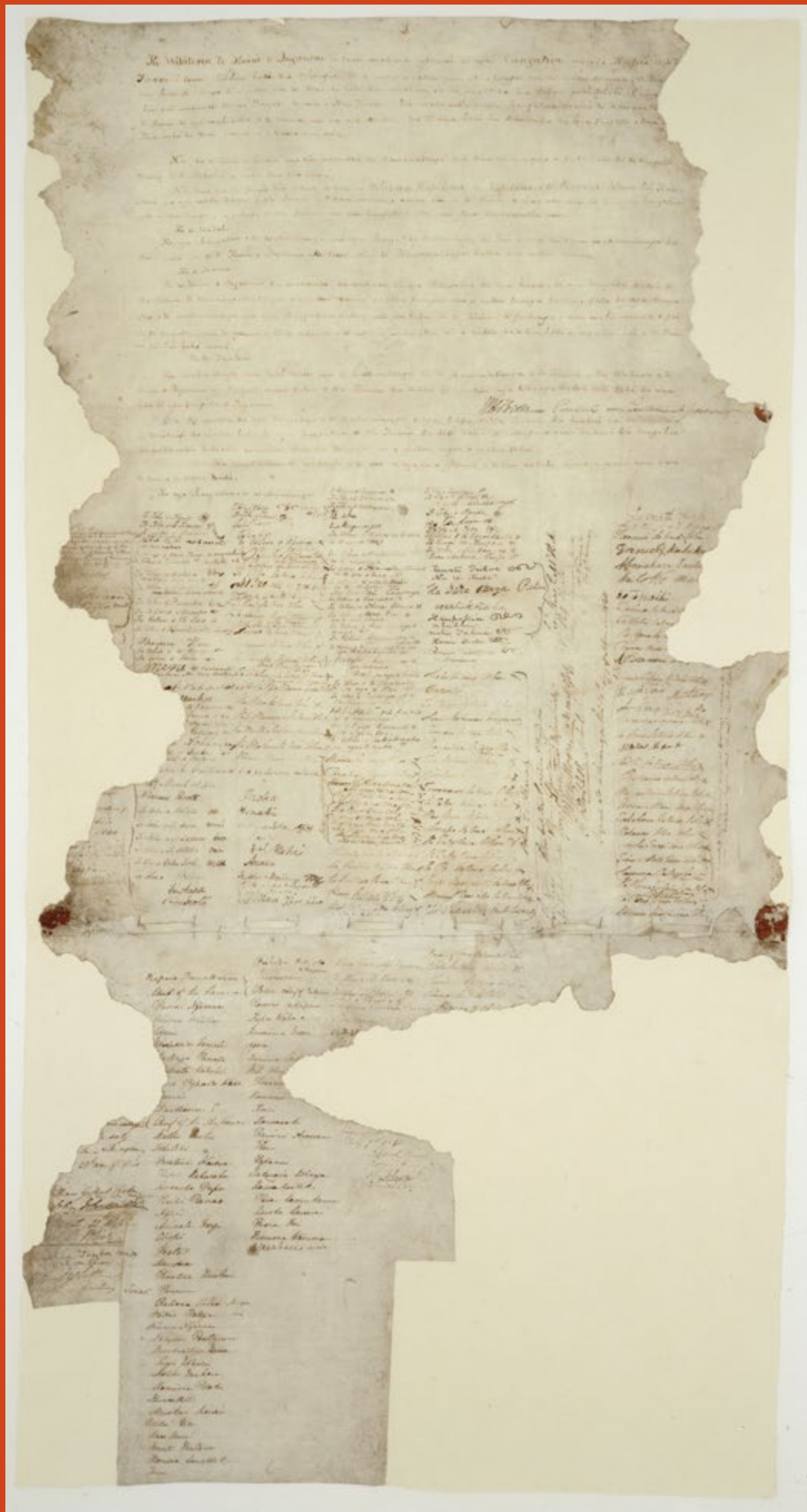
**Te Kāwanatanga
o Aotearoa**
New Zealand Government

Ka tuia te rangi i runga nei	Bound to the sky above
Ka tuia te papa i waho nei	Bound to the earth
Ka tuia te maunga whakahī e karapoti nei	Bound to the mountain that stands proudly
Ko Te Ahumairangi	Te Ahumairangi
Ahu atu ana ki te awa o Tiakiwai	And the waters of Tiakiwai that extend out before us
Nau mai, haere mai ki Te Puna Mātauranga o Aotearoa	Welcome to the National Library of New Zealand
Tēnei whare e whakaahuru nei	This safe place that stands as guardian
I ngā taonga a kui mā a koro mā	For the taonga housed within left by our forefathers
Aupiki mai ki te whakaaturanga o He Tohu	Ascend to the place where He Tohu lives
Areare mai ōu taringa ki wēnei kōrero ororongo	Let your ears receive these words
Hei aratakina i a koutou	A guide for you all
Nō reira	Therefore
E ngā mana, e ngā reo	All authorities, all voices
Tēnā koutou, tēnā koutou, tēnā koutou katoa	We greet you

Rārangi Upoko

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<https://upload.wikimedia.org/wikipedia/commons/8/87/Treatyofwaitangi.jpg>

Te Tiriti o Waitangi is an agreement for the relationship between the Crown and Māori. It is an ongoing commitment — as relevant now as when it was signed. Upholding te Tiriti is a central role of government. Therefore, a good understanding of te Tiriti and its principles is a important asset for public servants.

Having visited te Tiriti at *He Tohu*, you might be wondering about what this taonga means for you in your daily work. In the following pages you'll find key information on He Whakaputanga and te Tiriti drawn from the *He Tohu* Exhibition, information on te Tiriti and the Public Service, and prompts for action that you can take within, and beyond, your workplace in relation to te Tiriti.

