



THE UNIVERSITY OF
WAIKATO
Te Whare Wānanga o Waikato

Te Tiriti o Waitangi me te Whare Wānanga o Waikato

The Treaty of Waitangi and the University of Waikato

Te Horopaki

Ko Te Tiriti o Waitangi i haina tuatahitia ai i te 6 o Pēpuere 1840 e ngā kanohi o te Karauna e ngā Rangatira hoki e whakakanohi nei i (ētehi) o ngā hapū o Aotearoa. He pepa tuāpapa te Tiriti mō te whakahaeretia o te kāwanatanga me ngā tukanga tōrangapu i Aotearoa, e whakapūmau ana i te hononga i waenga i te kāwanatanga me te iwi Māori, e arataki ana hoki i te rāngai tūmatanui whānui i ōna herenga me ōna pāhekohekotanga ki Māori.¹

He whakapuakitanga takunetanga matatika te Tiriti, ka mutu ko tōna hiranga ko te whakahāngai i ngā mātāpono i whakaūngia ai i ngā take me ngā whakahaere o nāiane. Hei whakahaere nei e mahi nei i roto i tētehi anga o te rāngai tūmatanui whānui, me whakamārama pū te Whare Wānanga o Waikato i āna anō whakamāramatanga, anga anō hoki e whakamana nei i te Tiriti. E aratakingia ana mātou i roto i tēnei whakamāramatanga mā:

- a) Ngā mahi a te Pāremata hei tauira ake ko te whakamana i Te Ture o Te Tiriti 1975 i tautuhia ai te Tiriti hei wāhanga nō te ture, ka mutu i whakamāngā Te Rōpū Whakamana i te Tiriti hei whakamārama i te Tiriti.
- b) Ngā pūrongo me ngā kitenga a Te Rōpū Whakamana i te Tiriti mai i ngā tau o te 1980 ā moroki noa nei.
- c) Ngā whakamāramatanga ā-ture;² me
- d) Ō mātou hononga, whakawhitiwhiti kōrero hoki me ngā iwi Māori e whai pānga nui ana te Whare Wānanga, tae noa ki ō mātou kaimahi Māori me ngā tauira whai pānga.

Background

The Treaty of Waitangi, Te Tiriti o Waitangi, was first signed on 6 February 1840 by representatives of the Crown and by Rangatira representing (some of) the hapū of New Zealand. The Treaty is a foundational document for the operation of government and political processes in New Zealand, establishing the relationship between the government and Māori people, and guiding the wider public sector in its obligations and interactions with Māori.¹

The Treaty was a declaration of honourable intent, and its significance is in applying the principles that it established in the context of contemporary issues and institutions. As an institution operating within the framework of the wider public sector, the University of Waikato needs to make explicit its own interpretations of, and frameworks for giving effect to, the Treaty. We are guided in this interpretation by:

- a) The actions of Parliament for example passing the Treaty of Waitangi Act 1975 which defined the Treaty as part of the law, and delegated to the Waitangi Tribunal the role of interpreting the Treaty;
- b) The reports and findings of the Waitangi Tribunal from the 1980s to the present;
- c) Judicial Interpretations;² and
- d) our relationships and consultation with iwi Māori with whom the University has the closest relationships, and by our Māori staff and student stakeholders.

Me mātua aro te whakamāramatanga ki te mahi pono mā te hononga e hāngai ana ki te mahi tahi, me te whāinga kia tika te mahi e hāngai ana ki te wairua me te takune o te Tiriti. Inā te tiketike o tēnei i te mea ko te horopaki o ia āhuatanga o te hononga he whai kiko, ka mutu i tētehi mahi tahi he whakaaro nui tō ia taha ki ngā tūmanako me ngā āwangawanga o tētehi atu taha mā ā rātou mahi me ō rātou tūranga. Nō reira, ko tā mātou whakamāramatanga i te Tiriti o Waitangi me whakatū ki runga i ngā kupu ake o te Tiriti, waihoki, i runga anō hoki i te takunetanga o ngā kaihaina ki te Tiriti me te wairua o te mahi tahi i whāia ai hei whakatinanatanga.

Te Whare Wānanga me te Tiriti

E mahi nei te Whare Wānanga i tētehi ao aro nui ki te Tiriti o Waitangi, mārama nui hoki ki ngā mōtika me ngā herenga i whakaritea ai e te Tiriti, waihoki i tētehi ara tohu matatea nei nā te kāwanatanga mō ngā whakahaere ā-rāngai tūmatanui e whakamanahia ai te Tiriti i roto i ā rātou rautaki me ngā mahi anō hoki. Pērā i te nuinga o te rāngai tūmatanui, kua whakaritea e te Whare Wānanga o Waikato ngā anga me ngā kaupapa hei whakamana i te Tiriti,³ kua koke whakamua i tēnei huarahi i tua noa atu i tētehi atu whare wānanga e whia kē nei i ngā whakahaere ā-ratonga tūmatanui hoki, ka mutu mā ana aronga ki te pūrongo Parata-Gardiner (tae noa ki te tukanga Rangakōkiri kua whakaritea) mātou e kawē ki kō nui atu. E whakahuahuatia ana te Tiriti o Waitangi e te Tūtohinga a te Whare Wānanga me tā mātou titikaha ki ngā mahinga tahitanga whai kiko ki te Māori, heoi anō i tēnei wā kāore ā te Whare Wānanga tauākī ā-mana whakahaere ā-tāhūhū whakahaere o tana whakamāramatanga i te Tiriti e whai anga ai mō āna kaupapa motuhake, e whakamāramatia ai hoki te mahi o ana tūranga hautū me ngā komiti hoki, hei whakatairanga hoki i te mārama o te takoha a ngā kaupapa motuhake ki ā mātou whāinga ki te whakamana i te Tiriti.

