




A Critical Tiriti Analysis of the Treaty Statement From a University in Aotearoa New Zealand

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Keywords: racism, Māori, Te Tiriti o Waitangi, university, policy analysis

<https://doi.org/10.54760/001c.92446>

Journal of Global Indigeneity

Vol. 7, Issue 1, 2023

Universities in Aotearoa New Zealand have been placed under the spotlight for claims of systemic racism. Following the claims made in relation to the University of Waikato in 2020 and University of Otago in 2022, universities have the responsibility to create an inclusive environment where systemic racism is dismantled, to meaningfully partner with Māori to construct a model for decolonisation, and to enhance the academic experience of Māori staff and students by weaving in mātauranga Māori into existing teaching and research practices. The University of Waikato progresses ahead of other universities in its attempt to fulfil Te Tiriti o Waitangi commitment through the introduction of the Treaty Statement. In this paper, the Treaty Statement is used as a case study to identify how universities articulate bicultural commitments. To do so, our team (consisting of Māori and tauwi scholars) performed a critical Tiriti analysis comprising five phases to investigate the degree of alignment of the statement with Te Tiriti. The desktop analysis showed poor engagement with most Te Tiriti elements. The analysis evaluation of “good” (more than satisfactory) was measured for the consideration of “Māori exercising equitable citizenship”. This article concludes with recommendations of how universities can strengthen their practices to live up to Te Tiriti aspirations.

Introduction

Signed between British Crown representatives and rangatira (chief) Māori representing hapū (kinship groups with a shared ancestor) on 6th February 1840, Te Tiriti o Waitangi is recognised as the founding document of Aotearoa New Zealand (Came et al., 2021). Te Tiriti (Māori text) and the Treaty (English text) convey different meanings as the latter has been widely used to legitimise Crown sovereignty over Indigenous Māori and colonisation in Aotearoa (Came et al., 2021). Māori remain committed to Te Tiriti as a document that established two spheres of influence: tino rangatiratanga (Māori self-determination) and kāwanatanga (the Crown’s governance of tauwi or non-Māori settlers) (Jackson & Mutu, 2016).

Following multiple breaches of Te Tiriti, as evident in Waitangi Tribunal claims (e.g., 2012, 2023), Professor Margaret Mutu and Dr Moana Jackson (2016) led the Matike Mai Aotearoa project and hosted national hui (gatherings) between 2012 and 2015 to discuss constitutional transformation

that draws on tikanga (procedure and custom), kawa (protocol), He Whakaputanga (Declaration of Independence), Te Tiriti and international Indigenous human rights standards (e.g., United Nations Declaration on the Rights of Indigenous Peoples). Matike Mai proposes constitutional models based on three spheres of influence: tino rangatiranga (Māori make decisions for Māori), kāwanatanga (the Crown makes decisions for settlers), and the relational sphere (an interdependent sphere where Māori and the Crown make joint decisions that respect mana or the authority of all involved) (Jackson & Mutu, 2016, p. 9). These discussions provide exciting pathways forward for enabling meaningful power sharing and collective benefits for all in Aotearoa New Zealand.

The Education and Training Act (2020) necessitates the Crown to actively promote and give effect to Te Tiriti at tertiary education institutions (Ministry of Education, 2021). Primarily, Te Tiriti responsibilities for universities comprise ensuring that policies and curriculum reflect mātauranga (knowledge) Māori and te ao (worldview) Māori, making instructions available in tikanga and te reo (language) Māori, and attaining equitable outcomes for Māori students (Ministry of Education, 2021). All universities in Aotearoa explicate their roles in advancing Māori equity as part of the institutional strategic plan (Lincoln University, 2018; University of Waikato, 2021) with some specifically naming their obligation in upholding Te Tiriti or the Treaty (Auckland University of Technology, 2022; Massey University, 2017; University of Auckland, 2020b; University of Canterbury, 2019; University of Otago, 2020; Victoria University of Wellington, 2019). A few universities also acknowledge the potential for Te Tiriti to provide an inclusive environment through their equity and diversity policies (e.g., University of Auckland, 2020a; University of Otago, 2017). At the time of writing this paper, three universities have further reinforced their Te Tiriti commitment by adopting a Te Tiriti Statute (Victoria University of Wellington, 2022), creating a Te Tiriti framework known as Te Aronui (Auckland University of Technology, 2023), and introducing the University of Waikato Treaty Statement (2022; hereafter, referred to as ‘The Statement’).