Te Tiriti is the foundation for the
relationship between

**TANGATA
WHENUA**

The first
peoples of
Aotearoa

AND

**TANGATA
TIRITI**

All others
who have
come here

Te Tiriti o Waitangi: He pito whakamāramatanga Te Tiriti o Waitangi: A brief introduction

Te Tiriti o Waitangi is an agreement between tangata whenua (the first peoples of Aotearoa), and tangata Tiriti (all others who have come here). The Treaty of Waitangi affirmed the tino rangatiratanga (absolute sovereignty) of Māori and allowed for the establishment of kāwanatanga (governorship) by the British. The intention of the Treaty was to establish an ongoing relationship of mutual benefit, built on trust and good faith between tangata whenua and all who were to come.

Ngā hononga i mua i te Tiriti

Pre-treaty relationships

Society had been developing in Aotearoa, as distinct whānau/hapū/iwi collectives, for about 600 years before the arrival of Europeans in the late 1700s. In the early 1800s Māori, particularly those in more accessible coastal regions, travelled to Australia, England and as far as Antarctica, and were trading internationally.

Around 1830 it is estimated there were no more than 300 tangata Tiriti throughout Aotearoa. In parts of the country where tangata Tiriti resided, they lived there with the permission and support of various hapū.



Earle, Augustus 1793-1838 :Kororadika Beach, Bay of Islands. London, lithographed and published by R. Martin & Co [1838]. Earle, Augustus 1793-1838 :Sketches illustrative of the Native Inhabitants and Islands of New Zealand from original drawings by Augustus Earle Esq, Draughtsman of H. M. S. "Beagle". London, Lithographed and Published under the auspices of the New Zealand Association by Robert Martin & Co, 1838. Ref: PUBL-0015-06. Alexander Turnbull Library, Wellington, New Zealand. /records/23229276

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Have you seen? He Whenua Rangatira. A Māori land

It shows patterns of arrivals to Aotearoa from the Pacific from the 1200s, domestic trade routes, the later arrival of Europeans, early Māori international travel and the signing of He Whakaputanga. It's on the map table at *He Tohu* and on our YouTube channel.

“We were exporting grain to San Francisco, Sydney, all over the Pacific.”

Prof Ngahuia Te Awekotuku

“Many [Māori] were very cosmopolitan, you know Hongi Hika had been off to meet King George [in 1820].”

Prof Dame Anne Salmond

“By the early 1800s large numbers of Māori are travelling across the globe and so they're forming ideas about Europeans, not just from their experiences within New Zealand but also on the streets of Sydney, London, New York.”

Dr Vincent O'Malley

“We were building boats ourselves in Hokianga at that time, trading ourselves with Britain, with Sydney.”

Haami Piripi

He Whakaputanga

The Declaration of Independence

He Whakaputanga o te Rangatiratanga o Nu Tireni – the Declaration of Independence of 1835 is New Zealand's first 'constitutional document'. This document defines the existence of the nation, who is in control of it, and how it will be run. The declaration asserts that rangatiratanga (self-determination), mana and kīngitanga (kingship or sovereignty) is held by Te Whakaminenga, the Confederation of United Tribes. It was requested that the British King remain as protector.

Rangatira had a long tradition of meeting to discuss important matters. From the early 1800s the issue of how to deal with foreigners coming to New Zealand was often on the agenda. The declaration was, in part, a response to concerns held by both rangatira and James Busby, the British Resident, about French wanting to establish authority here.

Busby drafted the declaration in 1835, and had it translated into te reo Māori by the missionary Henry Williams. He sent a copy to King William IV and He Whakaputanga was eventually officially recognised by the British Crown in 1839.

The 52 rangatira who signed it – 34 in 1835, 18 in 1839 – called themselves Te Whakaminenga o ngā Hapū o Nu Tireni, the United Tribes of New Zealand.

The rangatira who signed were all from Te Ika-a-Māui (the North Island). Most were from Te Tai Tokerau (Northland), but Te Hāpuku of Hawke's Bay and Te Wherowhero of the Waikato, two very influential rangatira, also signed.

It was not taken around the country for signing, and the Crown understood the declaration to relate to land north of Hauraki in the North Island. However, by 1839, the British recognition of the mana and authority of hapū applied to all of Aotearoa.

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By asserting New Zealand's sovereign status in He Whakaputanga in 1835, the rangatira asserted that New Zealand was an independent state. At the same time, they sought the protection of the Crown.

In the declaration rangatira believed they had “ko te kīngitanga ko te mana” (sovereign power and authority) here in New Zealand. However, Busby stated to the Colonial Office that the declaration would not prevent the Crown from claiming sovereignty over New Zealand.

He aha te take mō te Tiriti? Why a treaty?

The impending large-scale arrival of settlers (organised by the New Zealand Company – an independent company acting without the authority of the British government); on-going issues of lawless Pākehā; and an attempt by the French to colonise Akaroa in the South Island led to Captain William Hobson being sent by the British Colonial Office to enter into a treaty with rangatira.

There was also a growing humanitarian movement in England that was concerned with the impact of colonisation on indigenous people of the British Empire.

He Whakaputanga made it clear that authority in New Zealand resided with the rangatira.

The Crown needed to acquire sovereignty in order to have authority to address the issues that Pākehā were causing and to establish title to the land.



Bay of Akaroa (New Zealand), Baie d'Akaroa (Nouvelle Zelande), 1862, by Louis Le Breton. Purchased 2002. Te Papa (2002-0036-1)

“We signed a Māori version, it was the only version that was debated and discussed and the Māori version tells us clearly, linked to the Declaration of Independence, that we did not, could not, would not, have ceded our sovereignty. Why would you cede your sovereignty to a motley bunch of 2000 Europeans who were living here at the time?”

Haami Piripi

“For myself, I have always thought the translation arguments to be a little bit of a dead end in the sense that it can't be disputed that the Treaty is actually the Māori text of the Treaty.”