Ko ngā painga o te whakamahi i tā mātou ake anga, whakamāramatanga anō hoki o te Tiriti ehara i te whai noa iho kia whakakotahi i ā mātou ake whakapau kaha ki te whakamana i te Tiriti: Mehemea kāore anō kia whakaritea e te Whare Wānanga tētehi whakamāramatanga ā-whakahaere, me tētehi anga mārama mō ana whakamātautanga ki te whakamana i te Tiriti, he uaua ake ki te Whare Wānanga te aro ki ngā arohaehae a ngā rōpū, ā rātou ake whakamāramatanga, me ā rātou ake aronga hoki ki te kōkiri i aua momo whakamāramatanga.

Interpretation requires recognition of the duty of good faith implied in a relationship that is akin to a partnership, and the need to act in ways that are consistent with the spirit and intent of the Treaty. This is particularly important because the context for each aspect of the relationship matters, and because in a partnership each party will necessarily have regard to the interests and concerns of the other party in their actions and their positions. Thus, our interpretation of the Treaty of Waitangi must be built on what the Treaty actually says, but in addition, on the intent of the signatories to the Treaty and the spirit of partnership that it was intended to embody.

The University and the Treaty

The University currently operates in an environment of heightened interest in the Treaty of Waitangi, of heightened sensitivity about the rights and obligations established by the Treaty, and a clear direction from government for public sector organisations to give effect to the Treaty in their strategy and operations. Like much of the public sector, the University of Waikato has established structures and initiatives designed to give effect to the Treaty,³ it has advanced further down this path than many other universities and public sector institutions, and its responses to the Parata – Gardiner report (including the Taskforce process that has been established) will take us even further. The University Charter makes reference to the Treaty of Waitangi and our commitment to meaningful partnerships with Māori, but at present the University does not have a governance and executive management level statement of its interpretation of the Treaty to provide a framework for its individual initiatives, to explain the role of its leadership positions and committees, and to promote understanding of the contribution of individual initiatives to our efforts to give effect to the Treaty.

The benefits of adopting our own framework and interpretation of the Treaty are not only to provide greater coherence to our own efforts to give effect to the Treaty: If the University has not established an institutional interpretation, and a clearly defined framework for its attempts to give effect to the Treaty, then it is much more difficult for the University to respond to critique from parties with their own interpretations, and their own interests in advancing those particular interpretations.

Te Aronga o tēnei Pepa

Kei raro iho nei whakarāpopotonga tuatahinga ai e mātou ngā māramatanga o nāianei ki te Tiriti, e aro ana ki ngā mātāpono i whakahuatia ai e Te Rōpū Whakamana i te Tiriti hei aratohu ki ngā whakamāramatanga hou me ngā whakamahinga.⁴ Kātahi mātou ka whakaatu he pēwhea te whakamahinga o ētehi o ngā mātauranga tuku iho whakahirahira o te Kīngitanga (koia te kaupapa e whai wāhi ana te tokomaha o ngā iwi whai pānga ki te Whare Wānanga) hei arataki i a mātou ki roto i te wairua e whakamārama ai te Whare Wānanga i ēnei mātāpono. Hei whakaotinga ake, ka tirohia ngā ritenga o ēnei mātāpono mō tō mātou mārama ki te whakahaere me te hautūtanga whai rautaki o te Whare Wānanga.

Te Rōpū Whakamana i te Tiriti: Ngā whakamāramatanga me ngā Mātāpono

I whakaritehia e te Tiriti o Waitangi te hononga e hāngai ana ki tētehi kōtuitanga ka mutu i āki hoki i ngā hoa e rua o te Tiriti kia whaitake kia pono ki a rāua anō. Mā konei ka whakaritehia tētehi hononga e kore ai tētehi e noho ki raro i tētehi engari kia whakaute tētehi me tētehi ki te rangatiratanga me te mana o tētehi i ngā āhuatanga katoa o te ao e whai nei tātou ki te whakarite āheinga ōrite mō ngā tāngata o Aotearoa. He aronga i waihangatia e taea ai e ngā tāngata katoa o Aotearoa te noho tahi me te mahi tahi i roto i tētehi anga ngātahi o ngā mōtika me ngā haepapa me te pupuru i tō rātou ake tuakiritanga.

I whakaritehia te Tiriti o Waitangi ki runga i te ōrite i tutuki⁴ ai nā te aro ki te mana o te Karauna ki te whakahaere ki te whakarite ture hoki mō te whenua koia ko te Kāwanatanga,⁶ nō te Māori e pupuru tonu ana i mana o te Tino Rangatiratanga ki ō rātou whenua, ā rātou taonga, ō rātou iwi hoki. Ko tō te Karauna mana Kāwanatanga nei kāore i whakaitahia arā e aro ana te Karauna ki te mana o ngā rangatira me te Māori ki ā rātou tikanga, rawa, ō rātou iwi hoki me te mana o te Māori ki te whakahaere i ōna anō ritenga i runga i te hāngai ki ā rātou tikanga me ō rātou whanonga pono. Waihoki, ko te mana ki te whakahaere i te Tino Rangatiratanga kua tapareretia e te mana o te Karauna ki te whakahaere me te whakarite ture.

The Approach of this Paper

Below we first summarise contemporary understandings of the Treaty, focussing on the principles enunciated by the Waitangi Tribunal as a guide to modern interpretations and applications.⁴ We then show how some of the rich tradition of knowledge passed down through the Kīngitanga (as the institution relevant to a high proportion of the University's iwi stakeholders) may be used to guide us on the spirit in which the University should interpret these principles. Finally, we look at the implications of these interpretations for our understanding of the governance and strategic leadership of the University.

