

How do schools give effect to Te Tiriti o Waitangi in the current political climate?

New Zealand Journal of Teachers' Work, Volume 21, Issue 2, 147-163, 2024

ROCHELLE MACKINTOSH

University of Otago, New Zealand

ABSTRACT

The Education and Training Act 2020 requires schools to give effect to Te Tiriti o Waitangi. However, the newly elected National coalition-led government has sent contradictory messages about Te Tiriti o Waitangi, which may be confusing educators. For example, recent actions by the government, such as repealing laws, are harming their relationship with iwi Māori and have undone decades of Māori progress. While the government may be sending educators contradictory messages, educators play a crucial role in teaching students about Te Tiriti o Waitangi which can promote a unified understanding. Suppose all educators and students have a sound knowledge of Te Tiriti, they can better comprehend the historical injustices that Māori have endured and the intergenerational effects that continue to impact Māori today. With contradictory messages from the government and different interpretations about Te Tiriti o Waitangi, what should educators be teaching students about Te Tiriti o Waitangi? This article aims to contribute to a collective understanding of Te Tiriti o Waitangi in education by discussing the articles of Te Tiriti o Waitangi and the Treaty of Waitangi. I also offer suggestions for how schools could give effect to Te Tiriti o Waitangi despite the confusing messages being received by the government.

Key words: Te Tiriti o Waitangi, the Treaty of Waitangi, government, Māori rights, power-sharing

INTRODUCTION

Before I begin, it is important to acknowledge that I write this article from the perspective of a Māori woman, a teacher, a researcher, and a Board of Trustees member. These positions influence my perspective on this kaupapa. Te Tiriti o Waitangi is a fundamental component of New Zealand's education system. Educators have a legal obligation to uphold the intent of Te Tiriti o Waitangi. However, since the National-led coalition took power in October 2023, there have been various changes that have directly affected iwi Māori, leading to significant criticism (Corlett, 2024a; Daly, 2023; Duff, 2023; RNZ, 2024; Stuff News, 2023; Woods, 2024). In a relatively short time, iwi Māori have felt threatened by the

government's policies and actions, and as a result, they have voiced their frustration on numerous occasions such as the *Hīkoi mō te Tiriti* that began in Northland and made its way over several days to Wellington on the 19th of November 2024 (Corlett, 2024b; MacManus, 2024; RNZ, 2024; Stuff News, 2023). Some Māori believe the recent gains made by previous governments and iwi Māori to advance Māori development have been negatively impacted by this new National-led government (Duff, 2023; Woods, 2024). The government, specifically the Act Party, justifies its actions by asserting that services should be provided on 'need', not 'race' and that the government will deliver outcomes for everyone (Corlett, 2024; Manch, 2024). Nonetheless, it has been stated that race and need are frequently intertwined and are affected by historical, social and economic factors (UN, 2024). As such, it may be challenging to distinguish between the two. Today, Māori have greater needs because of the government's racist actions that have deprived Māori of wealth and identity (Hamilton in Yates, 2024).

The Act Party as part of the National-led government is reviewing the Treaty of Waitangi principles and intends to rewrite them according to how they view them as part of the Treaty Principles Bill (Manch, 2023; O'Sullivan, 2023; RNZ, 2023). As such, the Act Party is sending confusing messages to educators about giving effect to Te Tiriti o Waitangi. To understand the requirements of the Education and Training Act 2020, to which educators in New Zealand must adhere, it is important to understand the articles of Te Tiriti o Waitangi and the Treaty of Waitangi. I begin the discussion by highlighting key components of both versions: Te Tiriti o Waitangi and Treaty of Waitangi to provide a clear understanding of them and how Te Tiriti o Waitangi is applied within educational policies. Next, I discuss the need for educators to have a sound understanding of Te Tiriti o Waitangi, which will contribute to a collective understanding among students. Educators must, therefore, see the importance of valuing Te Titiri o Waitangi, which reinforces to students the significance of it and what that means for New Zealand society.

Understanding Te Tiriti o Waitangi/Treaty of Waitangi

Te Tiriti o Waitangi is New Zealand's foundational document signed by Māori chiefs (on behalf of hapū) and representatives of the British Crown in 1840 (Orange, 2015; Mutu, 2019; Palmer, 2008; Stokes, 1992). Five years prior, Māori chiefs signed He Whakaputanga o te Rangatiratanga o Nu Tireni (The Declaration of Independence of New Zealand), in which Britain recognised New Zealand as a separate country (O'Malley, 2017; Waitangi Tribunal, 2016). The declaration, 'He Whakakaputanga' also asserted Māori chiefs' authority (tino rangatiratanga) over New Zealand (O'Malley, 2017; Morrison & Huygens, 2019; Mutu, 2019). The signing of Te Tiriti o Waitangi signalled a formal partnership between Māori chiefs and the British Crown and enabled British settlement in New Zealand (Ministry for Culture and Heritage, 2021; Morrison & Huygens, 2019; Mutu, 2019). Thus, Te Tiriti o Waitangi enabled British immigrants to settle in New Zealand and to coexist with iwi Māori as tangata whenua.

An important point to make is when Te Tiriti o Waitangi was signed, the Māori population was estimated to have been 70,000 to 90,000 (Pool & Kukutai, 2011) compared to approximately 2,000 non-Māori. Māori had their own political system that was firmly entrenched in New Zealand before settlers

arrived. Additionally, Māori occupied full sovereignty over New Zealand before the signing. Furthermore, hapū rangatira believed they would continue to have sovereignty over their country after the signing of Te Tiriti o Waitangi (Ministry for Culture & Heritage, 2017).