Rt Hon Dame Sian Elias

Te Tiriti o Waitangi The Treaty of Waitangi

A treaty is an agreement between independent nations. Te Tiriti o Waitangi was an agreement between Britain, represented by Hobson, and over 500 rangatira representing their hapū. It was first signed at Waitangi on 6 February 1840. There is an English-language version of te Tiriti and a version in Māori.

Te Tiriti is foundational to our nation. It is a sacred covenant between Māori signatories and the Crown, to live together peacefully.

Article 1 gives the government the right to govern Aotearoa New Zealand. It allowed for kāwanatanga – a British governor in Aotearoa New Zealand and made British settlement here possible.

Article 2 promises that Māori will have the right to make decisions over resources and taonga which they wish to retain. It affirms the tino rangatiratanga (sovereignty) of hapū over their lands, resources and taonga (treasured possessions both tangible and intangible).

Article 3 promises that the Crown's obligation to New Zealand citizens are owed equally to Māori. It also says the Queen will protect Māori and ensure that they have the same access to laws and customs as the people of England.

At the treaty signing it was also agreed verbally that all people in New Zealand would be free to practice whichever religion they chose, including traditional Māori beliefs or different forms of Christianity. This is known as the “fourth article”, and is sometimes referred to today as the Ritenga Māori Declaration.

The word kāwanatanga (governance) is derived from the word kāwana (governor), which is a transliteration from the English language. The word kāwana was not unfamiliar to the rangatira of that time. Some chiefs had met the governor (kāwana) of Sydney, who was under the authority of the Queen (referred to as the rangatira). Māori were also familiar with the stories in the Bible, in which Pontius Pilate, a governor of Judea, was referred to as the kāwana, he was under the command of the Kingdom of Caesar, who was referred to as the rangatira.

Tino rangatiratanga can be translated as ‘absolute authority or sovereignty’ and in the Māori version of the treaty refers to Māori people having control over Māori affairs.

People often assume that te Tiriti is a document for Māori. While it affirmed Māori rights, te Tiriti gave tangata Tiriti (non-indigenous New Zealanders) the right to come here and make a home. That right carries a responsibility for tangata Tiriti to honour te Tiriti.

“Hoki atu, hoki atu tērā te wā ko te Māori i noho tangata whenua. Ko iaanahe. Kei reira te rangatiratanga, te mana, te mauri hoki i a ia e rapu oranga ana mō ia rā, mō ia rā. Ana: ka huri te ao. Ka huri ngā āhuatanga. Ka tae mai ngā tāngata o tāwāhi. Ka tau mai, ka noho mai. Kua paku rerekē.

My mind goes back to a time when Māori lived as the people of the land. It was them alone. They possessed authority, dignity and a life force as they sought to survive each and every day. And then: the world changed. Everything changed. People from distant lands arrived. They landed, they settled. Different indeed!”

Evelyn Tobin, MNZM, JP

Nō muri i te hainatanga After the signing

The process of colonisation pursued by the British Crown and settler governments after the signing of te Tiriti led to it often being breached. These multiple breaches had devastating impacts on Māori communities. Colonisation saw the Crown gaining control for Pākehā by taking land and enabled the assimilation of Māori.

At the start of the 19th century – Māori were close to 100% of the population and held 100% of the land. By the end of the century Māori were mistakenly referred to in Pākehā newspapers as “a dying race” and many Māori were landless.

Early on, many Māori considered land agreements as the starting point for mutually beneficial relationships with Pākehā. Some hapū entered land agreements based on the understanding that the rules they had applied for hundreds of years would be respected by those coming to their lands and their overall authority over the land would be retained. But this rarely turned out to be the case.

In the decades after 1840, the Crown’s appetite for land grew, as more and more British settlers arrived. Although most land sales were initially agreed to by Māori, there were many breaches of te Tiriti in the process of the Crown purchasing the land. This has been something that the Crown has subsequently acknowledged. In some cases, critical conditions of land agreements, such as the retention of reserves for Māori, were never met by the Crown. These failures were often a result of the Crown failing to meet its duty under te Tiriti to actively protect Māori interests rather than failure to comply with the terms of individual agreements.

In the 1840s there were several wars between the Crown and some iwi over land and sovereignty. There were also several wars that started in the 1860s, the last of which had ended by 1872. Māori resisted invasion in Taranaki, Waikato and elsewhere. In response, the government confiscated huge areas of the most fertile land.

Laws were also a powerful means by which the rights affirmed in te Tiriti were sometimes breached. The 1852 Constitution Act established a settler government which, through its structure and actions, hampered the exercise of tino rangatiratanga.

The 1865 Natives Land Act provided for Māori land to be awarded to a maximum of ten owners. This enabled these owners to sell the land they awarded without consulting their wider tribal groups. When this occurred, the Crown was breaching Article 2 of te Tiriti to actively

“A cornerstone of Pākehā national identity is the notion that our natives were treated so much better than indigenous peoples elsewhere and of course it doesn’t accord with the reality.”

Dr Vincent O’Malley

“Up to 1830, 1840, Māori had 65 million acres, today we only have five”

Prof Mānuka Hēnare.

“It’s how this country was taken so quickly, it was a very, very systematic acquisition of land through land title system, moving from communal to individual title and in that sense combined with a monetary economy shut us right out.”

Haami Piripi

“Colonisation permits the (mis) appropriation of power and resources from indigenous peoples and their transfer to the newcomers. This process of transfer is supported by layer upon layer of new systems established to determine how resources will be obtained and how they are to be redistributed and to whom. These systems therefore construct who will benefit most and who will be privileged by these systems... Through this process, Māori move from being ‘usual’ or ‘normal’ (a translation of the word Māori) to being ‘different’ from Pākehā, non-Māori, non-indigenous norms. This process of turning Māori into outsiders in our own land shows how colonisation appropriates Māori rights as tangata whenua.”