Waitangi Tribunal: Interpretations and Principles

The Treaty of Waitangi established a relationship akin to a partnership and imposed on both Treaty partners an obligation to act towards each other reasonably and with the utmost good faith. This establishes a relationship where one party is not subordinate to the other but where each must respect the other's status and authority in all walks of life and where we seek to provide equal opportunity – ōritetanga – for the people of New Zealand. It is an approach designed to make it possible for all of the people in New Zealand to live together and to interact within a common framework of rights and responsibilities while retaining their own identity.

The Treaty of Waitangi was based on the balance⁵ achieved by recognising the right of the Crown to govern and make laws for the country, Kāwanatanga,⁶ while Māori retain the right to exercise Tino Rangatiratanga over their land, resources, and people. The Crown's right of Kāwanatanga is not unfettered in that the Crown acknowledges the authority of the rangatira and Māori people generally over their tikanga, resources, and people and the right of Māori to manage their own affairs in a way that aligns with their customs and values. Equally, the right to exercise Tino Rangatiratanga is constrained by the Crown's right to govern and establish laws.

Ko te kawenga mahi pono e tūhono ana ki te hononga i whakaritenga ai e te Tiriti he taparere tonu i te whakahaeretia o te Kāwanatanga me te Tino Rangatiratanga. Kāore e ita ana te mana o te Māori ki te whakatinana me te ahu i tō rātou rangatiratanga me te mana o te Karauna ki te whakahaere: ko ia taha me whakaaweawe i ngā hiahia me ngā haepapa o te whakaute tapatahi o ia taha. Heoi anō, nō te Karauna te haepapa ā-Tiriti nei kia kore ai te Māori e tāmia i roto i taua hononga.

Ko te mātāpono o te mahi tahi e here ana i te Karauna ki te kōrerorero me te whakamana pono nei i ngā hapori Māori kia ngangahu te whai wāhi ki roto i ngā whakataunga kaupapa here e pā ana ki ngā hapori Māori. Ko te mahi tahi he here i te Karauna kia tika te tautoko, mā te pīkau i ngā hinonga me ngā whakahaere Māori e whakaū ana kia taea ai e te Māori te whakatinana i tō rātou mana, mana motuhake hoki ki ā rātou ake kaupapa i runga i ā rātou ake tikanga.

E aro ana hoki te mahi tahi nō te Māori te mana hei hoa Tiriti ki te whakatau he pēwhea tā rātou whakarite i a rātou, ka mutu he pēwhea, mā ēwhea whakahaere rānei tō rātou Tino Rangatiratanga e whakatinana. Nō reira me hīkaka te Karauna ki te mahi mā ngā anga e paingia ana e te Māori i ngā momo horopaki, ahakoa mā ngā iwi, ngā hapū me ngā whānau mā whakahaere kē atu rānei.

Kei roto hoki te haepapa o te Karauna i te mātāpono o te Kaitiakitanga ki te tiaki i ngā tūmanako o te Māori. Nō reira ko tā te Tiriti o Waitangi he here i te Karauna kia wātea ki te Māori, hei kirirarau, ngā ratonga e whai ana kia whaitake kia rawaka te whakakapi i ngā tawhā i ngā putanga ki a tau iwi mā.

Hei wāhanga nō te kaitiakitanga e here ana te Karauna ki te whakamārama i a ia anō ki ngā āhuetanga whaitake nō ērā e pā nei ki ngā hiahia o te Māori, me te mātua whakarite i te āheinga ōrite. Ko te tauria 'pai nei mō te katoa' e taka pērā ana ki ngā hiahia o te nuinga me uaua ko ia te rōpū me mātua āwhina. Ahakoa kāore te kaitiakitanga e whakarangatira aunoa ana i te Māori hei rōpū, ko ngā tino ōritetanga kore he āki i te Karauna ki te whakatū i ngā kokenga hei tautoko i te whāinga o te ōritetanga.

The duty of good faith conduct associated with the relationship established by the Treaty further constrains the exercise of Kāwanatanga and Tino Rangatiratanga. Neither the right of Māori to manifest and direct their rangatiratanga nor the Crown's right to govern is absolute: each must be conditioned by the other's needs and the duties of mutual respect. However, it is the Crown's Treaty responsibility to ensure that Māori are not disadvantaged in that relationship.

The principle of partnership (mahitahi) requires the Crown to consult and genuinely empower Māori communities to be actively involved in policy decision-making in matters affecting Māori communities. Partnership obliges the Crown to support adequately, particularly through resourcing, Māori entities and organisations that ensure that Māori are able to exercise their authority and autonomy over their own affairs on their own terms.

Partnership also recognises that Māori have the right as a Treaty partner to choose how they organise themselves, and how or through what organisations they express their Tino Rangatiratanga. This means that the Crown needs to be willing to work through the structures Māori prefer in the circumstances, whether through iwi, hapū, and whānau or any other organisation.

The principle of active protection (kaitiakitanga) includes the Crown's responsibility to protect the interests of Māori. The Treaty of Waitangi thus requires that the Crown make available to Māori, as citizens, services that reasonably and adequately attempt to close inequitable gaps in outcomes with non-Māori.

As part of active protection the Crown is required to keep itself informed of the relevant circumstances as they apply to Māori needs, including ensuring equitable access. A 'one size fits all' model tends in practice to suit the needs of the majority, who are rarely the group in most need of help. While the principle of active protection does not automatically privilege Māori as a group, the existence of significant disparities requires the Crown to implement positive steps to provide for the pursuit of equity.