Articles of Te Tiriti o Waitangi and Treaty of Waitangi

One of the significant challenges of Te Tiriti o Waitangi is the two official versions - one in te reo Māori and the other in English – that are not exact translations of each other (Stewart, 2023; Tuuta, 2021; Waitangi Tribunal, 2016). The Māori version, referred to as Te Tiriti o Waitangi, consists of four articles, while the English version is often referred to as the Treaty of Waitangi, consists of three articles (New Zealand Catholic Bishops Conference, 1995; The Methodist Church of New Zealand, n.d). The treaty's preamble outlines its purpose: protecting Māori rights and taonga, maintaining peace and order and establishing a government (Human Rights Commission, 2024).

Te Tiriti o Waitangi version was signed by over five hundred Māori chiefs compared to thirty-nine Māori chiefs who signed the English version (Ministry for Culture & Heritage, 2017; Orange, 2023; Waitangi Tribunal, 2016; Wilson, 2016). According to international law, when two documents like this are conflicting in different languages, preference is given to the Indigenous text and recognised as legitimate, so in this case, it is the te reo Māori version (The Royal Australian & New Zealand College of Psychiatrists [RANZCP], 2022).

A major debate exists about whether hapū cede their sovereignty to the Crown as implied in Article One of the English version (Ministry for Culture & Heritage, 2021a). The English version, Article One declares that Māori forfeited their sovereignty to the Crown, "absolutely and without reservation" (Orange, 2023, p. 32). However, the translation of Article One of the Māori version states that "the chiefs of the confederation give absolutely to the Queen of England for ever the complete government over their lands" (Orange, 2023, p. 30), referring to the term 'kāwanatanga', which means governance, not sovereignty or tino rangatiratanga. There is a clear distinction between the terms 'kawangatanga' and 'tino rangatiratanga' (Meredith & Higgins, 2012). It has been noted that kāwanatanga is subservient to tino rangatiratanga, that is, Indigenous sovereignty (de Silva, 2024). "Governance" in this context referred to the Crown possessing the right to govern her people in New Zealand, not Māori (Mutu, 2019).

However, according to the Waitangi Tribunal, the Crown's intention for Te Tiriti o Waitangi was to acquire full sovereignty of New Zealand so it could enact laws governing British settlers and Māori (Community Law, 2024; Orange, 2012; Waitangi Tribunal, 2016b; Waitangi Tribunal, 2024a). Yet, Māori possessed their own laws that were based on tikanga. It has been argued that the Crown's full sovereignty over New Zealand was not explained to Māori chiefs at the time (Waitangi Tribunal, 2024a). Māori chiefs understood they were granting the British Crown governance rights, not their sovereignty (tino rangatiratanga) (Ministry for Culture & Heritage, 2017). Moana Jackson supports this as he states.

I don't know of any independent country, any state, if you like, that has done or would do what the Crown has maintained since 1840 that hapū did; that is, that where we had jealously guarded and stated our

independence for hundreds of years, that according to the Crown suddenly on the 6th February [1840] every Māori in the country woke up and said, 'We don't want to be independent anymore. We'll give it away to this lady in London that we've never even met.' (Campbell, 2024, p. 8)

Article Two of the Māori version stated, "the Queen agrees to protect the chiefs, subtribes and all people of New Zealand in the unqualified exercise of their chieftainship over their lands, villages and all their treasures" (Orange, 2023, p. 30). For Māori, treasures refer to taonga meaning all dimensions of a tribal group's estate, material and non-material heirlooms and wāhi tapu (sacred places), ancestral lore and whakapapa (genealogies) (New Zealand History, n.d.). The word "tino rangatiratanga" was used, which refers to Māori status and authority. The English version stated, "the Queen guaranteed to Māori the undistributed possession of their properties, including lands, forests, and fisheries, for as long as they wanted to retain them" (Orange, 2023, p. 32). While the Crown promised to protect Māori taonga and property rights, this did not happen after the signing of Te Tiriti o Waitangi. For example, the establishment of the Native Land Court alienated Māori from their land instead of helping them to protect and retain ownership of their lands. Consequently, Māori lost significant tracts of land (Ministry for Culture and Heritage, 2021).

Article Three of the English version claims that the Crown promises Māori the Queen's "royal protection and imparts to them the rights and privileges of British subjects" (Orange, 2023, p. 33). This means the Crown assures Māori the benefits of royal protection and full citizenship and that they have the fundamental rights as British citizens in New Zealand. In Article Three of the Māori version, the Queen consented to give Māori the same rights and duties of citizenship as the people of England, hence, Māori were guaranteed equal opportunities and outcomes as British citizens. One of the main issues of Article Three was that the Crown promised British rights and privileges for Māori, yet Māori were not always afforded to them after the signing of Te Tiriti o Waitangi. There are many instances where Māori were not given the same privileges as British citizens such as Māori soldiers returning from War World I and II and did not receive land like their counterparts or when colour bars were employed in specific areas where Māori were restricted from accessing (Soutar, 2019).

The fourth article of the Māori version granted the protection of the choice of religion (several faiths) with specific reference to the Church of England, the Wesleyan Church, the Church of Rome and Māori beliefs (also known as wairuatanga) (New Zealand Catholic Bishops Conference, 1995; The Methodist Church of New Zealand, n.d). In relation to this article, Māori were guaranteed protection of their customs by the Crown yet, the Crown failed to do this. An example was the Crown's legislation, Native Schools Act 1867 that prevented te reo Māori being spoken in schools, consequently impacting Māori beliefs and their culture generally (Simon & Smith, 2001).

