

Waitangi Tribunal judgement on maori language

Introduction

"The Maori people of New Zealand take pride in their race, in their history, in their culture and in their status as the tangata whenua of our country.

For the last 150 years they have had to come to terms with the influence of the European culture that new settlers brought with them, and in some respects that adjustment is far from complete.

Pakeha New Zealanders have outnumbered Maori New Zealanders since the middle of the last century and this predominance has had effect in many ways. As we show in our Finding this proportion has changed during the 20th century, and it may be that in the next 100 years the number of people of Maori descent living in New Zealand may grow to equal or even be greater than those of pakeha ancestry.

Because there have been so many english speaking people and so comparatively few maori speaking people the use of english has predominated to the detriment of the maori language.

The claimants have said to us that the Crown has failed to protect the maori language (te reo maori) and that this is a breach of the promise made in the Treaty of Waitangi.

Some New Zealanders may say that the loss of maori language is unimportant. The claimants in reply have reminded us that the Maori culture is a part of the heritage of New Zealand and that the maori language is at the heart of that culture. If the language dies the culture will die, and something quite unique will have been lost to the world.

Our task has been to decide whether the Treaty has been broken in this respect, and if it has, what should be done about it.

The evidence and argument has made it clear to us that by the Treaty the Crown did promise to recognise and protect the language and that that promise has not been kept. The 'guarantee' in the Treaty requires affirmative action to protect and sustain the language, not a passive obligation to tolerate its existence and certainly not a right to deny its use in any place. It is, after all, the first language of the country, the language of the original inhabitants and the language in which the first signed copy of the Treaty was written. But educational policy over many years and the effect of the media in using almost nothing but English has swamped the maori language and done it great harm.

We have recorded much of what we were told of the effect upon Maori children of our educational policy and it makes dismal reading. It seems that

THE Waitangi Tribunal has told the Crown of New Zealand that it has not kept to the letter or spirit of the Treaty of Waitangi.

In a finding released this year in May, the Waitangi Tribunal found that the Crown, and therefore successive NZ governments, have consistently failed to recognise and actively promote te reo rangatira, the maori language.

The Tribunal says this has been to the detriment not only of the Maori people but also all New Zealanders "who have at heart the welfare and the best interests of our country."

The finding followed a claim brought by Nga Kaiwhakapumau I Te Reo, and its chairman, Huirangi Waikerepuru that under the Treaty of Waitangi, te reo maori should be recognised as an official language throughout New Zealand and for all purposes. (see full coverage of hearings in TU TANGATA issues 25 Aug/Sep 1985, issue 27 Dec/

Jan 86, issue 28 Feb/Mar 86)

In agreeing with the claim, the Tribunal has said, "we question whether the principles and broad objectives of the Treaty can ever be achieved if there is not a recognised place for the language of one of the partners to the Treaty." In the Maori perspective, the place of the language in the life of the nation is indicative of the place of the people."

In the following feature pages, TU TANGATA sets out extracts from the finding for the benefit of readers who have followed this claim from the exclusive release in issue 23 Apr/May 1985 of TU TANGATA. (see Letters to Editor this issue, from BCNZ chairman, Hugh Rennie)

We recommend that readers obtain the full finding report by enclosing \$5 and writing to Waitangi Tribunal, Private Bag, Postal Centre, Wellington.

* * * *

many Maori children leave school uneducated by normal standards, and that disability bedevils their progress for the rest of their lives.

We have recommended that te reo maori should be restored to its proper place by making it an official language of New Zealand with the right to use it on any public occasion, in the Courts, in dealings with Government Departments, with local authorities and with all public bodies. We say that it should be widely taught from an early stage in the educational process. We think instruction in maori should be available as of right to the children of parents who seek it. We do not recommend that it should be a compulsory subject in the schools, nor do we support the publication of all official documents in both english and maori, at least at this stage in our development for we think it more profitable to promote the language than to impose it. For that reason we favour instead the appointment of a Maori Language Commission to foster it, watch over its progress and set standards for its use.

This Finding is the result of our consideration of the matter. We commend the thoughts we express in these pages to all New Zealanders who have the welfare of their country at heart."

Background: the nature of the claim

The Tribunal found the claim for official recognition of te reo maori the least complicated of their claims so far but the ramifications most difficult.

"The Motunui case was largely a matter of importance for the people of Taranaki and although it has had its impact on fisheries, much of the New Zealand population was unaffected by it. (see TU TANGATA issue 13 Jun/July 1983)

"The Kaituna River case had its importance in a legal sense for in that case we pointed out why the Treaty of Waitangi can no longer be regarded as a 'simple nullity'. Yet its consequences as a decision were still mainly local in character. (see TU TANGATA issue 24 June/July 1985)

"The Manukau Harbour case was important because it showed how the course of history shapes current attitudes, but again it did not affect the people of New Zealand as a whole. (see TU TANGATA issue 26 Oct/Nov 1985)

"This claim will affect everybody in the country and not only those now living, but future generations as well."

Te reo maori in the present

The Tribunal took in evidence of the Maori Unit of the New Zealand Council for Educational Research which has been studying the state of the maori language for the past twelve years, through its acting director, Dr Richard Benton; and also the evidence of Professor Bruce Biggs, a former lecturer in Maori and Anthropology at the University of Auckland.

It heard that the effect of the suppression of te reo maori in the public life of the country from the time of the Treaty had been the decline in native speakers.

"Parental attitudes were reinforced by radio, television and the newspapers. All the media transmitted english in a kind of incessant barrage that blasted the Maori tongue almost into oblivion. As we shall point out ... the combined effects of the monolingual educational system, the radio, television, newspapers and the cinema on the use of Maori have been far-reaching."