

Joan Cook Memorial Waitangi Day Essay

Reflections on the state of the Pakeha nation

This essay remembers the Rev. Joan Cook, an Australian who loved Aotearoa enough to help educate us about the truth of our history, race relations, and the Treaty of Waitangi, for several decades. She died in 2009, shortly after her 80th birthday.

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Fifth generation Pakeha Moea Armstrong has been a Treaty educator for 20 years, and is a co-editor of Network Waitangi's *Treaty of Waitangi: Questions & Answers* (2008).

'We did not cede our sovereignty'

This is the simple and profound message that Nga Puhī will be delivering to the Waitangi Tribunal next month.

Three weeks of hearings will focus on the authority of the Declaration of Independence of New Zealand, He Wakaputanga o te Rangatiratanga o Nu Terini, and Te Tiriti o Waitangi, the Maori text.

'We did not cede our sovereignty.'

It has been said for 170 years, but this time the statement will be made to the body charged with shining a light on government crimes. For many, the assumption by successive governments that Maori leaders ceded sovereignty in 1840 is the biggest and most insulting transgression of all.

If this hearing had preceded all the others, we could have had a very different settlement process than the one that has unfolded since the Tribunal started its work in 1975. It could have been a much better process, even a fair one, agreed to by both Treaty parties from the outset, with independent mediation.

So what's the problem? Very few New Zealanders know that we have a Declaration of Independence, what it says and why it was written, and that it is an internationally recognised legal document that acknowledges Maori authority over the country.

Secondly, very few of us can confidently explain the differences between the Maori and English texts of the Treaty. Fewer still can list the reasons why the Maori text takes precedence as the primary document - through significant signature, and under the international law of *contra proferentem*, among others.

The Maori text does not give the Crown sovereignty. Instead, it affirms the independent authority of Maori cited in the Declaration, and at the same time, allows the British to exercise a form of governance for its new settlers. A win-win result,

and nothing to do with majority rule. Nga Puhī no doubt are hoping the sooner we all get on the same page, talking about the same Treaty, the better.

'We did not cede our sovereignty.'

For many New Zealanders the statement will come as a surprise, and some will be shocked when the evidence underlines the fundamental truth of it. But in my experience, people readily accept the Maori text, and feel empowered by being able to compare and contrast it with the English text, in which Maori are supposed to give up all their authority to the Queen 'absolutely and without reservation'.

Rather than creating confusion, understanding the paradox is the key to unlocking the historical puzzle, creating a frame through which to view the ensuing colonisation that shapes current socio-economic and constitutional conflicts. It clarifies and justifies 170 years of consistent Maori resistance to unilateral settler government rule.

A perusal of the multitude of laws that removed Maori resources clearly explains why as a group they now suffer more through poverty than Pakeha. When people accept that Maori law and land were taken over by force – either violently in war or through the tyranny of majority rule – they are able to start thinking constructively about collective solutions, rather than judging individuals for their predicament.

Their next reaction is usually anger – 'why didn't we know this before, why weren't we taught it at school? If Maori didn't cede their sovereignty, where does that leave us all now?' My hope is that part of the resolution of the claim will be the reinstatement of funding for a comprehensive education programme, this time led by Nga Puhī.

All of us, especially teachers and journalists, need to be able to explain the meaning and primacy of the Maori text for the next generation. The relatively few New Zealanders who have studied the issue, know the English text is illegitimate. This knowledge must become mainstream.

'We did not cede our sovereignty.'

Everyone has their own penny-dropping moment when it comes to understanding the injustices of colonisation. The popularity of the new film Avatar will hopefully have pennies dropping like the Jaffas in theatres of earlier times - the Na'vi *do not cede their sovereignty*.

Mine came in a Treaty workshop run by the Joan Cook this essay remembers, when hearing the story of Maori passive resistance at Parihaka. I realised my Taranaki childhood was lived on stolen land, and why my Maori friends' families were the sharemilkers on my Pakeha friends' farms. The history of the land shaped our lives then and still does.

Of course, everyone is pleased that we have started searching for the truth, for justice, and through apology and compensation are seeking reconciliation. This is a good thing. Pakeha and other non-Maori – tangata Tiriti - want it sorted, we want governments to get on with restitution, get it 'over with', so we can get on with

having the best race relations in the world again, this time with a clearer conscience, and consciousness.