Next, I discuss the Crown's disregard for Te Tiriti o Waitangi, its impact on Māori, and the need for the government to uphold Te Tiriti o Waitangi and engage in power-sharing with iwi Māori.

Addressing the Past Te Tiriti o Waitangi Breaches

Māori chiefs trusted that the British Crown would uphold the promises negotiated in Te Tiriti o Waitangi. However, as history shows, this has not been the case. The Crown's failure to honour Te Tiriti o Waitangi since 1840 (Orange, 2012) has had a profound impact on Māori, leading to historical injustices and intergenerational marginalisation, that remain evident today. The cultural, social, political, economic, and environmental facets of Māori life have all been impacted (Meredith, 2005; Tahana, 2022). Social displacement and the substantial loss of Māori land are two examples of major effects.

The Waitangi Tribunal was created in 1975 to assist in addressing the Crown's previous treaty breaches (Waitangi Tribunal, 2024c). The Waitangi Tribunal is an entity through which the government also addresses contemporary treaty issues (Waitangi Tribunal, 2023). The tribunal investigates historical treaty claims made by hapū, or iwi. Numerous iwi Māori and hapū Māori have filed claims to address Te Tiriti o Waitangi breaches (Ministry for Culture & Heritage, 2024). More than 70 claims were settled by 2018 (Te Tai, 2024).

New Zealanders must recognise that Te Tiriti o Waitangi is a living document that cannot be rewritten and continues to be relevant to New Zealand's nation today (RANZCP, 2024). It forms the basis of legal and political foundations in New Zealand (Ministry for Culture & Heritage, 2017). The Crown would not be able to perform the role of governance or kāwanatanga responsibilities without Te Tiriti o Waitangi. The principles of the Treaty of Waitangi aid in directing the government's actions (Community Law, 2024). Te Tiriti o Waitangi must be upheld by the government both now and in the future (Hayward, 2012). Te Tiriti o Waitangi recognises Māori rights and sovereignty which has not been recognised by the government. An approach to achieving Māori rights would require constitutional transformation (Mutu, 2022). This is supported by Moana Jackson:

... constitutional transformation is just about returning to the kind of relationship that Te Tiriti o Waitangi originally envisaged – that Māori would continue to exercise an independent authority but necessarily engage in an interdependent relationship with the Crown and those who arrived in 1840. (Tukaki, 2022, p. 24)

At the very core of Te Tiriti o Waitangi is the notion of power-sharing. As stated earlier, before Te Tiriti o Waitangi was signed, the government had little or no jurisdiction in many parts of New Zealand (Orange, 2012). Since 1840, the government has claimed and maintained power, while Māori authority and power declined (Orange, 2012; Waitangi Tribunal, 2016c). Māori did not cede the Crown authority to enforce laws on them or their territories (Palmer, 2015; Waitangi Tribunal, 2016c). The government refuses to admit that Māori signed Te Tiriti o Waitangi to retain their sovereignty or at the very least share authority with the Crown (de Silva, 2024). The current government prefers to treat New Zealanders equally, ignoring Māori as equal treaty partners with equal power-sharing rights (Duff, 2023). Hamilton says that to achieve a balance of power, rangatiratanga and kāwanatanga must cooperate, despite the reluctance of succeeding governments to share the wealth and power they acquired through colonisation (Yates, 2024).

Te Tiriti o Waitangi in Educational Legislation and Curriculum

The Education and Training Act 2020 is an important legislation that supports Te Tiriti o Waitangi, which governs New Zealand's education system from early childhood to tertiary education. This Act aims to ensure that schools acknowledge Māori-Crown relationships and honours Te Tiriti o Waitangi through implementation and decision-making (Community Law, 2024). Section 127 of this Act, states that "a board's primary objectives in governing a school are to ensure that the school gives effect to Te Tiriti o Waitangi". The Act identifies how this might be achieved such as ensuring policies, plans, and local curriculum reflect local tikanga Māori, mātauranga and te ao Māori.

Act has strengths and limitations. One strength is acknowledgement of Te Tiriti o Waitangi and Māori-Crown relationships. Additionally, it draws on Te Tiriti o Waitangi as foundational for educators to honour and implement in their educational settings. However, this Act has limitations. Its language is ambiguous and lacks implementation instructions. For instance, the Act, section 127 states that schools give effect to Te Tiriti o Waitangi including taking reasonable steps to use te reo Māori and embed tikanga Māori. The words 'reasonable steps' are broad and do not indicate what reasonable steps might look like. Another vague objective states that policies and plans reflect local tikanga Māori, mātauranga and te ao Māori. This could be problematic for schools that may not be able to access tikanga and mātauranga in their area. It will necessitate forming effective relationships with local hapū or iwi and gaining a deeper understanding of these concepts. Another limitation of this Act is that it fails to acknowledge how these objectives are enforced and monitored or who the schools are accountable to ensure they meet the requirements.