Ko tā te Wāhanga Tuatoru o te Tiriti he whakaū nō te Māori ngā mōtika me ngā painga o ngā tāngata o Ingarangi. Mā roto i te Wāhanga Tuatoru te Māori, me ngā tāngata katoa, i tiakina e te Karauna nō reira kua kī taurangi ka ōrite te tiakina e te Karauna hei whakaū i te matatika me te manatika ki ngā kirirarau kē.⁷ E whakaū ana te mātāpono o te ōritetanga kia kaua te toihara me te kaikiri ahakoa he mōhio he kūware rānei, he anga he whaiaro rānei.

Ko te hononga Tiriti he komokomo i te mātāpono o te kōwhiringa, ina koa nō te Māori ‘te mana ki te kōwhiri i tō rātou huarahi ā-hapori ā-ahurea anō hoki’. E ahu mai ana taua mana i te oati o te Tiriti ki te Māori mō te Tino Rangatiratanga me ngā mōtika, painga hoki o te kirirautanga Tauwi. E tiaki ana tēnei i te Māori i tō rātou mana kia noho ki tō rātou ao e ai ki ā rātou tikanga Māori me tā rātou tirohanga nō te whai wāhi ki te porihanga Tauwi ahurea hoki, ki runga i tā rātou e pai ai. Nā tērā, me tika te tiaki a te Karauna i te āheinga me te whai hua o ngā ratonga Māori me ngā ratonga ‘auraki’ kia kore ai te te Māori e huakore

Hei whaakaotinga ake, i ia whakaritenga whai kiko, anga rānei e takune ana ki te whakatinana i te mahi tahi me rite tonu te arotake e taea tonutia ai te aronga ki ngā utanga o te Tiriti te whakatutuki. Me whakaputa rawa te whakaūnga i te whakawhitiwhitianga kikokiko me ngā putanga e hāngai ana ki ngā tūmanako o te Māori i roto i taparere o te whai kiko me ngā rawa e wātea mai ana.

Article 3 of the Treaty confirms that Māori have all the rights and privileges of British subjects. It is through article 3 that Māori, along with all other citizens, are placed under the protection of the Crown and are therefore assured equitable treatment from the Crown to ensure fairness and justice with other citizens.⁷ The principle of equity broadly guarantees freedom from discrimination and from racism whether this these are conscious or unconscious, structural or personal.

The Treaty relationship incorporates the principle of options (kōwhiringa), in particular that Māori have ‘the right to choose their social and cultural path’. This right derives from the Treaty’s guarantee to Māori of both Tino Rangatiratanga and the rights and privileges of British citizenship. This protects Māori in their right to continue their way of life according to their indigenous traditions and worldview while participating in British society and culture, as they wish. Consequently, the Crown must adequately protect the availability and viability of kaupapa Māori services as well as “mainstream” services in such a way that Māori are not disadvantaged by their choice between them.

Finally, any practical arrangement or framework that is intended to implement partnership requires constant evaluation to ensure that it continues to fulfil its purpose in meeting Treaty obligations. A commitment must actually produce tangible engagement and outcomes that reflect the aspirations of Māori within the constraints of practicality and available resources.

Te Aratohu nō ngā Tikanga Kīngitanga

He ahurei he hirahira te hononga o Te Whare Wānanga o Waikato me te Kīngitanga, inā ko tana whareako matua e tū nei i te whenua e purutia ana mā roto i te taitara o Pōtatau Te Wherowhero tae noa ki ngā hononga i waenganui i ngā whakahaere e rua e mahi nei i ngā taumata ōkawa nei, ōpaki anō hoki. Nō reira, e tika ana ko tā te Whare Wānanga whakamāramatanga o te Tiriti e tō mai ana i ngā whakaaro e whakahuatia nei e ngā manu arataki o te Kīngitanga. Inā te hāngai o ngā whakataukī e rua a Pōtatau Te Wherowhero, te Kīngi Māori tuatahi ki te Whare Wānanga:

1. “E kore tenei whakaoranga e huri ki tua o aku mokopuna.”

“The generations of the future shall reap the rewards of the seeds that we have sown”.

E whakaaro nui ana te Whare Wānanga ki te whakahuatanga me te whanaketanga o te mātauranga i te nāia nei, me te whakawhanake i te pātaka mātauranga, i ngā tikanga mātauranga me te hanganga mātauranga hei manaaki i ngā whakatupuranga o anamata. Ko ngā whakatupuranga ka manaakitia ko te Māori, te Pākehā me ngā tauira o ngā hau e whā o te ao. Me hāngai ngā whakatau a te Whare Wānanga ki ngā tūmanako pae tawhiti o ngā hapori e manaaki nei ia; he take e tautokotia ana e te whakataukī i raro nei.

2. “Kotahi te kohao o te ngira e kuhuna ai te miro mā, te miro pango, te miro whero. I muri, kia mau ki te aroha, ki te ture, ki te whakaponu”.

“Through the eye of the needle pass the white threads, the black threads and the red threads. Afterwards, hold firmly to your love, the law and your faith”.

Ko te whakamāramatanga o tēnei whakataukī he tohu ake i te wairua o te kaha o te kotahitanga me te ōritetanga ahakoa ngā rerekētanga o te tuakiri. Ka hono tahi ngā miro rerekē nei ngā tae mā te kōwhao o te ngira, engari e mau tonu ana te tuakiri me te mana o ia miro nō ērā e takoha ana ki te whāinga whānui. E whakakahangia ana taua whāinga whānui e te whakaute ki te aroha, ki te ture, me te wairua. Me mahi te Whare Wānanga e āhei ai ngā tauira Māori te whai wāhi mai ki te Whare Wānanga hei Māori, me mahi hoki e wātea ai ngā kaimahi Māori ki te pupuru ki tō rātou tuakiri, mana hoki hei Māori, ka mutu me whai āheinga ki te mahi ki ngā Māori whai pānga mā tētehi āhuatanga ahurea tika.

