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Ko Aotearoa Tēnei – Factsheet 1

Key Themes

“...the partnership framework [for the Crown-Māori relationship] will endure. It is evolving as New Zealand evolves. There are signs it is changing from the familiar late-twentieth century partnership built on the notion that the perpetrator’s successor must pay the victim’s successor for the original colonial sin, into a twenty-first century relationship of mutual advantage in which, through joint and agreed action, both sides end up better off than they were before they started. This is the Treaty of Waitangi beyond grievance.”

– *Ko Aotearoa Tēnei: Taumata Tuatahi*, Introduction.

Ko Aotearoa Tēnei (This is New Zealand) is the Waitangi Tribunal’s report into the claim known as Wai 262, which concerns the place of mātauranga Māori (explained below) in contemporary New Zealand law, and government policy and practice.

This factsheet provides a brief overview of the report’s key themes.

Key points

It is time for the Crown–Māori relationship to evolve from one based on historical grievance to an ongoing partnership based on mutual advantage.

This partnership must secure the place of mātauranga Māori in New Zealand law, and in government policy and practice.

This partnership is what the Treaty of Waitangi envisaged. But it is also necessary for New Zealand’s future – for its prosperity and its sense of nationhood.

What is ‘mātauranga Māori’?

Mātauranga Māori includes language, science and technology, laws, history, systems of property and value exchange, and rituals and ceremonies. It also includes forms of expression and art forms such as weaving, carving, tā moko, haka, whaikōrerero and so on.

But, more fundamentally, it incorporates core Māori cultural values. Of these, the defining principle of mātauranga Māori is whanaungatanga, or kinship – the philosophy that explains the intimate relationships between iwi and hapū and the natural world. Another core value is that of kaitiakitanga, or cultural guardianship – the system of law through which iwi and hapū are obliged to nurture and care for taonga (treasured things).

New Zealand at a crossroads

New Zealand is at a crossroads in its race relations, in the Treaty relationship between the Crown and Māori, and in its quest for a mature sense of national identity.

A generation of hard work has seen the settlement of many historical Treaty grievances, and this has contributed to economic renewal for many iwi. Yet, in spite of that progress, Māori remain sidelined from decisions about key aspects of their culture. Laws and policies give others control of taonga such as haka, tā moko, waiata, traditional knowledge, and places and flora and fauna that are significant to iwi and hapū culture and identity. And there is little place in those laws and policies for core Māori cultural values such as whanaungatanga and kaitiakitanga.

This lack of a place for Māori culture in contemporary law and policy compounds a wider

picture of social disparity, reflected for example in educational performance, employment and incomes, and the current crisis in Māori health. It also continues a national story in which the Crown, either deliberately or through neglect, has largely supported one of New Zealand's two founding cultures at the expense of the other.

Yet these concerns mask the underlying good will and respect that characterises the relationship between Māori and non-Māori New Zealanders. This good will is making the settlement of historical injustices possible. And once those injustices are resolved, it can provide a basis for the nation to move forward, for the Crown and Māori to establish a relationship based on mutual benefit, and for New Zealand to develop a new national identity based on the partnership between our founding cultures.

What the Treaty requires

The Treaty of Waitangi gave the Crown the right to govern and enact laws, but that right was qualified by the guarantee of tino rangatiratanga (full authority) for iwi and hapū over their 'taonga katoa' (all their treasured things). The courts have characterised this exchange of rights and obligations as a partnership.

In this context, tino rangatiratanga means that iwi and hapū are entitled to exercise authority over their mātauranga, and to exercise authority over their relationships with taonga such as cultural works and parts of the environment that are significant to their culture and identity, so that they can fulfil their obligations as kaitiaki.

The path forward

Ko Aotearoa Tēnei provides a framework for Treaty partnership in 21st century New Zealand. It makes recommendations for forms of partnership in many areas of Crown activity, including education, science, culture and heritage, conservation, resource management, indigenous flora and fauna, language, and patents.

This framework does not seek to elevate Māori cultural interests inappropriately above the interests of other New Zealanders. In a modern, democratic New Zealand, the 'full authority' envisaged by the Treaty will no longer be possible in every case. But the framework does

seek to ensure that Māori interests are at least at the table when decisions are made – so they can be fairly and transparently balanced alongside other interests, rather than sidelined as they often are now.

In the Tribunal's view, partnership is urgently needed, not only because it reflects the constitutional promises made in the Treaty, but because New Zealand's future depends on it. The path that ignores partnership leads to the growth of an ever-larger cohort of poor and underproductive working-age Māori, who are perceived, and know they are perceived, as a problems to be managed with a seemingly endless stream of taxpayer-funded programmes. This is the path of ongoing Māori anger and non-Māori resentment.

The path that embraces partnership recognises and values Māori culture as one of New Zealand's founding cultures. In so doing, it provides Maori with a positive platform from which they can address social issues and contribute to national prosperity; it moves the Crown-Māori relationship from one based on grievance and negativity to one based on mutual advantage; and it provides the basis for future in which all New Zealanders can look forward with optimism to a shared future. It is, the Tribunal says, time to perfect that partnership.

More detail on the Wai 262 claim and key themes can be found in the introduction to *Ko Aotearoa Tēnei: Te Taumata Tuatahi*.