Asserted under the Education and Training Act 2020 is the Ministry of Education's [MoE] Statement of National Education and Learning Priorities (NELP) and the Tertiary Education Strategy (TES) (MoE, 2024d). The NELP sets out the key priorities to improve education, outlining five key objectives which are: learners at the centre, barrier-free access, quality and leadership, future of learning and work and world-class inclusive public education (MoE, 2024d). The NELPs affirm that learning environments are safe, inclusive and free from racism, discrimination and bullying. Additionally, it states to reduce barriers to education for all, specifically identifying Māori learners and meaningfully incorporating te reo Māori into everyday learning environments. These objectives align with Te Tiriti o Waitangi in terms of articles two, three, and four in which the government must protect Māori taonga (mātauranga, te reo Māori etc), and beliefs (tikanga) and ensure the rights and privileges of Māori to that of Pākehā. The NELPs are aimed at improving Māori educational outcomes: promoting equity, inclusion and cultural respect within educational contexts (MoE, 2024d).

However, achieving the NELPs and giving effect to Te Tiriti o Waitangi will require system change and collective efforts by all those involved in the education sector. Key considerations must be addressed to do this such as improving teaching training in Te Tiriti o Waitangi, and te reo Māori me ōna tikanga, strengthening the relationship between schools and whānau, increasing Māori leadership and Māori teachers and targeted support for Māori students. Additionally, there needs to be an increased emphasis on the implementation of

the key priorities and tracking process while considering how to address existing inequalities that further marginalise Māori learners.

The New Zealand Curriculum is for years 1-13 in English medium schools and has guiding principles to guide schools' decision-making. The New Zealand Curriculum (NZC) has eight principles (TKI, 2010). The Treaty of Waitangi is one of these principles, which states, "the curriculum acknowledges the principles of the Treaty of Waitangi and the bicultural foundation of New Zealand. All students have the opportunity to acquire knowledge of te reo Māori me ōna tikanga" (p. 1). Educators have a responsibility to ensure that they provide all students with the opportunity to learn Māori culture (TKI, 2010). While this sounds promising in theory, educators must possess an understanding of Māori culture so that they can provide this opportunity. The NZC, therefore, acknowledges the unique bicultural relationship between Māori and the Crown that influences educational policies and practices. All educators must have a sound knowledge of Te Tiriti o Waitangi and Māori culture including the Māori language, tikanga, and mātauranga to give effect to Te Tiriti o Waitangi. This ensures Māori are able to learn and thrive in environments that reflect, acknowledge and respect tangata whenua.

The Teaching Council of Aotearoa New Zealand standards for the teaching profession endorses educators to demonstrate commitment to tangata whenuatanga and Te Tiriti o Waitangi partnership in Aotearoa New Zealand (Teaching Council of Aotearoa New Zealand, n.d). The standards require educators to commit and uphold the rights of hapū as tangata whenua under Te Tiriti o Waitangi. Educators enforcing this helps to shape an equitable and just education system for Māori. Furthermore, the Teaching Council's Code of Professional Responsibility asserts that all registered teachers should have a comprehensive knowledge of Te Tiriti o Waitangi and make it part of their teaching practice (Education Council, 2024). While this may be a requirement, the question must be asked: do registered teachers have a comprehensive knowledge of Te Tiriti o Waitangi which would enable them to apply it in practice effectively? From my personal experience, as a teacher of 15 years and a school board member, there are instances where I have seen a lack of understanding of Te Tiriti o Waitangi.

Three commonly known Treaty principles enable educators to meet treaty obligations including participation, protection and partnership (Hayward, 2012; TKI, 2010). These principles combined have been said to provide Māori opportunities to contribute to decision-making and mandate the government to protect rangatiratanga (de Silva, 2024). Hamilton agrees that these Treaty principles could be helpful; however, he believes that they fail to give effect to the Treaty of Waitangi because they diminish the importance of rangatiratanga and make it subordinate in law (Yates, 2024). Furthermore, Neville (2024) points out that these three principles were intended to provide clarity but instead have provoked political debate and caused disputes. While these treaty principles may not achieve tino rangatiratanga for Māori, these principles can provide some guidance for educators as an approach to integrate aspects of Māori culture (te reo Māori, tikanga, mātauranga) into students' educational programmes, and partnerships can be formed with the school and whānau Māori, hapū or/and iwi (Skerrett & Ritchie, 2021). Before giving effect to Te Tiriti, educators must be aware of crucial components which are explored next.

Foundational elements for educators' giving effect to Te Tiriti o Waitangi Schools' Boards and educators are responsible for implementing Te Tiriti o Waitangi, which should be reflected in school policies and programmes (MOE, 2024a). Before implementing Te Tiriti o Waitangi, school boards and educators must understand what it means and why it is important for New Zealand (Fraser, 2020)

The difficulties can emerge when there are different interpretations of Te Tiriti o Waitangi among board members, school management and teachers. This is further reflected in a broader context of politics where various parties have different interpretations such as Act Party and Te Pāti Māori. A collective understanding of Te Tiriti o Waitangi among these groups is needed to ensure cohesion, shared goals, consistency, and accountability. This may mean gathering views from teachers, management, the Board of Trustees and whānau regarding what giving effect to Te Tiriti o Waitangi may look like. Once schools have a collective understanding of Te Tiriti o Waitangi, they could help contribute to a collective national consensus on this kaupapa. Furthermore, it would be beneficial for different schools in similar areas to network with each other and identify how they effectively implement Te Tiriti o Waitangi within educational settings so that schools can learn and support each other.