Papaarangi Reid and Bridget Robson²

protect the interests of the owners. Public Works legislation also allowed governments to take Māori land for things like railways or roads. Occasionally, land owned by Pākehā was also taken. A lot of land was taken without agreement from Māori and, in some cases, without compensation.

Māori would lose further land between 1909 to 1930 in another large wave of Crown land purchases, which included several breaches of te Tiriti by the Crown, and increased Māori landlessness. For those Māori who have retained land, there have been many grievances in relation to how the land laws provided for the administration of that land.

In 2004 the Government passed the Foreshore and Seabed Act which abolished Māori customary interests in the foreshore and gave ownership to the Crown. The United Nations Committee on the Elimination of Racial Discrimination considered that this Act was discriminatory.

The 2011 Marine and Coastal Area (Takutai Moana) Act, which repealed and replaced The Foreshore and Seabed Act, removed Crown ownership and restored Māori customary interests in the foreshore and seabed. However the burden is on iwi, hapū and whānau seeking recognition to prove their interests in court or to seek an agreement with the Crown.

Other legislation and government systems have attempted to assimilate Māori into the dominant Pākehā society. However, even though assimilation was officially encouraged, it was not successful.

“The existence of the tangata whenua (people of the land) as the dispossessed owners of the soil was problematic for the coloniser. Assimilation was Governor Grey’s solution to the Māori problem. His Education Ordinance of 1847 subsidised church boarding schools with a view to isolating Māori children from the “demoralising influence” of their villages. The aim was to assimilate Māori as quickly as possible into European ways...schooling demanded cultural surrender.” – Dr Ranginui Walker¹

Ngā urupare Māori

Māori responses

There have been continued calls by Māori over generations for Government to honour the commitments made in te Tiriti. Māori have actively protested against the taking of their land and sovereignty and the erosion of the rights that te Tiriti promised.

They sent letters and petitions to the Government and appeals to the Governor and the British monarch.

They worked within the New Zealand Parliament, and outside it in their own parallel institutions. Through the 1800s and into the 1900s, Māori strategies for getting their voices heard included acts of non-violent resistance, land occupation, marches and court cases. Māori only engaged in armed resistance during the mid-1800s in response to armed invasion of their lands by the Crown.



Photograph of protesters on the Maori Land March, College Hill, Auckland. Heinegg, Christian F, 1940-Photographs of the Maori Land March. Ref: PA7-15-17. Alexander Turnbull Library, Wellington, New Zealand. /records/22898633

Te Rōpū Whakamana i te Tiriti o Waitangi

The Waitangi Tribunal

The 1970s was a time of Māori resurgence – protests over the taking of land and the silencing of Māori culture were becoming hard for the Government to ignore. In 1975 the Minister of Māori Affairs, Matiu Rata, led the creation of the Waitangi Tribunal to look at breaches of the Treaty.

Initially the Tribunal could only investigate Māori claims about breaches from 1975 onwards. In 1985 the Tribunal was empowered to investigate breaches back to 1840. Subsequent legislation set 2008 as the end date for historical claims to be lodged with the Tribunal.

The Tribunal makes recommendations to the Government about what should be done to address Treaty breaches. The recommendations are not binding on the Crown.

Ngā Whakataunga Tiriti

Treaty Settlements

Treaty settlements are negotiated between iwi and the Crown. They usually include both money and cultural redress, such as the recognition of culturally important sites, reinstating Māori place names and protecting traditional food resources.

As part of the settlement the Crown apologises to claimants for its breaches of te Tiriti. But it has never offered complete compensation for them. Māori have made compromises, settling for a fraction of the value of what was taken. For example, it has been estimated that monetary value of the Tainui settlement in 1995 was about 1.4 percent of the value of the land that was taken. In spite of this, the settlements symbolise peace-making so that the iwi and the Crown become partners, and move forward for the well-being of iwi, and indeed for the whole nation.

“Alongside [Treaty settlements] we’ve seen the protest grow from “the Treaty’s a fraud” to “honour the Treaty” to “the Treaty always speaks”. The Treaty is the document that guides us when we make decisions about our environment, about our people, about many things, all things that pertain to New Zealand.”

Kate Martin



The Maori Queen, and her husband, in the public gallery of Parliament, Wellington, to witness the enactment of the Waikato Tainui land settlement - Photograph taken by Craig Simcox. Dominion Post (Newspaper): Photographic negatives and prints of the Evening Post and Dominion newspapers. Ref: EP/1995/4228a/1a-F. Alexander Turnbull Library, Wellington, New Zealand. /records/22314292

Whakapuakitanga o te Rūnanga Whakakotahi i ngā Iwi o te Ao mō ngā Tika o ngā Iwi Taketake United Nations Declaration on the Rights of Indigenous Peoples

In 2010 New Zealand became a signatory to the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) – an international declaration that aligns with te Tiriti, as it upholds the foundational right of Indigenous Peoples to be self-determining. Having endorsed this Declaration, the Crown has a responsibility to uphold the internationally recognised rights detailed in UNDRIP alongside our te Tiriti commitments.

Te tāmitanga o nāianeī On-going colonisation

Colonisation is a root cause of the inequities faced by Māori today. It is an ongoing activity not a past event. The systems of government imported to New Zealand has led to many difficulties for Māori, who have encountered inequalities in the health, education and justice systems.

“We have completed the trilogy. The 1835 Declaration acknowledged Indigenous self-determination. The 1840 Treaty upheld it within the structures of a State.

This Declaration now confirms it and says how it should be applied. As rights go, that’s a big step. It fills the gaps in the Treaty of Waitangi.”

Sir Eddie Taihākurei Durie³

“Institutional racism includes inappropriate action and/or inaction in response to need. It also includes monocultural perspectives and world-views embedded in health, education, legal and other systems.