Guidance from Kīngitanga Traditions

The University of Waikato has a unique and special relationship with the Kīngitanga, with its main campus on land held in the title of Pōtatau te Wherowhero and links between the two institutions operating at many formal and informal levels. It is therefore appropriate that the University’s interpretation of the Treaty draws on the philosophies articulated by the leaders of the Kīngitanga. Of particular relevance to the University are two whakataukī of Pōtatau te Wherowhero, the first Māori King:

The University is concerned both with the articulation and development of knowledge in the present, but also in building the repository of knowledge, the educational traditions and the educational infrastructure to serve the generations of the future. The generations to be served include Māori, Pākehā, and ngā tauira o ngā hau e whā, our international students. The decisions of the University should reflect the long-term interests of all of the communities that it serves; a point reinforced by the next whakataukī below.

This whakataukī is commonly interpreted as conveying a message of strength in unity and equality despite differences in identity. The different coloured threads join together in passing through the eye of the needle, but the identity and integrity of each colour of thread is maintained even while they contribute to a common purpose. That common purpose is reinforced by and reflected in their respect for love, law, and spiritual integrity. In practice the University should operate to allow Māori students to participate in the University with integrity as Māori, should operate to allow Māori staff to retain their identity and integrity as Māori, and should have the capability to engage with Māori stakeholders in a culturally appropriate way.

Te whakatinana i ngā Mātāpono ki te Whare Wānanga o Waikato.

Arā noa atu ngā anga, ngā kaupapa here me ngā tikanga a te Whare Wānanga o Waikato e hāngai ana ki tā mātou takune ki te whakamana i te Tiriti. Nō te tūtohunga marika i aua anga, i aua kaupapa here, i aua tikanga mā te horopaki o ngā mātāpono me ngā aronga ki te mahi tahi kua whakahuatia i runga nei, ka kaha ake tā mātou whakaahua i te ngātahi o te aronga e whakatuarā nei i ērā.

Ko te Whare Wānanga o Waikato

1. E whai wāhi ana ki ngā herenga Tiriti o te Karauna hei whakahaere rāngai tūmatawhānui, ka mutu he haepapa tauwhāiti ki te whakatutuki i aua herenga mā roto i tana whaitua ā-ture ā-whakahaere nā runga i te tika o te horopaki. Kei roto i te horopaki o te whakarato o te mātauranga matua i Aotearoa te whakatūnga me te utu a te Kāwanatanga i ngā Wānanga hei kōwhiringa mātauranga motuhake e aro ana ki te tikanga Māori, me te aro hoki ko te whare wānanga he rerekē i te Wānanga i runga i tana tuku i te kōwhiringa mātauranga matua auraki e kī nei te Rōpū Whakamana i te Tiriti. Ahakoa tērā, ko te here hei whakamana i te Tiriti ki te tuku i taua kōwhiringa auraki, ina koa mā te ako me te rangahau i roto i te tikanga Māori me te Mātauranga Māori, e hāngai tonu ana ki te Whare Wānanga.
2. Nā runga i te ngākaupai te mana e ai ki te Education and Training Act ki te whakarite i ngā mana whakahaere me ngā anga whakahaere, ngā ture me ngā kaupapa here e whakakapi nei i ngā kaimahi katoa, ko te Māori me ō rātou hoa titiri - tangata tiriti. He mana nō ngā kaimahi Māori ki te whakatinana i te rangatiratanga ki ngā kura Māori me ngā pūtahi, te tikanga Māori, te reo Māori me ētehi atu taonga Māori i roto i te whaitua o te Whare Wānanga. Heoi anō kāore te Whare Wānanga me te Māori i te herea ki te whakatinana i te mana ki roto i ēnei whaitua: me whai āhei te mana whakahaere me ngā anga whakahaere kia pono te mahi ngātahi ki ngā kaimahi Māori me te hunga whai pānga, ka mutu ko te āhuatanga o te rangatiratanga me hāngai ki te ture, ki te mana whakahaere me ngā kaupapa here i whakatūngia ai e te Whare Wānanga.

Putting the Principles into Practice at the University of Waikato

The University of Waikato has in place many structures, policies and practices that reflect our intent to give effect to the Treaty. In framing those structures, policies and practices explicitly in the context of the principles and approaches to partnership outlined above, we create a stronger sense of how the coherence of approach that implicitly sits behind them.

The University of Waikato:

1. Shares in the Treaty obligations of the Crown as a public sector organisation, and has specific responsibility to fulfil those obligations within its statutory and operational domain as are appropriate in context. The context of the provision of tertiary education in New Zealand includes the establishment and funding by the Government of Wānanga as a distinct educational option based on tikanga Māori, and the recognition of universities as distinct from Wānanga in providing what the Waitangi Tribunal refers to as a mainstream tertiary education option. Nonetheless, the obligation to give effect to the Treaty in providing that mainstream option, in particular through teaching and research in tikanga Māori and Mātauranga Māori, continues to apply to the University.
2. Has, by virtue of the powers provided in the Education and Training Act the authority to establish governance and management structures, statutes and policies, that cover all staff, Māori and their treaty partners – tangata tiriti. Māori staff have the right to exercise rangatiratanga over Māori schools and centres, tikanga Māori, te Reo Māori and other taonga Māori within the domain of the University. But neither the University nor Māori are unconstrained in their ability to exercise authority within these domains: governance and management structures should have the capacity to engage in genuine collaboration with Māori staff and stakeholders as appropriate, and the exercise of rangatiratanga should be consistent with the law, with management and policies established by the University.