As mentioned earlier, there are two versions of Te Tiriti o Waitangi, but it is important to acknowledge that Māori at the time signed the Māori version. Therefore, the Māori version is the version that school boards and educators must understand. Grasping a sound understanding of Te Tiriti o Waitangi may include understanding the historical injustices experienced by Māori by the Crown and the intergenerational impact it has placed on Māori to today. Te Tiriti o Waitangi must be well understood by educators if they are to honour it through their actions. It also helps to understand those who have profited and held positions of privilege because Te Tiriti o Waitangi was not honoured (Harris, 2018).

Partnerships between schools and the local community and iwi are an essential part of giving effect to Te Tiriti o Waitangi (MOE, 2024b). Schools should know and form effective relationships (if not already in place) with parents of Māori students, the Māori community, and local hapū/iwi of their area. In addition, schools should have an understanding and connection to the local hapū or iwi in which they reside, including knowledge of pepeha (tribal saying or proverb) and narratives from the iwi tribal area. This could help to strengthen the iwi relationship showing appreciation of Māori history. Schools having a sound understanding of local iwi history can help to strengthen students' and parents' knowledge of the area, creating a greater sense of belonging.

There are benefits for educators being aware of and understanding the historical injustices that occurred to Māori as a result of the Crown's Te Tiriti o Waitangi breaches. For educators to effectively implement Te Tiriti o Waitangi, they need to be informed of the historical background of this document and the unjust treatment Māori endured (Community Law, 2024; Fraser, 2020). These injustices may be difficult and upsetting for specific individuals, yet these are the lived experiences of Māori, and they have lingering impacts today. Understanding the grief and suffering that Māori experienced promotes validation, showing empathy and assisting to heal wounds by acknowledging historical injustices (de Graff, 2023). It offers a forum for contemporary issues to be considered, and atrocities caused by the Crown (Neville, 2024; Waitangi Tribunal, 2016b) to be

understood. Furthermore, by looking at our past, we can understand where we have come from, why we are in the position we find ourselves in today and where we want to be in the future (Neville, 2024).

Schools Valuing Te Tiriti o Waitangi

In order for Te Tiriti o Waitangi to be effectively implemented in schools, all educators must see the value in it, including the Board of Trustees, school management, teachers, whānau and the community. Valuing Te Tiriti can lead to better decision-making and educational outcomes for Māori students. These outcomes may include improved academic progress, improved relationships with teachers, strong engagement in learning, fostering Maori identity and culture and demonstrating culturally responsive pedagogy (Fraser, 2020). Often, decisions made in mainstream primary schools are made by the schools' boards and the management team. School boards do not always have a fair or equal representation of tangata whenua and in some cases no Māori representation. If the people who are the key decision-makers within schools do not represent Māori well, then they will not be able to make-informed decisions for Māori. Māori whānau needs to be a part of this process. Whānau has much to offer the school in terms of supporting with cultural knowledge and aspirations. Māori whānau will make the best decisions for their tamariki, rather than schools deciding for them. Giving Māori whānau a voice in decision-making, the school is providing a level of tino rangatiratanga where Māori can lead the decisionmaking process. Another approach for educators to show that they value Te Tiriti o Waitangi is by exhibiting enthusiasm and passion towards this kaupapa through their actions. Valuing Te Tiriti may also mean exploring New Zealand's history through Māori narratives and events (Fraser, 2020). The introduction of New Zealand's history in schools provides an opportunity to show that educators value our shared history and Te Tiriti o Waitangi (MOE, 2024c).

CONCLUSION

Aotearoa New Zealand is a special place for tangata whenua, the country's indigenous people, and non-Māori. Te Tiriti o Waitangi is significant to New Zealand as it established a bicultural relationship between Māori and British settlers, and allowed the settlers to live in New Zealand. Te Tiriti o Waitangi affirms a moral and ethical obligation to respect and protect Māori culture, language, customs, practices, and knowledge. The coming together of two cultures through Te Tiriti o Waitangi sets a blueprint for New Zealand's constitution and underpins our national identity. Educators play a critical role in teaching students about Te Tiriti o Waitangi, New Zealand's founding document. Educators must possess a sound knowledge of Te Tiriti o Waitangi to actively uphold its intent if they are to give effect to it. While Te Tiriti o Waitangi is acknowledged in educational legislations and curriculum, a key issue is that the success of giving effect to Te Tiriti is how effectively it is implemented and the support provided to schools to meet these requirements. There is a need for greater guidance in practical strategies to achieve this. Equally important is for educators to value and honour it through their actions. Upholding Te Tiriti o Waitangi benefits both Māori and non-Māori. This can be achieved by acknowledging Māori rights, protecting and promoting Māori culture, fortifying

Māori and non-Māori relationships, comprehending historical injustices, and assisting in reducing disparities between Māori and non-Māori. However, the current National-led coalition government actions appear to be hindering Māori development by sending discouraging and confusing messages about Te Tiriti o Waitangi to educators and New Zealanders generally. Despite this, educators can still honour Te Tiriti o Waitangi by acting as genuine Te Tiriti partners, leading by example through actions.

