

## Summary

- ☪ Māori are tāngata whenua, the peoples indigenous to Aotearoa/New Zealand. Their rights as indigenous peoples have not been recognised despite their generosity in agreeing to peaceful settlement by signing the Treaty of Waitangi in 1840.
- ☪ That Treaty with the Crown was designed to also protect their rights but initially by force of arms and subsequently by weight of numbers and the legislative process, the rights of Māori have often been compromised in the name of the majority public interest.
- ☪ The constitutional changes we wish to see would include power sharing arrangements with Māori both nationally and locally.
- ☪ Quakers in Aotearoa commit to advocating for a process of wide consultation and negotiation leading to change in our constitutional arrangements so that they give effect to the commitments made in the Treaty of Waitangi.

## Te Hāhi Tūhauwiri (Quakers)

This leaflet was first published in December 2008 by the Treaty Relationships Group of the Yearly Meeting of the Religious Society of Friends in Aotearoa/New Zealand. It is based on a statement that was formally adopted by the Society at its annual business meeting in July 2008.

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Quakers in Aotearoa go to  
[www.quaker.org.nz](http://www.quaker.org.nz)*

# Tāngata Whenua Rights *and* Constitutional Arrangements *in* Aotearoa

*The Religious Society of Friends  
in Aotearoa/New Zealand  
(Quakers)  
Te Hāhi Tūhauwiri*

This document is prepared in good faith as an offering towards consultation and relationships with Treaty partners.

We are committed to social justice based on our belief that there is that of God in all people. This leads us to approach all relationships in a spirit of good will, fairness and cooperation, which has been a hallmark of the Quaker approach to social, political, business and international affairs.

We believe that social justice is a necessary precondition for true peace between peoples and that this is at the heart of the Christian message.

Māori are tāngata whenua, the peoples indigenous to Aotearoa/New Zealand. Throughout this nation's history of colonisation their inherent rights as tāngata whenua have not been recognised despite their generosity in agreeing to peaceful settlement by signing of the Treaty of Waitangi in 1840. That Treaty was designed to also protect their rights but initially by force of arms and subsequently by weight of numbers and the legislative process, the interests of the Pākehā majority have always prevailed. Māori have been marginalised in their own land.

The consequences for Māori over the years have been catastrophic and the continuing major disparities between Māori and the rest of the population with regard to education, health, employment and criminal justice outcomes are only some of the outward manifestations of this deep injustice.

We recognise that since 1975 some progress has been made in partially honouring the Treaty, by dealing with historical injustices and righting the wrongs of the past.

However, it concerns us that recently there has been evidence of the Government's continued preparedness to deny Māori rights. Examples include the foreshore and seabed legislation and the active opposition to the United Nations Declaration on the Rights of Indigenous Peoples. These actions of Government compromise the intent of the Treaty, and diminish recognition of the rights of Māori as the indigenous peoples of this land.

For nearly 170 years Māori have attempted to address their concerns by using the legal systems and processes of the nation with tenacity and patience. Our observation is that the majority of these systems have failed to safeguard the basic rights of Māori as tāngata whenua. Majority decision making has continued to oppress and control.

We reaffirm our Statement on Bicultural Issues in 1989 and in particular our acknowledgement that honouring the Treaty of Waitangi would involve "...giving up by Pākehā of exclusive decision-making in the institutions of society." We are now clear that the way to achieve this is through constitutional provisions.

Constitutions are sets of rules about the exercise of public power in society, who can use it, when and how. They are also powerful symbols of a nation's identity and aspirations. Under our constitutional arrangements, the rights of Maori have been compromised in the name of the majority public interest. There are constitutional models in other parts of the world that better protect the rights of indigenous peoples even when they are a numerical minority.

The constitutional changes we wish to see would include power sharing arrangements with Māori both nationally and locally.

The task of achieving constitutional change will not be an easy one and requires careful and thorough negotiation. With a spirit of goodwill and a sense of fairness, an approach that fits the unique context of Aotearoa can and must be achieved.

Quakers in Aotearoa commit to advocating for a process of wide consultation and negotiation leading to change in our constitutional arrangements so that they give effect to the commitments made in the Treaty of Waitangi and provide for the sovereign rights of Māori as tāngata whenua in Aotearoa.