

6. WORKING WITH TE TIRITI O WAITANGI

One of the most important aspects of working with te tiriti is making sure that anything we do is genuine and not just for show. To ensure this, employers and staff need a good understanding of what te tiriti is and means, so that they can work out how it applies to them. To gain this understanding, they may need to do some background reading before they start.

This guide outlines some of the information organisations will need and sets out some tools, including an example of a tiriti policy and a checklist to help organisations develop their own. Also included are suggestions for where to find out more about te tiriti.

A BRIEF BACKGROUND TO THE TREATY OF WAITANGI

Te Tiriti o Waitangi is a treaty made between Maori and the British Crown in 1840. Many people consider it the founding document of New Zealand, the basis upon which our present day society is built. Many Maori see it as more than this, as a spiritually and legally binding covenant between Maori and the Crown that cannot be broken.

From when it was first signed, te tiriti's meaning has been subject to intense debate. One of the reasons for this is that there are two versions of te tiriti, Maori and English, and they do not say the same thing. Another reason is that the parties to te tiriti had very different expectations about what it was for and how it would be used.

Over the years the Waitangi Tribunal, courts and other interested parties have interpreted te tiriti, delving into its underlying spirit and intent to develop enduring principles for its meaning. As a result, when we think about te tiriti's meaning we can look at both what its actual articles say and at these broader principles that underpin them.

Put very simplistically, under Article One of te tiriti, Maori gave to the Crown kawanatanga, or the right to govern all the citizens of New Zealand, whether they were Maori or tauiwi (any of the other ethnic groups who have made New Zealand their home). In return, under Article Two of te tiriti Maori retained their tino rangatiratanga, or sovereignty and chieftainship, over all of their taonga or treasures (interpreted very broadly). Article Three then gave both parties equal rights as citizens in Aotearoa New Zealand.

The principles that underlie or inform these articles include a duty by the Crown to protect everything of value to the Maori way of life, including lands, resources, language and knowledge. There is also a duty to ensure that Maori continue to be able to exercise their rangatiratanga and benefit from it. Other principles include those of fairness, reasonableness, partnership, good faith and an

obligation to consult with Maori over decisions that could affect their rangatiratanga. There are also principles of active protection and redress.

One of the most important concepts to emerge is that te tiriti is a living document. This means that it was never meant to freeze iwi and their aspirations at the time of signing, but was intended to continue to protect their interests and status as tangata whenua into the future. Another important concept is that te tiriti applies not just to Maori and the Crown but to all New Zealanders, guaranteeing us all the right to live here peacefully as citizens and develop New Zealand together.

REASONS TO HAVE A TIRITI POLICY

One of the best reasons for recognising te Tiriti o Waitangi in our daily work comes from Hutt City Council's Community Development Good Practice Guidelines, which says that: "The Treaty is primarily a document ensuring social justice for all New Zealanders and as community work is also concerned with social justice, recognising and actively promoting the principles of the Treaty is an important part of being an effective community organisation."

As community and social agencies we are also concerned with building social equity and community wellbeing. However, if we look at the statistics for the things that make up our wellbeing (such as housing, health, education, employment, spirituality and representation in the justice system) we can see that Maori lag behind in most of them.

Many Maori feel that this is because te tiriti has not been honoured and that far from protecting Maori ways of doing things, the Crown has undermined them in the process of colonising New Zealand.

In applying te tiriti in our own work we can redress this imbalance by seeking to understand from Maori what it is they want or need from us, and providing these things in culturally appropriate ways. We can also make sure that our services

and systems do not inadvertently disadvantage Maori, in how they are set up or expressed. Internally, we can make sure that Maori staff, board members and others we work with are given equality of opportunity, and work in environments that feel safe and nurturing for them.

Applying te tiriti's principles, we can see that we need to take a partnership approach to developing and delivering services, and that we need to consult with affected Maori and act on this consultation in a meaningful way. We can see that in some circumstances it may be necessary to develop separate systems and services for Maori, to ensure equity of outcome (as opposed to equity of access) in what we do.

Having considered the issues, your organisation may decide it does not need a formal tiriti policy. This is fine, as long as proper thought has gone into the decision. By working through this resource, you will ensure that it has.

TE TIRITI O WAITANGI POLICY

Putake / Rationale

Te Tiriti o Waitangi is the founding document of Aotearoa New Zealand's current society. It defines the relationship between tangata whenua and the Crown, and provides a basis for all citizens to live and belong here.

At its core, Te Tiriti o Waitangi is about social justice, making it particularly relevant to organisations and individuals working with Aotearoa New Zealand's communities. Te tiriti also provides a platform for recognising Maori needs and aspirations, ensuring Maori can enjoy equal opportunities and participate actively, both as citizens and within the organisations they belong to, and enabling them to continue to live as Maori.

Tatai / Purpose

This policy sets out (name of organisation) commitment to giving effect to Te Tiriti o Waitangi within its policies and practices. By operating in the spirit of Te Tiriti o Waitangi and acting in good faith, our intention is to foster mutual regard and understanding as we work alongside Maori, thereby ensuring Maori have opportunities to participate fully in all levels and aspects of our organisation.

Kaupapa Whangai / Policy Objectives:

1. Culture

1.1 (Name of organisation) acknowledges Te Tiriti o Waitangi as the founding document of Aotearoa and will give effect to te tiriti in our constitution, policies and practices.