GLOSSARY

Aotearoa - New Zealand, the land of the long white cloud

Hapū – subtribe

Hapū rangatira – subtribe leader

He Whakaputanga o te Rangatiratanga o Nu Tireni – Declaration of Independence of the United Tribes of New Zealand

Iwi – tribe

Iwi Māori – largest social and political groups in Māori society

Kaupapa – topic, subject

Kāwanatanga - governance

Kohitanga – unity, togetherness, solidarity

Māori - Indigenous person of New Zealand, Aotearoa

Māori taonga – treasure, something highly prized (tangiable/intangiable)

Mātauranga – Māori knowledge

Pepeha – Tribal saying or tribal proverb

Tangata Tiriti – non-Māori that signed Te Tiriti o Waitangi

Tangata whenua – original inhabitant of New Zealand

Tangata whenuatanga -affirming Māori learners as Māori

Te Aka Whai Ora – Māori Health Authority

Te Ao Māori - Māori worldview, Māori world

Te Pāti Māori – Māori political party advocating Māori rights

Te reo Māori – Māori language

Te Titiri o Waitangi – Māori language version of an agreement made in 1840 between Māori and British settlers

Tikanga/Tikanga Māori – customs, Māori lore

Tino rangatiratanga – sovereignty, independence, self-determination, autonomy

Taonga – treasure, anything prized, considered of value (tangible or intangible)

Wairuatanga – spirituality

Wāhi tapu – sacred place or site

Whakapapa – genealogy, to place on layers

Whānau – family or extended family unit

Whānau Māori - indigenous whānau of New Zealand

REFERENCES

- Campbell, G. (2024, February 5). On Tomorrow, And the Spirit of Moana Jackson. *Scoop*. https://www.scoop.co.nz/stories/HL2402/S00009/ontomorrow-and-the-spirit-of-moana-jackson.htm
- Community Law. (2024). *Te Tiriti o Waitangi in schools*. https://communitylaw.org.nz/community-law-manual/test/te-tiriti-o-waitangi-in-schools/
- Corlett, E. (2024a, July 29). 'Dangerous' and 'retrograde': Māori leaders sound alarm over policy shifts in New Zealand. *The Guardian*. https://www.theguardian.com/world/article/2024/jul/29/maori-leaders-new-zealand-coalition-government-policy-changes
- Corlett, E. (2024b, February 6). Amid jeers and boos, strained Māori relations with the government dominate national holiday. *The Guardian*. https://www.theguardian.com/world/2024/feb/06/amid-jeers-and-boos-strained-maori-relations-with-government-dominate-national-holiday
- Daly, M. (2023, December 5). How political parties reacted to National Māori Action Day protests. Stuff News. https://www.stuff.co.nz/national/politics/133396972/how-political-parties-reacted-to-national-mori-action-day-protests
- de Graff, P. (2023, December 9). Waitangi Tribunal to present historic report into land loss Treaty breaches suffered by Ngāpuhi. *Radio New Zealand*. https://www.rnz.co.nz/news/te-manu-korihi/504282/waitangi-tribunal-to-present-historic-report-into-land-loss-treaty-breaches-suffered-by-ngapuhi
- de Silva, T. (2024, February 3). The principles of the Treaty of Waitangi, explained. *The Spin Off.* https://thespinoff.co.nz/atea/03-02-2024/the-principles-of-the-treaty-of-waitangi-explained
- Duff, M. (2023, December 1). 'A massive unravelling': fears for Māori rights as New Zealand government reviews treaty. *The Guardian*. https://www.theguardian.com/world/2023/dec/02/fears-for-maori-rights-as-new-zealand-government-reviews-waitangi-treaty
- Education Council. (2024). Our code, our standards: Code of Professional Responsibility and Standards for the Teaching Profession. https://teachingcouncil.nz/assets/Files/Code-and-Standards/Our-Code-Our-Standards-Nga-Tikanga-Matatika-Nga-Paerewa.pdf
- Fraser, C. (2020, January 31). Bringing Te Tiriti to life. *Education Gazette*. https://gazette.education.govt.nz/articles/bringing-te-tiriti-to-life/
- Harris, M. (2018, June 10). Racism and White Defensiveness in Aotearoa: A Pākehā Perspective. *E-Tangata*. https://e-tangata.co.nz/comment-and-analysis/racism-and-white-defensiveness-in-aotearoa-a-pakeha-perspective/
- Hayward, J. (2012, June 20). Principles of the Treaty of Waitangi ngā mātāpono o te Tiriti o Waitangi. *Te Ara, the Encyclopedia of New Zealand*.

- https://teara.govt.nz/en/principles-of-the-treaty-of-waitangi-nga-matapono-o-te-tiriti-o-waitangi/print
- Human Rights Commission. (2024). *Human Rights and Te Tiriti o Waitangi*. https://tikatangata.org.nz/human-rights-in-aotearoa/human-rights-and-te-tiriti-o-waitangi
- MacManus, J. (2024, November 20). Was the hikoi New Zealand's largest-ever protest? *The Spinoff*. https://thespinoff.co.nz/atea/20-11-2024/was-the-hikoi-new-zealands-largest-ever-protest
- Manch, T. (2023, November 26). Whose Treaty is it anyway? The national-led government takes two stage approach to changing Treaty politics. *The Post.* https://www.thepost.co.nz/politics/350118859/whose-treaty-it-anyway-national-led-government-takes-two-stage-approach-changing
- Manch, T. (2024, June 11). Cabinet to direct public service to deliver by need, not race, within weeks. *The Post*. https://www.thepost.co.nz/politics/350306634/cabinet-direct-public-service-deliver-need-not-race-within-weeks
- Meredith, P. (2005). Urban Māori. *Te Ara, the Encyclopedia of New Zealand*. https://teara.govt.nz/en/urban-maori/print
- Meredith, P. & Higgins, R. (2012). *Kāwanatanga, Māori engagement with the state*. Defining kāwanatanga. https://teara.govt.nz/en/kawanatanga-maori-engagement-with-the-state/page-1
- Ministry for Culture & Heritage. (2017, May 17). *The Treaty in brief*. https://nzhistory.govt.nz/politics/treaty/the-treaty-in-brief
- Ministry for Culture & Heritage. (2021a, September 14). *He Whakaputanga*, *Declaration of Independence*, 1835. https://nzhistory.govt.nz/media/interactive/the-declaration-of-independence
- Ministry for Culture & Heritage. (2021b, October 5). *Differences between the texts*.