Health Quality and Safety Commission⁴

The history of Treaty breaches, then, is part and parcel of the explanations for the social determinants of Māori health. Evidence and submissions from all parties, including the Crown, acknowledged that the legacy of colonisation manifests itself in the lived experience of Māori as a population group today.

Māori experience a wide range of socio-economic inequities that the Tribunal in previous reports has linked back to colonisation and breaches of the Treaty compact. In these ways, and more, the colonisation of New Zealand and its ongoing impacts are as much a determinant of Māori health outcomes as any other, and continues to manifest as institutional racism.”

Waitangi Tribunal, 2019⁵

Te Whakatinanatanga o te Tiriti Embodying te Tiriti

In 1840 te Tiriti affirmed the authority of tangata whenua and made space for new people to make a home here as tangata Tiriti. Today it continues to provide the basis for sharing our country so that we can all call these islands “home”.

Due to colonisation, some of the commitments of te Tiriti have not been honoured by the Crown and some foundations of Māori society have been eroded. Many educational, socioeconomic, housing and justice statistics show that as a result of on-going colonisation, there is a deep imbalance in our society.

Honouring te Tiriti provides the framework for addressing this imbalance through just relationships which will allow all people to flourish – it is the foundation for wellbeing in Aotearoa.

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In 2021 the Crown announced the establishment of an Independent Māori Health Authority and the District Court System adopted a new model called Te Ao Mārama.

“Te Ao Mārama will work in the spirit of partnership with local iwi and local communities to design a solution that works for multi-cultural Aotearoa New Zealand. This includes adopting plain language and culture and processes that incorporate tikanga and te ao Māori.”
Chief District Court Judge, Judge Heemi Taumaunu.

This is a succinct overview of a rich, complex picture. If you want to hear more from those quoted – see the Kōrero section of *He Tohu*.

If you want to learn more about te Tiriti see page 36.

“The Treaty to me has never been about Treaty rights; it’s always been about the rightness that comes from people accepting their obligations to each other. And that was a profound, and I think, visionary base upon which to build a country. And it is certainly my belief that Māori will never let go of that promise, and the challenge is always how well the Crown will respond. And that to me is part of the ongoing, what I call, Treaty Journey that the country is on.

How in constitutional terms, do we make it work, so that iwi and hapū can make iwi and hapū decisions, the Crown can make Crown decisions, and then we find that common space of the marae, on which we can make joint decisions?

Now that’s a daunting challenge, but I don’t think it’s an insurmountable one. And in the work of the Matike Mai Constitutional Transformation Working Group that was established by the Iwi Chairs, we set a timeline of 2040 – not just because that will be 200 years since the signing of the Treaty – but it gives us twenty-five years.

It gives us a generation to muster up the wit, the wisdom, and maybe even the courage to take that next step in the Treaty Journey. And for those who think it might be too hard or unrealistic, then the demand that you get realistic is simply a retreat from the debate as well. But to be courageous to me, is just the deep breath you take before you make a hard decision. And I am confident, certainly, that our people have that courage, and the Treaty challenge for others who make this land their home, is to find that courage as well.”

Moana Jackson

Te Tiriti me te Ratonga Tūmatanui

Te Tiriti and the Public Service

Te Ratonga Tūmatanui — the Public Service plays a central role supporting the Crown in its relationships with Māori under te Tiriti o Waitangi.

In this section, we explore the provisions of the Public Service Act 2020, which are aimed at improving Māori-Crown relationships. We also answer some commonly asked questions about key terms and what te Tiriti means for your work.

Public Service Act 2020

In 2020, the Public Service Act was reformed, with the aim of unifying the Public Service to support the Crown’s relationships with Māori. This requires:

- Improving the Public Service’s relationships with Māori by creating and continuing collaborative approaches that are mutually beneficial.
- Weaving a greater understanding of te ao Māori into the work and ethos of public service, including:
 - Te ao Māori concepts, knowledge, values and perspectives
 - Te reo Māori (Māori language)
 - Tikanga Māori (protocols and customs)
 - Te Tiriti o Waitangi/the Treaty of Waitangi and understanding how it applies day-to-day
- Exercising of individual and collective responsibility for a culturally competent public service. Making sure that it delivers with and for Māori, and is committed to supporting Māori leadership and decision-making roles within it⁶.

Who are the parties of te Tiriti now?

In 1840, te Tiriti o Waitangi was signed by Captain Hobson on behalf of the British Crown (at that time Queen Victoria) and over 500 rangatira, who each signed on behalf of their own hapū. Today, New Zealand is a constitutional monarchy: the Governor-General is the Queen’s representative and the Head of State. The Executive Council (all Ministers of the Crown) is the inheritor of the obligations that the Queen took on in 1840. In te Tiriti discussions, when people use the term “the Crown,” they’re usually referring to the executive branch of government.

If you are a public servant, you represent the Crown.

As representatives of the Crown, who is our te Tiriti relationship with?

Hapū (sub-tribes) were the core political entity at the time of the signing of te Tiriti. Through the Treaty settlement process, the Crown’s approach has been to work at the level of iwi or other larger groupings, often comprised of multiple hapū.

Breaches of te Tiriti have caused major disruption to Māori society and the dislocation of many, particularly urban Māori, from their hapū/iwi connections. The Crown has a responsibility to all Māori. As well as having relationships with hapū and iwi, the Crown also holds relationships with Māori leaders and communities that are not specific to a geographical place — e.g. working with experts in Māori health to shape health sector reforms.

In your work, the relationships needed to give effect to te Tiriti may differ depending on the issue and may include a mix of relationships with mana whenua (those who have historic and territorial relationships in a geographic area) and Māori people/organisations working on the particular issue.

While Māori public servants and Māori teams within Crown organisations may play a key role in building and bridging te Tiriti relationships, they are not the Treaty partner. Te Tiriti relationships are always with those external to the Crown.