3. Me manaaki ngā tauira Māori ki te ako hei Māori, me ētehi atu tauira ki te ako hei tangata tiriti. He kōwhiringa tā te Māori me ngā tangata tiriti ko ēwhea o ēnei huarahi ka whāia e rātou mā te Whare Wānanga. Ko te Whare Wānanga me tana ngākau titikaha ki te karahipi he whakakotahi i te hāpori o ngā tauira me ngā kaimahi nō ngā ahurea rerekē e whai nei hoki i ngā huarahi rerekē o te ako me te rangahau.
4. E aro ana ki te tūranga hirahira o ngā tūranga rangatira Māori, tae noa ki Te Ahupaepae o te Ihurangi Māori, te Amokapua o te Puawānanga ki te Ao, ngā Ahonuku o ngā wāhanga, me ngā rangatira o ngā pūtahi rangahau Māori, me te tūranga o ngā tauira tātāriki ki te arataki i te mahi ngātahi ki roto i te whare ki ngā kaimahi Māori me ngā tauira, me te arataki i te mahi ngātahi ki waho i te whare ki te hunga whaipānga Māori. E tohutohu ana e whakatinana ana ēnei tūranga rangatira i tētehi wāhanga nui o te anga o roto e rangona ai ngā kaimahi Māori me ngā tauira, e taea ai hoki te tuku whakaaro te whakatau rānei i ngā take ka pā mai ki a rātou i ngā taumata rerekē o roto i te Whare Wānanga.
5. E aro ana ki te hirahira o ngā anga ōkawa me ngā hanganga ki te whakarite i te whakawhitiwhiti whakaaro ā-roto ā-waho hoki ki te Māori inā koa Te Ahupaepae o te Ihurangi Māori, Te Rāngai Māori o te Mātauranga e whakamanangia nei hei komiti nō te Te Rāngai Mātauranga (ōrite nei ki ngā Poari Whāiti) Te Rōpū Manukura (ko tōna heamana he mema nō te Mana Whakahaere o te Whare Wānanga) me te whakarite i tētehi tūru ki te Mana Whakahaere o te Whare Wānanga mō tētehi mema kua tohua e te Kīngitanga. Kei roto i ēnei hanganga te rōpū tauira Māori puta noa i ngā Wehenga Pūmātauranga, Te Puawānanga ki te Ao, me te katoa o te Whare Wānanga.
6. Me manaaki ngā hōtaka Māori, ngā kura, ngā wāhanga me ngā wehenga rānei o roto i te Whare Wānanga kia rite ki ngā wāhanga pērā o roto i te Whare Wānanga.
7. Me whakangātahi ka mutu me aro ki ngā whaipānga o ngā tāngata katoa e noho ana ki Aotearoa, tae noa ki te tautoko i ō whaipānga, māramatanga hoki ki te ao Māori me te Tiriti o Waitangi. Me mātua whakatau te Whare Wānanga i runga i te tirohanga ki te whakarahi ake i te whiwhinga roa ki ngā tauira katoa me te hunga whai pānga, arā ko te Māori me ngā tāngata Tiriti,
3. Should provide for Māori students to study with integrity as Māori, and other students to study with integrity as tangata tiriti. Both Māori and tangata tiriti have the option to choose which of these pathways that they follow through the University. The University and its commitment to scholarship unites a community of students and staff members from many different cultures and following different paths of study and research.
4. Recognises the important role that Māori leadership positions, including the DVC Māori, the Dean of FMIS, the Associate Deans of the Divisions, the leaders of kaupapa Maori research centres, and Māori student leaders play in leading internal engagement with Māori staff and students, and in leading external engagement with Māori stakeholders. These leadership positions advise on and form a key part of the internal structures that allow Māori staff and students to be heard, to provide input into or make decisions on matters that affect them as appropriate at different levels within the University.
5. Recognises the importance of formal frameworks and structures to facilitate internal and external consultation with Māori, and in particular the Office of the Te Ahupaepae o te Ihurangi Māori, te Academic Board of Studies constituted as a Committee of Academic Board (parallel to the Divisional Boards), Te Rōpū Manukura (whose Chair is a member of the University Council) and the provision of a seat on the University Council for a member nominated by the Kīngitanga. These structures include Māori student rōpū across the Academic Divisions, FMIS, and the University as a whole.
6. Should resource Māori programmes, schools, faculties or divisions within the University at least in proportion to other similar units within the University.
7. Should be inclusive and take into account the interests of all people resident in New Zealand, including supporting their interest in and understanding of te ao Māori and the Treaty of Waitangi. The University should make decisions with a view to maximising the long-term benefit of all students and stakeholders, both Māori and tangata

ka mutu i ngā wā katoa me mātua mārama ki te whakangao i te āheinga mō te āpōpō mō nāia nei hoki.

