



## How does – and how could – Te Tiriti o Waitangi inform the perceptions and praxis of the trans-Tasman alliance?

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## How does – and how could – Te Tiriti o Waitangi inform the perceptions and praxis of the trans-Tasman alliance?

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### ABSTRACT

Te Tiriti o Waitangi is one of the founding documents of Aotearoa New Zealand. It provides for the potential for partnership between Maori and the Crown, though its promise has not been fully realised. When it comes to the trans-Tasman relationship, Te Tiriti emphasises the importance of genuine partnership, of understanding history and the depth of relationships, but it could also have further effects on the alliance with either an increased inclusion of Māori values into New Zealand's foreign policy or increased autonomy for Māori within a domestic setting.

### KEYWORDS

New Zealand, Australia, Te Tiriti, Partnership, Identity

In early 2024, I was asked to speak on the topic of how Te Tiriti o Waitangi informs, and could inform, the perception and praxis of the trans-Tasman alliance. As tangata tiriti (people of the Treaty/migrant) rather than tangata whenua (people of the land / Indigenous) I confess to finding this an uncomfortable request because, for one, Te Tiriti o Waitangi is the Māori language version of the English-language Treaty of Waitangi, the pair of which are together considered to be New Zealand's founding documents. Hence I am opening this article with a personal tone (discomforting as this is) as I want to ensure that this positionality and the limitations that come with it are underscored before we begin.<sup>1</sup> What I can contribute is a discussion about some of the ways in which Aotearoa New Zealand is grappling with the question of how to realise the promises of Te Tiriti, and how this reckoning holds resonance for the development of other relationships, including the trans-Tasman partnership. In short, this article suggests that bringing Te Tiriti into conversations with this relationship emphasises the need to better understand: the concept of partnership; the potential for alternative priorities to emerge; and the importance of knowing oneself in order to know others.

### Partnership?

Being asked to talk about Te Tiriti o Waitangi, rather than the English version of the Treaty, is significant. Te Tiriti differs from the English version in important ways,

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particularly with regard to what Māori believed they were agreeing to cede (or rather not cede) to the Crown (Manatū Taonga — Ministry for Culture and Heritage 2021). Indeed, it is of fundamental significance that, in 2014, the Waitangi Tribunal ruled that in signing this version rather than the English version Māori *had indeed never given up sovereignty to the Crown*:

The essential conclusion of this report is that in February 1840 the rangatira who signed te Tiriti did not cede sovereignty. Rather, they consented to the Crown having power to control Pākehā, while recognising that, in situations where the Māori and Pākehā populations intermingled, questions of relative authority would have to be negotiated case by case. (Waitangi Tribunal 2014)

Such an agreement suggests, at the minimum, that a genuine working partnership that serves both populations well needs to evolve, but this has not eventuated.

Te Tiriti has been described as a bridge that helps to link te ao Māori (the Māori world) and te ao Pākehā (the non-Māori world). However, as Ngā Puhī Reverend Charlie Shortland articulated so eloquently, Māori have had to cross the bridge to the Pākehā side, but the reverse has not been true (relayed in Espiner 2017). This adage can be extended to the forms of government, institutions, values and interests that have been created and prioritised within Aotearoa New Zealand.

Although there are certain unique aspects to the state's form of the Westminster Parliament model, with seven seats reserved for those enrolled on the Māori roll, for example, it is clear that Aotearoa New Zealand's institutional development has by and large been (and remains) modelled on the British experience. Other public institutions and government agencies – universities, the defence forces, police, and so on – are similarly constituted almost exclusively along British lines. Genuine partnership, let alone co-governance, or even potentially more separate forms of governance, has remained largely absent.

Recent years have seen a number of challenges to this mono-cultural approach gain ground. In 2024, a new history curriculum emphasising the importance of local and Māori history began to roll out across the country's high schools. On 1 January 2025, the legal education curriculum will include requirements for the teaching and assessment of tikanga Māori / Māori laws and philosophy (Jones 2024). Non-Māori are voluntarily taking up te reo Māori language learning to unprecedented degrees, and public support for Te Tiriti has grown in strength such that, in 2023, 70% of New Zealanders surveyed in a national survey confirmed a belief in the importance of recognising the need to fulfil the promises therein (RNZ 2023). Institutions by and for Māori have begun to flourish in a range of health and education arenas, in particular, whilst some organisations, such as the New Zealand Army (RNZ 2024) have begun to grapple more readily with the question of bilcultural partnership.