At the heart of te Tiriti is the relationship between the exercise of kāwanatanga by the Crown and the exercise of tino rangatiratanga by Māori.

Visit the Waitangi Tribunal website to find out if there is a kaupapa inquiry in relation to your area of work and, if so, what stage it is at.

Your organisation/agency may have particular relationship commitments with iwi through Treaty settlements. Te Haeata is a searchable record of Treaty of Waitangi settlement commitments. It is a valuable tool for Crown agencies, entities, local authorities and post-settlement governance entities to search Treaty settlement commitments.

The 2020 Public Service Act doesn’t mention te Tiriti principles. Where do the principles fit?

“In my view, the concept of partnership is such a powerful concept. I know not everyone agrees with me, but that’s the relationship. That word is the essence of an equal, horizontal, as opposed to vertical, relationship.”
Justice Joe Williams.

Treaty principles were developed by the courts, based on early Waitangi Tribunal decisions. The principles have a long history and are the measure against which the Crown’s conduct is assessed. The principles are used by some parts of the Crown to provide guidance on how to uphold te Tiriti. Principles are the focus of the Waitangi Tribunal, and the concept of Treaty Partnership is a principle.

There are many different principles of te Tiriti, but the two core principles are “partnership” and “active protection”.

Partnership

The principle of partnership includes the obligation of both parties to act reasonably and in good faith, and to consult. The Crown also has a duty to take steps to redress breaches of te Tiriti.

You could interpret this as meaning you will make every effort to consult with Māori, especially on issues that particularly affect them.

Active protection

The principle of active protection reflects the Crown’s duty to actively protect Māori people and their land, to give them authority over their own affairs, and to actively protect their resources.

You could interpret this as meaning you will do your best to protect the interests of Māori in the work that you do, and that you will involve Māori in decision making as much as possible.

How do I find out about specific te Tiriti issues in our sector?

Most areas of government activity (e.g. housing, health, education, economic development, environmental management) are subject to Waitangi Tribunal kaupapa inquiries. These inquiries deal with nationally significant issues affecting Māori as a whole.

Acting on the Tribunal’s recommendations from these inquiries is central to improving Māori-Crown relationships.

Te whakahāngaitanga o te Tiriti

Te Tiriti articles in practice

ARTICLE 1. KĀWANATANGA

Article 1 (Māori version translated to English)

The chiefs of the Confederation and all the chiefs who have not joined that Confederation give absolutely to the Queen of England for ever the complete government over their land.

In practice: Honourable governance for mutual benefit

In practice, you could interpret this article as meaning that the Crown must govern in the wider interests of the nation. Decisions you make and actions you take are shaped equally by tangata whenua and tangata Tiriti perspectives. You could look at how we work better in partnership with tangata whenua.

ARTICLE 2. TINO RANGATIRATANGA

Article 2 (Māori version translated to English)

The Queen of England agrees to protect the chiefs, the subtribes and all the people of New Zealand in the unqualified exercise of their chieftainship over their lands, villages and all their treasures. But on the other hand the chiefs of the Confederation and all the chiefs will sell land to the Queen at a price agreed to by the person owning it and by the person buying it (the latter being appointed by the Queen as her purchase agent).

In practice: Māori self-determination / sovereignty

You could interpret this article to mean that we recognise the authority and autonomy of tangata whenua. You could take active steps to support processes and decisions made and led by tangata whenua.

ARTICLE 3. ŌRITETANGA

Article 3 (Māori version translated to English)

The article: For this agreed arrangement therefore concerning the government of the Queen, the Queen of England will protect all the ordinary people of New Zealand and will give them the same rights and duties of citizenship as the people of England.

In practice: Protect Māori rights

You could interpret this article meaning that you recognise the importance of authority and autonomy of the tangata whenua. You could make sure you support tangata whenua by sharing resources and ensure they lead processes, actions and decision-making, especially on issues directly affecting them.

ARTICLE 4. “WAIRUATANGA”

The “fourth article”

The ‘fourth article’ is an informal article guaranteeing religious freedom that was verbally agreed to at the signing of the Treaty of Waitangi. Here is an account read by Henry Williams at the time: “The Governor wishes you to understand that all the Māories who shall join the Church of England, who shall join the Wesleyans, who shall join the Pikipo or Church of Rome, and those who retain their Māori practices, shall have the protection of the British Government”.

In practice: Upholding belief systems

You could interpret this ‘fourth article’ as meaning that you will respect values, wairuatanga (spirituality) and world-views of tangata whenua in your work.

Me pēhea au e whakatinana ai i te Tiriti?

How can I uphold te Tiriti?

The activities in this section are to help you think about what te Tiriti means for you and your work as a public servant. You can do them on your own or you may like to work on some with your team.

Māku tēnei kīwai o te ke te Tiriti

My place in the Tiriti relationship

Understanding your place in the Treaty relationship is important when engaging with te Tiriti as a public servant.