So the Tribunal is doing its work. For some 35 years now. Yet when I get people to roleplay the settlement process, they are shocked to discover themselves powerless in a deeply flawed and unfair situation controlled by a powerful and parsimonious 'partner' who decides compensation for the crimes it has itself committed against them.

Very few have ever shaken my hand to accept a 'full' and final offer for their loss. Mostly they are at first appalled and then depressed at the process and at successive governments' miserly approach. Restitution for about 60 million acres of stolen land and opportunity is surely worth a bit more than an annual budget for a couple of DHBs, isn't it? They know we can do better, and hope we will in future.

We grow when we shatter myths, or have them shattered for us. The work we have to do to mature as a nation involves lots of myth busting around race relations. Among the most enduring lies that surface in workshops are that the settlements are undermining the economy; that the Moriori people were here first; that the word Pakeha is derogatory; that discrimination against Maori has never been legal; that Pakeha don't have a culture; that Maori have access to many more scholarships; that parallel development is the same as apartheid; that Maori would ban others from beaches; and that everyone has equal opportunities.

And now, if we can hear it, Nga Puhi with their duty of care for the integrity of the Declaration and the Treaty, will shatter for us the biggest myth of all, that Maori happily signed away their independence to become a British colony.

There has been a barrage of wilful obfuscation by governments clinging to the English text, making up diverse sets of 'principles' derived from it, trying to somehow convince us through sheer repetition that the leaders of at least 200,000 territorial, well-organised, commercially successful, internationally travelled, literate and politically astute Maori, voluntarily gave up all the power of their people and their land, their brand new independent political nationhood, to a white woman on the other side of the world - via a monolingual, terminally ill sea captain and with only 2,000 Pakeha settlers here. Yeah, right!

'We did not cede our sovereignty.'

The state of the Pakeha nation in 2010? I believe we're ready to hear the truth, to celebrate it even, and to 'smile and wave' at Maori across the cultural divide. We no longer need to deny their reality in order to assert our own. We are at home, we call this land home, as the plethora of new tee shirts proclaim. And this year home has another powerful, beautiful flag, to 'hold up half the sky'.

A young Pakeha, Alex Barnes, puts it like this: 'Being part of the dominant culture is not a bad or shameful thing. Instead, it creates an opportunity to make conscious, constructive steps in understanding the people of the land. It is obvious to me that the challenge starts with myself, with my pronunciation, practice, values and everyday

thinking. Decolonisation brings with it the challenge of personal development, which will in time re-shape partnerships, families, communities and nations.'

We have proved capable of accommodating Maori authority in the non-governmental sector, in community groups and churches, changing constitutions and practices for the better. The sky has not fallen in. Having shown the way, we need local bodies and Parliament to relax, and come on board. Maori Supercity seats? What's the problem! A new truth is emerging with the Maori renaissance – if it's good for Maori, it's usually good for everyone else.

When Pakeha look in the mirror we need to know that we can honour the Treaty, individually and collectively, because it gives us our right to be here, it grounds us. It also gives us the right to have a go at governing ourselves. Have we really given any of our governments a full mandate to steal, rape and pillage this beautiful land? When the Crown and Maori leaders meet, the views of tangata Tiriti on the issues are usually either unknown or ignored, just as they were 170 years ago at Waitangi. It's time for us to speak up. We are the receivers of stolen goods. The foreshore and seabed was stolen for us, while we watched.

The Nga Puhī claim is not about resources, it is about decision-making. If as a result of the hearing, hapu get to have more say about proposed developments in the places we love, and the ethic of kaitiakitanga or environmental stewardship holds more sway, what's not to like about more Maori authority in our communities?

If it means we re-open the discussion about a Treaty-based constitution that we can all live with, if Maori choose to control their own development and meet their own aspirations for governance, what's wrong with that? It's ultimately likely to be good for all of us.

All this claim requires of us is trust, a generosity of spirit, and personal and political goodwill. I am continually heartened by the attitude of tangata Tiriti who, when fully informed, consistently articulate this goodwill, are prepared to move over, to look at more creative options for restitution and shared governance. They want a fair go for Maori.

We must insist our governments act honourably on Treaty issues, and deliver justice. We have only fear to lose, and everything to gain.

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