Despite the establishment of strategic goals that may include reference to Te Tiriti or the Treaty, inequities exist for Māori to participate effectively in different academic fields. A snapshot of the Māori academic workforce in Aotearoa showed a severe underrepresentation of Māori staff (5% between 2012 and 2017) and stark inequities in promotions and earnings compared to non-Māori and non-Pacific male academics (McAllister et al., 2019, 2020). There is also evidence of limited Māori student enrolments in the STEM disciplines (McAllister et al., 2022), tokenistic inclusion of Māori students into research projects (McAllister et al., 2022), Western-dominated monoculturalism in the curriculum (Johnson et al., 2021), and barriers for Māori graduates to enter the academic workforce (Simpson et al., 2022). Such inequities lead to scholars (Kidman & Chu, 2017; McAllister et al.,

2019, 2020) questioning the level of commitment of universities in Aotearoa towards Te Tiriti that serves to ensure equal rights and privilege between Māori and Pākehā (European settlers).

In recent years, two Aotearoa universities (University of Waikato in 2020 and University of Otago in 2022) have been under scrutiny for the claims made about the existence of casual, structural, and systemic racism (Parata & Gardiner, 2020; Wikare-Lewis, 2022). The Parata-Gardiner report (2020) recapitulated five key observations on the existence of racism within University of Waikato: 1) the university primarily embodies western culture; 2) the university is structurally discriminatory; 3) the university systematically advantages those whose practices align with western norms; 4) the university has not sufficiently redressed racism with references to Te Tiriti; 5) the university has a record of selectively accommodating mana (prestige, power, or authority), tikanga (procedure or custom) and mātauranga (knowledge) of Māori. The University Council agreed to all findings and recommendations outlined in the Parata-Gardiner report at a hui (meeting) in September 2020 (Smith & Jones, 2021). The Council also responded instantly by commissioning a taskforce, co-led by Professor Linda Tuhiwai Smith and Professor Alister Jones, to develop a programme of work to embed Te Tiriti and mātauranga Māori in the university's values and to address systemic racism (Smith & Jones, 2021). The delivery of the Taskforce initiatives is ongoing, which will sit alongside the Treaty Statement that aims 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” (University of Waikato, 2022, p. 2). It is anticipated that the Statement will promote a shared understanding and a concerted effort amongst university communities toward realising Te Tiriti aspirations.

The objectives of this paper are to explore how actions (and inactions) proclaimed in the Statement can maintain Māori inequities, and to provide recommendations for how the Statement can strengthen Te Tiriti commitments. Our analysis acknowledges the influence of neoliberalism on the role of universities as Crown institutions within the context of settler colonialism (Kidman, 2020; Kidman & Chu, 2017). This acknowledgement indicates the importance of examining the interplay of power relations of how Whiteness is privileged and established at the centre of settler colonialism, how knowledge is treated as a commodity, and how Indigenous people are consigned to the institutional margins for being perceived as a threat in neoliberal institutions and not fitting into the “globalisation” picture (Kidman, 2020; Simon, 2022; Swan, 2018). The current analysis is also timely as the terms “Te Tiriti” and “the Treaty” are often now used as buzzwords by universities in Aotearoa to denote commitments to diversity and inclusion. With mounting evidence noting the reductive application of Te Tiriti across different sectors in Aotearoa (Goza et al., 2022; Rae et al., 2023), such as