Moreover, in the foreign affairs space, in 2021, the then-Foreign Minister Nanaia Mahuta articulated, for the very first time, a move towards a Māori values-informed foreign policy. Mahuta's approach emphasised manaakitanga (kindness or the reciprocity of goodwill), whanaungatanga (connectedness or shared sense of humanity), mahi tahi and kotahitanga (collective benefits and shared aspiration); and kaitiakitanga (the need to act as stewards of intergenerational wellbeing). In emphasising what this meant for the conduct of foreign policy, Mahuta further explained that "Each of these

values when expressed in a relationship gives a sense that everything is connected and purposeful. What the world needs now is a commitment towards empathy, sustainability, and intergenerational solutions for wellbeing.” (cited in Sachdeva 2022).

Admittedly, the new Coalition government that came to power at the end of 2023 strongly signalled an intention to drop this framing (Hall and Grey 2023), and the new Foreign Minister Winston Peters – notably also of Māori heritage – has indeed returned to a more traditional emphasis on managing geopolitics, small state politics, and the pursuit of trading opportunities in tumultuous times. Peters has expressly pushed back against the emphasis on Māori values, asserting that the new government takes ‘the world as it is, and this realism is a shift from our predecessors’ vaguer notions of an indigenous foreign policy that no-one else understood, let alone shared’ (Peters 2024).

However, given the popular support noted above, given that Māori businesses are increasingly important economic players (Pūrongo 2022), and given the fact that almost one in three New Zealanders under 25 are Māori (Paewai 2024), it is likely that these emphases will return to foreign policy discourse in the future. Hence thinking about better honouring the intent of Te Tiriti from a partnership point of view could mean bringing Māori values more to the fore in future foreign policy – a dynamic that could have significant effects for the trans-Tasman relationship and beyond, starting with different ways of perceiving relationships in the international arena due to the ontology that underpins these values (Smith and Holster 2023: 1587).

### **Starting from a different place**

Māori were the first diplomats and Treaty makers of Aotearoa, producing goods and trading with other peoples, with their practices and policies being based on tikanga Māori (customary rules and practices), on certain values and rituals, and each hapū (sub-tribe) had their own mana motuhake (independence) to make their own decisions (Bargh 2010). However, as eminent scholar Maria Bargh emphasises, a central part of the success of these forms of diplomatic relations was a reliance on a deep and intricate knowledge of the histories of the connections between peoples.

Knowledge of whakapapa (genealogy), of how communities are related to other communities, of history and encounters, tensions, injustices, or knowledge of where land or authority had been shared was key to early foreign relations (Bargh 2023). This emphasis on knowing history, on finding common ground through shared ancestry, on relying on tikanga to guide decisions and actions, and on the potential for injustices to be addressed no matter how historical the grievance, could further shape Aotearoa New Zealand’s future diplomatic relationships, including with Australia. Such an approach would suggest that before we would need to more carefully acknowledge the ground and stories/histories under our feet, that we must more genuinely understand how we connect to one another.

Indeed, in contrast to the Western focus on autonomy and independence in human interaction, a number of scholars emphasise that Māori culture emphasises relationality and the entanglement of entities (Smith and Holster 2023: 1587 – see also Mead 2003). This emphasis on relationality can be seen in other national approaches to foreign policy – such as in Chinese conceptions of engagement – that emphasise the importance of

relationships as ‘trellis’ (Paltiel 2010), or as existing through reciprocity in the form of ‘guanxi’ (Kavalski 2018). Starting from these values enables a different approach to engaging in relationships outside of the Western world.

## Possible futures

Governments of Aotearoa New Zealand have typically emphasised the importance of relationships with ‘like minded’ countries, by which they mean the ABCA countries of the USA, Britain, Canada and Australia. These relationships emphasise shared liberal democratic values, but they have also reinforced the ways in which Aotearoa New Zealand has positioned itself as an ‘Anglo outpost’ in the Pacific (Powles cited in Fish 2023). Basing a foreign policy on Māori values could temper this Anglo-outpost focus. Indeed, in one striking example, Te Pāti Māori (The Māori Party, a political party in parliament) asserts that military neutrality best represents Māori interests on the global stage, with politician Debbie Ngawera Packer seeking for Aotearoa / New Zealand to be ‘friends to everybody, enemy to none’ (The Māori Party 2023).