PUTTING POLICY INTO PRACTICE

A policy is a high-level statement of intent. To make it meaningful, it needs to be backed up with processes, systems and actions to make the aspirations real. Once an organisation has decided what its policy is, it will need to think hard about how it can put it into practice.

It is a good idea to write down any decisions about processes or systems that are to be put into place, so that there is a clear record of what is needed to implement your te tiriti policy.

Like all policies, it will be important to review your organisation's te Tiriti o Waitangi policy regularly. By doing so, you can ensure that it reflects the latest understanding about te tiriti, and that the people and organisations you are working with continue to be the right ones.

- 1.2 We recognise the status of Maori as tangata whenua of Aotearoa and will ensure that our organisational culture and work environment reflects Maori interests and aspirations.
- 1.3 We will ensure that Maori are equitable stakeholders and have opportunities to participate in all levels of our organisation.

2. Ways of working

- 2.1 (Name of organisation) policies and practices will demonstrate our commitment to working with Maori.
- 2.2 We will develop a greater understanding of our own values and culture, and based on that knowledge, we will be better able to develop a greater understanding of Maori values and culture. This will enable us to improve the effectiveness of our work for Maori.
- 2.3 We will provide services that are culturally appropriate, and effectively meet the needs and aspirations of Maori.
- 2.4 In developing our policies, practices and services we will actively consult with Maori, share understanding to work towards common goals.
- 2.5 We will actively facilitate Maori involvement in our decision-making processes.
- 2.6 We will ensure that Maori have equal access to our services.

3. Human resources and workforce development

3.1 (Name of organisation) will recruit and provide for a Maori workforce.

CHECKLIST FOR IMPLEMENTING TE TIRITI O WAITANGI

Patai / Questions to ask before you start

- Why does your organisation want to recognise and implement te Tiriti o Waitangi in its work?
- Do your staff have a clear understanding of te tiriti's background and meaning?
- What is your organisation's kaupapa (philosophy) and purpose and how do these relate to te tiriti?
- Who are the iwi and hapu in your area? Do you already have a relationship with them? Do you need to consult with them in developing your policy? If so, how will you go about this?
- How will Maori board members, staff and stakeholders be involved in developing this policy?

Whakatauranga tikanga / Organisational culture

- Is there any reference to te Tiriti o Waitangi in your organisation's trust deed or constitution?
- Is te Tiriti o Waitangi reflected in your organisation's other policies and documents?
- Does your organisation have a kaumatua? If so, what role does she or he play?
- Are Maori full participants in all levels of your organisation?

Hanga whakarato / Services

- Are Maori aspirations and interests reflected in how your services are developed and delivered?
- How do you ensure that Maori have equal access to your services?
- How do you ensure that your services provide equitable outcomes for Maori?

Mahi ngaatahi / Partnership and cooperation

- What services already exist for Maori in your area?
- Who are the local Maori or iwi service providers in your area? Do you have a relationship with them?
- How can you work alongside these services and providers to benefit your community?

Mahi takiwaa / Work environment

- Does your work environment reflect the aspirations and interests of Maori? How will you know?
- Are Maori protocols and practices used where possible?
- Do your Maori staff members have access to peer or cultural support?
- Do staff have opportunities for cultural, tikanga and te Tiriti o Waitangi training?

Nгаа rawe tangata e tupua / Human resources and workforce development

- How do you reflect te Tiriti o Waitangi in your organisation's recruitment practices?
- Do you actively recruit Maori staff members and how can you support Maori career pathways within your organisation?

Hokonga painga / Marketing

- Do you incorporate Tiriti o Waitangi or kaupapa statements, Maori artwork, or translations of your organisation's name, vision and mission in your organisation's publications and marketing material?

Maataki / Review

- What systems will you put in place to ensure your Tiriti o Waitangi policy is reviewed regularly?
- What systems will you put in place to deal with any breaches of your policy?

Tukitanga / Implementation

- How can you make implementation of your Tiriti o Waitangi policy meaningful within your organisation?
 - How will you record any decisions made about the policy's implementation?
 - How will you monitor and evaluate the policy's implementation?
 - Which iwi, hapu or other Maori stakeholders will you consult with in the future about matters arising under your te Tiriti o Waitangi policy? What form will this consultation take and when will it occur?
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- 3.2 We will ensure that our recruitment policies, systems and processes are appropriate to Maori, and that Maori have ongoing involvement in them.
- 3.3 We will ensure that our work practices and environment are culturally appropriate and comfortable for Maori, and that Maori staff have opportunities to pursue their employment aspirations and interests.
- 3.4 We will provide all staff with the opportunities and support to develop their knowledge and awareness of their own culture and that of Maori so that that knowledge underpins putting Te Tiriti o Waitangi into practice within the organisation.

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Information

- Mairehe Tankersley, *Te Tiriti o Waitangi and Community Development*
- Hutt City Council, *Community Development Good Practice Guidelines*
- www.tpk.govt.nz - Te Puni Kokiri, "Treaty Framework"

Websites

- www.nzhistory.net.nz
- www.treatyofwaitangi.govt.nz/treaty
- <http://aotearoa.wellington.net.nz/project.htm>
- www.treatyofwaitangi.net.nz
- www.waitangi-tribunal.govt.nz/treaty
- www.waitangi.net.nz