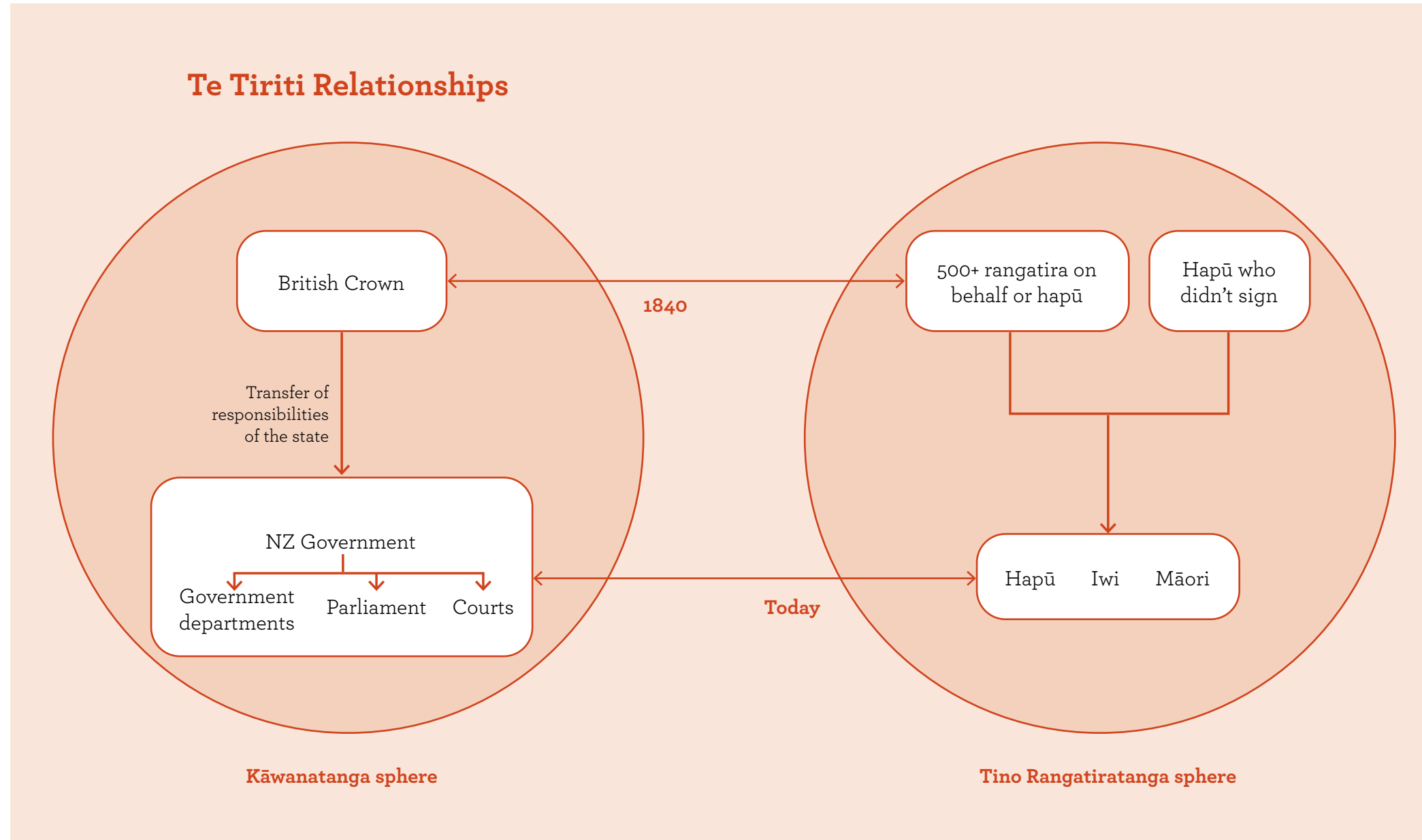
Have a look at this diagram of te Tiriti relationships. Where do you see yourself fitting in here?

“We are only able to call this beautiful land home by the grace of tangata whenua and te Tiriti.”
Pancha Narayanan, President, Multicultural New Zealand, 2021

“Te Tiriti is an inclusive document, it opens space for others to be here in Aotearoa. It is the basis on which all New Zealanders have a legitimate place here and can participate fully in public life.”
Dr Carwyn Jones, 2021

Where we fit within the framework of te Tiriti o Waitangi may not be the same in our personal and our professional contexts.

The role of a public servant is within the kāwanatanga sphere. This can be an uncomfortable position at times for Māori public servants.



Spend some time reflecting on your relationship to te Tiriti. Where do you sit? What do you already know? What would you like to know more about?

Sometimes organisations try to give effect to the Treaty by focusing on becoming 'bicultural'. It is more useful to talk about te Tiriti relationships.

- Biculturalism does not embody the diversity within Māori and Pākehā cultures and can exclude those who are not Māori or Pākehā. It often leads to a tension between bi- and multiculturalism, rather than a recognition of te Tiriti relationships as providing a place for all ethnic groups within Aotearoa.
- Biculturalism doesn't acknowledge that hapū are not homogenous. Treaty relationships in different parts of the country are different - because hapū are different.
- The word bicultural also suggests a focus on cultural rather than political engagement. Re-normalising Māori culture, through the integration of te reo me ōna tikanga into daily work is a critical aspect of Treaty honouring. However, the Treaty is also an important and highly relevant ongoing political relationship between Māori and the Crown.

Kia tautīneitia te Tiriti

Upholding te Tiriti in your work

This resource is to help you, as a public servant, see how you can work towards creating the mutually beneficial relationships envisaged by te Tiriti. Public servants can play an important part in ensuring that the articles and principles of te Tiriti are fully enacted and not breached by government. This activity helps you begin to consider how you might bring te Tiriti to life in your workplace, either through specific projects or for your organisation as a whole.

How could your workplace more effectively reflect te Tiriti?

You can think about this generally or in relation to your work programme or a specific project.

Consider how resources are shared with Māori

Consider how decisions are made and by whom

Consider your organisation's values, cultural assumptions and cultural practices

Consider the reo, mātauranga and tikanga of your rohe

Consider how your te Tiriti partner is involved. Is anything getting in their way?

Consider whether changes are transformational - or closer to window dressing

Consider how Māori staff are looked after

I already have too much work to do! How can I make time for this?

Whatever role you hold as a public servant you are encouraged to apply te Tiriti o Waitangi in your work. Perhaps you can make changes to how you work, rather than considering that this responsibility creates extra work. New projects and changes in your team provide an opportunity to consider how you might honour and embed te Tiriti in an ongoing way. It might be helpful to consider immediate actions as well as longer-term changes. Working in a te Tiriti honouring way is central to the wellbeing of our communities as a whole - it can also bring huge personal and professional growth, and be immensely rewarding.