 https://nzhistory.govt.nz/politics/treaty/read-the-Treaty/differences-between-the-texts
- Ministry for Culture & Heritage. (2024, May 28). *Treaty FAQs*. https://nzhistory.govt.nz/politics/treaty/treaty-faqs
- Ministry of Education. (2024a, May 14). *The Education and Training Act 2020:*Te Tiriti o Waitangi. https://www.education.govt.nz/our-work/legislation/education-and-training-act-2020/te-tiriti-o-waitangi
- Ministry of Education. (2024b, February 22). *Partnering with families, employers, iwi and communities*. https://www.education.govt.nz/communities-of-learning/transitions/partnering-with-community/
- Ministry of Education. (2024c, July 10). *Aotearoa New Zealand's histories and Te Takanga o Te Wā*. https://www.education.govt.nz/our-work/changes-in-education/aotearoa-new-zealands-histories-and-te-takanga-o-te-wa/

- Ministry of Education. (2024d, October 22). Statement of National Education and Learning Priorities (NELP). https://www.education.govt.nz/our-work/overall-strategies-and-policies/the-statement-of-national-education-and-learning-priorities-nelp-and-the-tertiary-education-strategy-tes
- Morrison, S. & Huygens, I. L. M. (2019, February 6). The significance of Te Tiriti o Waitangi. *The Conversation*. https://theconversation.com/explainer-the-significance-of-the-treaty-of-waitangi-110982
- Mutu, M. (2019). The treaty claims settlement process in New Zealand and its impact on Māori. *Land 8*(10), 152.
- Mutu, M. (2022, November 20). Margaret Mutu: Why we need constitutional transformation. *E-Tangata*. https://e-tangata.co.nz/comment-and-analysis/margaret-mutu-why-we-need-constitutional-transformation/
- Neville, R. (2024, February 28). *Te Tiriti o Waitangi our past, our present, and our future*. Evaluation Associates. https://www.evaluate.co.nz/blog?tag=cultural-capability
- New Zealand Catholic Bishops Conference. (1995). *Te Tiriti o Waitangi The Treaty of Waitangi*. https://www.catholic.org.nz/assets/Uploads/Te-Tiriti-O-Waitangi-The-Treaty-of-Waitangi.pdf
- New Zealand History. (n.d). *Te Tiriti o Waitangi, The Treaty of Waitangi*. https://nzhistory.govt.nz/sites/default/files/documents/treaty-kawharu-footnotes.pdf
- O'Malley, V. (2017). *He Whakaputanga: The declaration of independence, 1835.*Bridget Williams Books.
- Orange, C. (2012, June 20). Te Tiriti o Waitangi: The Treaty of Waitangi. *Te Ara, the Encyclopedia of New Zealand*. https://teara.govt.nz/en/te-tiriti-o-waitangi-the-treaty-of-waitangi/print
- Orange, C. (2015). The Treaty of Waitangi. Bridget Williams Books.
- Orange, C. (2023). Introducing Te Tiriti o Waitangi. BWB Text.
- O'Sullivan, D. (2023, November 27). Why redefining the Treaty principles would undermine real political equality in NZ. *The Conversation*. https://theconversation.com/why-redefining-the-treaty-principles-would-undermine-real-political-equality-in-nz-218511
- Palmer, M. S. (2008). The Treaty of Waitangi in New Zealand's law and constitution. Victoria University Press.
- Palmer, M. S. (2015). *The Treaty of New Zealand law and constitution*. Event at the National Library, Wellington. <a href="https://natlib.govt.nz/blog/posts/the-treaty-in-new-zealand-s-law-and-constitution#:~:text=The%20rangatira%20who%20signed%20te,power%20and%20authority%20with%20Britain
- Pool, I. & Kukutai, T. (2011, May 5). Tapouri Māori, Māori population change, Population changes, 1769-1840. *Te Ara, the Encyclopedia of New Zealand*. https://teara.govt.nz/en/taupori-maori-population-change/page-1