Moreover, in addition to deemphasising the ‘naturalness’ of Anglo-focused relationships, a commitment to te Tiriti would necessarily bring questions of self-determination and the status of Indigenous people, particularly in settler colonies, to the fore. Māori voices were significant in the creation of the UN Declaration of the Rights of Indigenous Peoples (UNDRIP) (Choi, Forster, and Greener 2022) and in more recent times have called for stronger action on Palestine (see for example Maniapoto 2023) and New Caledonia (see for example Ngata 2024). These themes potentially set the ground for a different approach to the bilateral relationship should these values not be mirrored across the Tasman (though, admittedly, as Celeste Liddle (2024) points out, the recent conservative turn within Aotearoa New Zealand appears to be a case of politicians mimicking Australian politics towards indigenous populations instead of the other way around). Similarly, taking Te Tiriti (and te ao Māori more broadly) seriously would also likely bolster other underrepresented aspects of Aotearoa New Zealand’s foreign policy. For a fairly accepted case in point, for example, Māori emphases on the fundamental importance of te taiao, the environment (Harmsworth and Awatere 2013), supports green agendas, whilst lesser known cases, such as a belief in the importance of women’s engagement in peacemaking (Keane 2012), supports the under-resourced Women Peace and Security agenda (Greener 2020).

Bringing Māori values more to the fore would have implications for the priorities and potential practices of diplomacy evidenced in the trans-Tasman relationship and beyond, but this is where I would point the reader in the direction of the works of Indigenous scholars such as Maria Bargh, Annie Te One, Bonnie Holster, Tina Ngata, Veronica Tawhai, Brendan Hokowhitu and Jason Mika, amongst others.

However, this concern about positionality brings us to the fact that Te Tiriti is not just, or even predominantly, about Māori. Te Tiriti is a major source of non-Māori rights. What Aotearoa New Zealand does in a foreign policy space is therefore anchored by these documents. But it is also clear that, although Te Tiriti most obviously provides for the future possibility of a partnership approach which would see foreign policy shaped by the increased inclusion of Māori values, it is also the case that it may allow for the emergence of a more parallel approach.

In 2024, as initiated by the Māori King, Te Arikinui Tūheitia Paki, and followed by further meetings at Rātana Pa and Omāhu Marae, a number of Kotahitanga (unity) hui (meetings) have brought young and old into a conversation about the future, prompted by concerns about the recent policy directions of the Coalition government. One proposal has been the creation of a more autonomous system of governance by and for Māori (Towards a Māori Nation 2024). Stated preferences in this document still remain focused on pursuing partnership first, with extended tino rangatiratanga (self-determination and sovereignty) second (Towards a Māori Nation 2024, 4), but this document nonetheless draws attention to the need for Aotearoa New Zealand governments to respond to calls for greater partnership or to risk Māori seeking to pursue their own political destiny more via their own institutions. Discussions in this space thus far have focused on domestic matters and greater degrees of self-determination are typically focused on achieving gains in domestic affairs, but such developments can impact directly or indirectly upon the conduct of foreign relations, bringing us back to the question of trans-Tasman engagement and beyond.

## Conclusion

Te Tiriti suggests a need to, at minimum, consider how to seek to achieve true partnership in any relationship, regardless of the power dimensions in play. It emphasises the importance of reckoning with history. It underscores the enduring nature of relationships. It underscores the role of identity in foreign policy engagements – each place has its own story of people, of land, of entanglements. It also appears to hold the potential for alternative systems to emerge should partnership prove elusive.

In terms of the trans-Tasman relationship, Te Tiriti also points to the relevance and value of considering and embracing other ways of knowing and being. The importance of Indigenous values has recently been explored in the Australian case, with Mary Graham emphasising that:

Just as individuals are connected to others – to ancestor figures, immediate and distant kin, and other living beings through kinship systems interleaved with ‘skin’ or subsection systems – so are nations. Nations are related with each other through songlines that connect sites, people, and groups both near and far away. (see Graham and Brigg 2023)

Seeking to live up to the partnership promises inherent in Te Tiriti would better equip Aotearoa New Zealand to succeed in the world, and the same could be said for our trans-Tasman cousins in reckoning with their past, whilst a willingness of Australasian governments to engage in genuine partnerships both within and without would be an exponentially empowering force in foreign affairs for both.

## Note

1. As tangata tiriti, I have angsted over this piece more than any article I have written. In my uncertainty, I originally approached an old friend who has written on this topic to ask if they would like to write this piece instead of me or co-write a piece, but, as is the burden of being a Māori academic, they suggested writing this alone as they were too busy supporting hapu, iwi and other priorities. Another academic said the same. I then thought about inviting a tangata whenua graduate student to collaborate but have known cases where this has occurred and has been exploitative and did not want to expose that student to any mistakes

I make. I considered withdrawing from this project but in the end, I have submitted this as you see here. The rationale for this is twofold: to try to aid visibility about the importance of Te Tiriti and to cite indigenous scholars to again bring these sources into the discussion on foreign policy. This may have been the wrong decision, if so, nōku te he.

## Disclosure statement

No potential conflict of interest was reported by the author.

## Notes on contributor

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