Ki te hoe! My plan

After completing all the reading and thinking exercises in this resource, narrow down your ideas to three achievable actions. How can you support the public service to become te Tiriti honouring? As you're thinking, consider how your actions might contribute to a better working relationship between Treaty partners.

My actions	Breakdown action into achievable steps	Timeframe
1. Immediate <i>e.g. Find out about my organisation's te Tiriti strategy/policy</i>		
2. Medium-term <i>e.g. Identify Māori/iwi we have or need to have relationships with</i>		
3. Long-term <i>e.g. Working with these relationships, review my/our work programme to align with te Tiriti</i>		

Ka mau te wehi — awesome work!

Just one more step... set a calendar reminder/s to review your actions.

Rapua ētahi atu mōhiohio ki konei

Find more
information here...

For general information on te Tiriti:

He Tohu —
more information from the
He Tohu exhibition

Hapū/Iwi websites —
search by name to find specific
local information

Matike Mai Aotearoa —
the Independent Working Group on
Constitutional Transformation Report of
extensive discussions regarding te Tiriti
honouring constitutional arrangements

Te Tai Treaty Settlement Stories —
a digital storytelling programme exploring
Treaty settlements and their enduring impact

Waitangi Tribunal —
in-depth reports, and recommendations,
regarding claims brought by Māori relating
to Treaty breaches

For current issues check these sites:

Te Ao Māori News

E-Tangata

The Spinoff

Ātea Pou Tiaki (Stuff)

Whare kōrero

For government information for public servants:

**Te Arawhiti |
Office of Māori Crown Relations** —
responsible for supporting Māori-Crown
relationships, including building public sector
capability to engage with Māori. Te Arawhiti has a
range of tools and resources to support and guide
the Crown to meet its Treaty responsibilities.

Te Haeata —
a searchable record of Treaty of Waitangi
settlement commitments, intended to make
commitments more visible and accessible to
post-settlement governance entities and
agencies responsible for commitments.

Te Puni Kōkiri —
the principal policy advisor to government on
Māori wellbeing and development. Their role
includes building Māori capability and capacity,
monitoring the effectiveness of public services
for Māori, and leading policy advice on specific
issues of importance to Māori.

Te Kāhui Māngai —
a directory of iwi and Māori Organisations.
A useful tool to find out basic information
about iwi, hapū and marae.

**Te Taura Whiri i te reo Māori |
Māori Language Commission** —
supports public service agencies to develop
te reo Māori plans under implementation of
Maihi Karauna (Crown's Strategy for Māori
Language Revitalisation).

**And remember to find out about learning
opportunities within your organisation —
start by asking colleagues or looking on
the intranet.**

References

All quotes in this resource (with the exception of those referenced below) can be found in the ‘Kōrero’ section of the *He Tohu* website (www.natlib.govt.nz/he-tohu/korero)

1. Walker, R. (2016). Reclaiming Māori Education. In: J. Hutchings & J. Lee-Morgan (eds) Decolonisation in Aotearoa: Education, research and practice. Wellington: NZCER Press
2. Reid P, Robson B. 2006. The state of Māori health. In: M. Mulholland (ed) State of the Māori Nation: Twenty-First Century Issues in Aotearoa. Auckland: Reed
3. Eddie Taihākurei Durie “Address on the Declaration” statement given May 2010, Parliament Buildings
4. Health Quality and Safety Commission / Kupu Taurangi Hauora o Aotearoa (2019) A window on the quality of New Zealand’s health care / He matapihi ki te kouniga o ngā manaakitanga ā-hauora o Aotearoa
5. Waitangi Tribunal (2019). Hauora: Report on Stage One of the Health Services and Outcomes Kaupapa Inquiry
6. Public Service Act 2020 Factsheet 3 <https://www.publicservice.govt.nz/assets/SSC-Site-Assets/SAPG/Public-Service-Reform/Factsheet-3.pdf>
7. Margaret, J. (2016). Ngā Rerenga o te Tiriti: Community organisations engaging with the Treaty of Waitangi. Auckland: AWEA.

Kōrero

Department of Internal Affairs –

Established in 1840, DIA administers many different activities and institutions, including the National Library and Archives New Zealand. The strong partnership between Crown and Māori lies at the centre of this department’s operations.

National Library –

As well as housing the *He Tohu* Exhibition, the National Library contains books, documents, archival material and manuscripts to do with Te Tiriti o Waitangi and the history of Aotearoa.

Archives New Zealand –

This organisation holds the original Te Tiriti o Waitangi. It also houses many documents, articles and papers to do with Te Tiriti and early New Zealand history – much of it accessible to the public.

Ngā Taonga Sound and Vision –

New Zealand’s audiovisual archive. A charitable trust, Ngā Taonga is committed to the principles of Te Tiriti and actively develops relationships with Māori organisations to ensure preservation and access to sound and moving image taonga.

The *He Tohu* Exhibition is presented by Archives New Zealand Te Rua Mahara o te Kāwanatanga and the National Library of New Zealand Te Puna Mātauranga o Aotearoa, which are part of the Department of Internal Affairs Te Tari Taiwhenua.

Formally opened on 19 May 2017 *He Tohu* was developed in partnership between Crown and Māori, with significant input from women’s groups nationwide. The then Minister of Internal Affairs, Hon Peter Dunne, led the partnership on behalf of the Crown, with Māori represented by iwi leaders from throughout the country, particularly Te Tai Tokerau, and Wellington mana whenua iwi Taranaki Whānui and Ngāti Toa Rangatira.

In developing the exhibition, the Department of Internal Affairs *He Tohu* Exhibition development team were also guided by two advisory groups, made up of leading Māori experts in areas including history, design, and language, and representatives of national women’s groups.

We wish to acknowledge the mahi from Groundwork: Facilitating Change used in the activities section of this resource. Groundwork offer Te Tiriti training and resources for individuals and organisations www.groundwork.org.nz