- Radio New Zealand (RNZ). (2023, November 24). New government plans to review the Treaty of Waitangi principles. https://www.rnz.co.nz/news/national/503168/new-government-plans-to-review-treaty-of-waitangi-principles
- Radio New Zealand. (2024, May 8). Fourth urgent inquiry by Waitangi Tribunal, this time on Māori wards. https://www.rnz.co.nz/news/te-manu-korihi/516298/fourth-urgent-inquiry-by-the-waitangi-tribunal-this-time-on-maori-wards
- Royal Australian & New Zealand College of Psychiatrists (RANZCP). (2022, February). Recognising the significance of Te Tiriti o Waitangi. https://www.ranzcp.org/clinical-guidelines-publications/clinical-guidelines-publications-library/recognising-the-significance-of-te-tiriti-o-waitangi#:~:text=Te%20Tiriti%200%20Waitangi%20is%20Aotearoa%2 oNew%20Zealand's%20founding%20document,language)%20and%20one%20in%20English
- Simon, J. A., & Smith, L. T. (Eds.). (2001). *A civilising mission?: Perceptions and representations of native schools systems*. Auckland University Press.
- Skerrett, M. & Ritchie, J. (2021). Te Rangatiratanga o te reo Māori: Sovereignty in Indigenous languages in early childhood education in Aotearoa. *Kōtuitui: New Zealand Journal of Social Sciences Online*, 16(2), 250–264.
- Soutar, M. (2019, June 16). Equality on the battlefield but not at home. *E-Tangata*. https://e-tangata.co.nz/history/equality-on-the-battlefield-but-not-at-home/
- Stewart, E. (2023, November 2). What stands in the way of ACT Party plan for a referendum on the Treaty of Waitangi. Radio New Zealand. https://www.rnz.co.nz/news/te-manu-korihi/501486/what-stands-in-the-way-of-the-act-party-plan-for-a-referendum-on-the-treaty-of-waitangi
- Stokes, E. (1992). The treaty of Waitangi and the Waitangi tribunal: Maori claims in New Zealand. *Applied Geography*, *12*(2), 176-191.
- Stuff News. (2023, August 5). *National Māori protest action over fears of the country going backwards*. https://www.stuff.co.nz/poutiaki/301020794/national-mori-protest-action-over-fears-of-the-country-going-backwards
- Tahana, J. (2022, December 23). Crown overstepped authority to govern North Māori in 19th century Waitangi Tribunal. Radio New Zealand. https://www.rnz.co.nz/news/te-manu-korihi/481336/crown-overstepped-authority-to-govern-northern-maori-in-19th-century-waitangi-tribunal
- Teaching Council Aotearoa New Zealand. (n.d). Standards for the Teaching Profession. https://teachingcouncil.nz/assets/Files/Code-and-Standards-for-the-Teaching-Profession-English-two-pages.pdf

- Te Kete Ipurangi (TKI). (2010, March 10). *Treaty of Waitangi principle*. The New Zealand Curriculum. https://nzcurriculum.tki.org.nz/Principles/Treaty-of-Waitangi-principle
- Te Tai. (2024). *What are Treaty settlements and why are they needed?* https://teara.govt.nz/en/te-tai/about-treaty-settlements
- The Methodist Church of New Zealand Mission Resourcing. (n.d). *Te Tiriti o Waitangi*. Information Pack. https://www.methodist.org.nz/assets/Whakapapa/treaty of waitangi.p
- Tukaki, M. (2022, April 3). Moana Jackson: I'm absolutely sure transformation is coming. *E-Tangata*. https://e-tangata.co.nz/korero/moana-jackson-im-absolutely-sure-transformation-is-coming/
- Tuuta, J. L. (2021). "Kāore o ngā moemoea, don't dream it's over" Is the constitutional dream of embedding Te Tiriti o Waitangi into its framework in Aotearoa over?

 https://ir.wgtn.ac.nz/bitstream/handle/123456789/18133/paper access.pdf?sequence=1
- United Nations (UN). (2024). "There is indeed a relationship between race and poverty". https://www.ohchr.org/en/get-involved/stories/there-indeed-relationship-between-race-and-poverty
- Waitangi Tribunal. (2016a). *Section 3. The signing of the Treaty of Waitangi*. https://www.waitangitribunal.govt.nz/publications-and-resources/school-resources/treaty-past-and-present/section-3/
- Waitangi Tribunal. (2016b). *Section 5. What the treaty means today*. https://www.waitangitribunal.govt.nz/publications-and-resources/school-resources/treaty-past-and-present/section-5/
- Waitangi Tribunal. (2016c). Section 4: What happened after the Treaty was signed? https://www.waitangitribunal.govt.nz/publications-and-resources/school-resources/treaty-past-and-present/section-4/
- Waitangi Tribunal. (2023, September 4). *Role of the Waitangi Tribunal*. https://www.waitangitribunal.govt.nz/about/
- Waitangi Tribunal. (2024a). Report on stage 1 on the Te Paparahi o Te Raki Inquiry, Released. <a href="https://waitangitribunal.govt.nz/news/report-on-stage-1-of-the-te-paparahi-o-te-raki-inquiry-released-2/#:~:text='The%20rangatira%20who%20signed%20te,power%20and%20authority%20with%20Britain
- Waitangi Tribunal (2024b). *Past, present & future of the Waitangi Tribunal*. https://www.waitangitribunal.govt.nz/about/past-present-future-of-waitangi-tribunal/
- Wilson, J. (2016, September 1). Nation and government, The origins of nationhood. *Te Ara*, *the Encyclopedia of New Zealand*. https://teara.govt.nz/en/document/4216/the-three-articles-of-the-treaty-of-waitangi

- Woods, C. (2024, February 13). Māori Face a Reversal of Rights Under Coalition Government. *LSJ* online. https://lsj.com.au/articles/maori-face-a-reversal-of-rights-under-coalition-government/
- Yates, S. (2024, March 10). Te Tiriti o Waitangi: A community perspective. *E-Tangata*. https://e-tangata.co.nz/comment-and-analysis/te-tiriti-o-waitangi-a-community-perspective/

ABOUT THE AUTHOR(S)

ROCHELLE MACKINTOSH

University of Otago, New Zealand



Rochelle Mackintosh is of Ngāti Porou, Ngā Puhi decent. In her PhD at Otago University, she is investigating how a Māori community is responding to climate change and how they are building environmental resilience. Her research examines Māori community leadership and Māori community engagement.

Rochelle has 14 years teaching experience. Her Master's study explored Māori girls' educational success at bursary level.

Contact: rochelle.mackintosh@gmail.com.