8. Me aroturuki i ngā tōritetanga i te whai wāhitanga mai me te angitu o ngāi tauria Māori, ka mutu me rite ki te tuku whakangao hei whakaiti i aua tōritetanga. Ka mātua aro te Whare Wānanga o Waikato ki aua take mā āna mahere whakaako, mahere ako anō hoki, mā tana Rautaki Whanake Māori mā ana pūrongo e aro ana ki ngā paerewa tūtohu mātauranga. Me te aha anō hoki, me mātua whai te Whare Wānanga kia hāngai te katoa o ngā āhuatanga ā-taiao, ā-kikokiko, ā-hapori, ā-mātauranga hoki o te Whare Wānanga ki te whakakipakipa i te whanaungatanga i waenganui i ngā kaimahi Māori i a ngāi tauria hoki.
9. Ka tūmanako kia whakamana te Tumuaki me ētehi atu tūranga matua mā roto i tā rātou hautū i te Whare Wānanga i te Tiriti o Waitangi arā i whakahuatia i runga rā me te whakatairanga i te āta aro ki te 'mana' i ōna āheinga:
 - a. Mana Māori Motuhake: Ko ngā mōtika taketake o ngā iwi Māori ki te whakahaere i ō rātou ake iwi, taonga anō hoki e whakapūmautia nei, engari kāore i waihangatia, e te Tiriti o Waitangi.
 - b. Mana Mātauranga Māori: Kia aro ake ko te mātauranga Māori me ōna katoa he mea taketake i te ao Māori ka mutu e mana ana i ngā iwi Māori e mahi ngātahi ai te Whare Wānanga hei kaitiaki mō te mātauranga kia ngākau kotahi ngā painga.
 - c. Mana Whare Wānanga: Te mana o te hautūtanga Whare Wānanga ki te whakatau ki te hautū hoki i te whakahaeretia o te Whare Wānanga.
 - d. Mana Tangata: ngā mōtika me ngā here taketake o te tangata - kia whakaute, ā, kia whakautehia hoki.

tiriti, and should always be conscious of the need to invest in capacity for the future as well as to today.

8. Should monitor inequities in participation and success of Māori students, and be prepared to invest resources to reduce those inequities. The University of Waikato primarily addresses these issues through its teaching and learning plans, its Māori Advancement Plan and its reporting against educational performance indicators. More generally, the University should work to ensure that all aspects of the University environment, physical, social, and academic, are designed to encourage a sense of belonging among Māori staff and students.
9. Should expect that in their leadership of the University the Vice-Chancellor and other senior officers will give practical effect to the Treaty of Waitangi as enunciated above and promote active recognition of 'mana' in its various capacities:
 - a. Mana Māori Motuhake: The indigenous rights of Māori tribes to govern over their own people and resources, as affirmed, but not created, by the Treaty of Waitangi.
 - b. Mana Mātauranga Māori: Acknowledging that Māori knowledge and its derivatives has its origins in te ao Māori and is vested in ngā iwi Māori with whom the University will work as custodians of the knowledge and to ensure there are mutual benefits.
 - c. Mana Whare Wānanga: The authority of the University leadership to make decisions and to oversee the running of the University.
 - d. Mana Tangata: The inherent rights and obligations of the individual – to respect and to be respected.

Waihoki, ko te āheinga ki te whakatinana noa i ngā mātāpono kua whakatakotonga i roto i tēnei pepa me taea tēnei matatautanga e te hunga e noho nei i ngā tūranga hautū matua o roto i te Whare Wānanga, me mātua whai ko tēnei āheinga i te taha o te āheinga ki te tuku hautūtanga ki roto i te ao o ngā tauira katoa, ngā kaimahi me te hunga whai pānga o te Whare Wānanga.

Ka whakahoutia e te Whare Wānanga tēnei tauākī i ia tekau tau e mātua hāngai ai ki ngā panonitanga i ngā take e whakaaro nei he hirahira i runga i tā mātou whakamāramatanga i te Tiriti.

He kōrero mō te Whanaketanga o tēnei Tauākī

He mea whakarite tēnei pepa nā te Tumuaki, nā Ahorangi Neil Quigley, nā te whakawhiti kōrero ki Te Mata Ahurangi, Ahorangi Pouhono Tom Roa. E whakauru ana hoki i ngā kōrero a ngā mema o te hāpori Whare Wānanga hei wāhanga nō ā mātou ritenga whawhitiwhiti kōrero. Ko ngā matatiki o wāhi kē i tirohia ai ko:

Further, the ability to give practical effect to the principles set out in this document should be considered to be a necessary competency for all holders of senior leadership positions within the University, this capability being required alongside demonstrated ability to provide leadership in the context of all students, all staff, and all stakeholders of the University.

The University will revise this statement at least every ten years to ensure that it keeps pace with changes in the issues that are considered important and in our interpretation of the Treaty.

A note on the Development of this Statement

This document was prepared by Vice-Chancellor, Professor Neil Quigley, in consultation with Te Mata Ahurangi, Associate Professor Tom Roa. It incorporates comments from many members of the University community received as part of our formal consultation process. The external sources consulted include:

- Belgrave, M., Kawharu, M., and Williams, D. (1989) Waitangi Revisited: Perspectives on the Treaty of Waitangi (Oxford University Press).
- New Zealand, Government, (2019) “Te Tiriti o Waitangi / Treaty of Waitangi Guidance” (Cabinet Office Circular CO (19) 5).
- Palmer, M.S.R. (2008) The Treaty of Waitangi in New Zealand’s Law and Constitution (Victoria University Press).
- Salmond, A. (2021) “Iwi vs Kiwi” (<https://www.newsroom.co.nz/ideasroom/anne-salmond-te-tiriti-and-democracy>)
- Waitangi Tribunal (2012) Matua Rautia: Report on the Kōhanga Reo Claim (Wai 2336).
- Waitangi Tribunal Waitangi Tribunal (2019) Hauora: Report on Stage One of the Health Services and Outcomes Kaupapa Inquiry (Wai 2575).

Tohutoru

1. He mea nui hoki ngā tuhinga reo Māori o te Tiriti he rerekē i te tikanga o ngā tuhinga i te reo Pākehā. Kua mea ētehi kaituhi ko te tuhinga reo Māori me whai mana inā hoki koia raka te reo i wānangatia ai, i hainatia ai hoki e te nuinga. Manohi anō, arā noa atu ngā kaikōrero e mea ana i te mea he tauākī te Tiriti i whakarite i tētehi tūāpapa mō ngā hononga me ngā mōtika i tēnā o tētehi whakataunga e āhei nei tētehi whakamāramatanga ā-kupu nei ki tētehi horopaki hou nei, me aro kē te whakamāramatanga ki te takune o te Tiriti. Nō roto i taua āhuetanga, ko te whakaputanga Pākehā me te whakaputanga reo Māori o te Tiriti me ētehi atu tukanga hāngai ki te kōwetewetanga o te Tiriti nō te wā i hainatia ai i ngana ki te whakamahine i te takune ake me ngā whakamāramatanga hāngai hou nei. Ko te takune o ngā kaihaina i te Tiriti te whakaahua mai mō te tikanga o te tuhipoto 'te Tiriti' e whakamahia ana i tēnei pepa.
2. Ko ngā whakamāramatanga ā-ture i takoto ai ki te Kōti Pira me te Kaunihera Motuhake a te Kuini mai i te 1987 ki te 1993, me te āhuetanga o tā ērā whai i te aronga o te Rōpū Whakamana i te Tiriti i taua wā, e āta whakamārama ana i Palmer (2008) Upoko 3.
3. Ko ēnei hanganga me ngā kaupapa ka āta whakatakotoria ki roto i te wāhanga whakamutunga o tēnei pepa.
4. Ko te whakamāramatanga o te Tiriti o Waitangi hei mea hāngai ki te mahi ngātahi me te tautohu i ngā mātāpono e puta mai ana i tēnei aronga, kua kōkiritia e te Rōpū Whakamana i te Tiriti. Kua whakaaetia ērā i ngā whakataunga a ngā Kōti i roto anō hoki i ngā whakaturetanga kua āta tohu i te Tiriti.
5. Ko tēnei tauriterite nā te aronga ki te Kāwanatanga me te Tino Rangatiratanga i te Tiriti he hāngai ki te tauhoko koha.
6. Ahakoa e whakahua ana te tuhinga Pākehā o te Tiriti i te rangatiratanga e rehurehu ana tokowhia ngā kaihaina o te Tiriti i mārama ki te ariā o te rangatiratanga (he rerekē i te mana ki te whakahaere/kāwana). I tua atu i tērā, ko te ōrite i waenganui i te Kāwanatanga me te Tino Rangatiratanga kāore i tautuhia i te Tiriti. Ko ngā whakamāramatanga hou o te Tiriti e aro ana ki te whāinga i ia horopaki mō ngā taha e rua ki te mahi pono kia whakaaetia te ōritetanga tika.
7. I te Wāhanga 3 o te Tiriti i oati ai te Karauna ki te tiaki i 'nga tangata maori katoa o Nu Tirani', me te

Reference

1. In important ways the text of the Treaty in te reo Māori differs from the meaning of the text in English. Some authors have suggested that the te reo Māori text should have precedence because it is the text that was debated and signed by most parties. Alternatively, many commentators now recognise that because the Treaty was a statement that established a basis for relationships and rights rather than a fully worked agreement capable of literal interpretation in a modern context, the focus should be on understanding the intent of the Treaty. In this sense, both the English and te reo Māori versions of the Treaty and other contextual material associated with the discussion of the Treaty at the time that it was signed in attempting to distill both original intent and appropriate modern interpretations. The intent of the signatories to the Treaty best captures what is meant by the shorthand "the Treaty" that is used in this paper.
2. Judicial interpretations provided primarily in the Court of Appeal and Privy Council from 1987 to 1993, and the way in which they followed the approach of the Waitangi Tribunal at the time, are usefully summarised in Palmer (2008) Chapter 3.
3. These structures and initiatives are set out in detail in the final section of this paper.
4. The interpretation of the Treaty of Waitangi as akin to a partnership, and the identification of the principles that flow from this approach, have been pioneered by the Waitangi Tribunal. They have subsequently been given recognition in the judgements of the Courts and in legislation that has made specific reference to the Treaty.
5. This balance arising from the recognition of Kāwanatanga and Tino Rangatiratanga in the Treaty is akin to an exchange of gifts.
6. While the English text of the Treaty refers to sovereignty, it is unclear how many of the signatories to the Treaty would have understood the concept of sovereignty (as distinct from the right to govern). Moreover, the balance between Kāwanatanga and Tino Rangatiratanga in practice was not specified in the Treaty. Modern interpretations of the Treaty therefore recognise the need in each context for the parties to work in good faith to agree on the appropriate balance.
7. In Article 3 of the Treaty, the Crown promised to look after "nga tangata maori katoa o Nu Tirani",

tuku hoki ki a rātou ‘ngā tikanga katoa rite tahi ki ana mea ki ngā tāngata o Ingarani’ inā koa, kia tuku ki ngā tāngata katoa e noho ana ki Aotearoa ngā tikanga e ōrite ana ki ngā tāngata o Ingarangi. Nā runga i te tikanga o te ‘māori’ me tana whakamahinga i te tau 1840, ko te whakamāramatanga o tēnei whiti ko te oati i ngā mōtika me ngā āheinga mō ngā tāngata katoa e noho ana ki Aotearoa (tae noa ki ērā rā o nāia nei e kīia ana e tātou he Māori) kia ōrite ki ērā rā o ngā tāngata Ingarangi.

and give them “nga tikanga katoa rite tahi ki ana mea k inga tangat o Ingarani” that is, to give all of the people inhabiting New Zealand all of the tikanga equal to the people of England. In relying on the meaning of “maori” (normal or ordinary) as it was used in 1840, this clause is interpreted as a guarantee of rights and freedoms for all the people resident in New Zealand (inclusive of those we today refer to as Māori) equivalent to those of the English people.

**Approved by Council
15 February 2022**