Table 1. Five stages of Critical Tiriti Analysis

Stage 1: Orientation	An assessment of the representation of the Te Tiriti (the Treaty) in the policy by examining its language, epistemology and engagement.
Stage 2: Close reading	A scrutiny of the Statement based on the five elements of Te Tiriti: preamble (centrality of Te Tiriti), kāwanatanga (governance), tino rangatiratanga (Māori self-determination), ōritetanga (equity) and wairuatanga (spirituality).
Stage 3: Determination	An evaluation of how the Statement responds to each Te Tiriti element based on five points (silent, poor, fair, good or excellent). We inserted a new item to the initial CTA to focus on the need to acknowledge the impact of injustices on Māori, namely settler colonialism, racism, and capitalism (Mutu, 2019; Reid et al., 2019; Smith, 2021). Naming these injustices is a critical first step in the effort to recognise and address the source of disparities for Māori to participate in society equitably.
Stage 4: Strengthening practices (Discussion)	A consideration for practical suggestions to strengthen the Statement's commitment to Te Tiriti.
Stage 5: Māori final words (Conclusion)	A critical engagement of the Statement outlining Māori aspirations.

referring to the three Ps (participation, partnership, and protection) to engage with Māori (see Waitangi Tribunal, 2023), there is a need to scrutinise the construction of Te Tiriti discourses within universities.

Method

In Aotearoa, Te Tiriti o Waitangi is fundamental in the development of policy that impacts on Māori wellbeing and outcomes. Developed by a team of critical anti-racist and Indigenous scholars, the critical Tiriti Analysis (CTA; Came et al., 2020; Rae et al., 2023) is an analytical review that consists of a five-stage process to assess the extent to which policies adhere to the Preamble and the Articles of Te Tiriti o Waitangi. In this study, we utilised CTA to ascertain the degree of alignment of the University of Waikato Treaty Statement (University of Waikato, 2022) with Te Tiriti (see [Table 1](#)). This research is part of a larger funded project that analyses the discourse of race/ethnicity, indigeneity, and diversity and inclusion within university policies in Aotearoa.

Results

Orientation

The University of Waikato Treaty Statement (University of Waikato, 2022) was drafted by the Vice-Chancellor in consultation with an esteemed professor of te reo Māori at the Faculty of Māori and Indigenous Studies who serves in the Waitangi Tribunal panel. The subsequent consultation with the wider staff adhered to a standard university procedure (i.e., inviting submissions). The Statement was written in both Māori and English. The Māori version refers to Te Tiriti and the English version makes reference to the Treaty. In this paper, we focus on the English version of the Statement. While the Statement acknowledges the contextual differences across the two Treaty texts (i.e., the Māori text is the one signed by most rangatira/chiefs), it argues that the focus should be on the “intent” of both texts of the Treaty to best capture the modern interpretations (p.11). This framing elides that

the majority of rangatira signed te Tiriti, that the debates and discussion of Te Tiriti occurred in te reo Māori, and *contra proferentum* – which are all arguments that align with privileging Te Tiriti (O’Sullivan et al., 2021). Further, the Statement itself is symbolic, rather than transformational, as it seeks to provide a direction for the University to establish structures and initiatives to give effect to Te Tiriti. References are made to the Waitangi Tribunal (particularly Wai 2336 and Wai 2575) in guiding the development of the principles (partnership, active protection, equity, and options) listed in the Statement.

Close reading

I. PREAMBLE

The University recognises its role as a Crown organisation that has obligations to Te Tiriti by providing platforms to teach and research in tikanga Māori and mātauranga Māori. A commitment to protect the integrity of Māori students and staff, and to develop culturally-appropriate ways to engage with Māori stakeholders is also accrued from the unique relationship between the university and Kīngitanga (who owns the land that the university sits on). The Statement has named a few strategies to support the meaningful inclusion of tangata whenua (Māori) and tangata Tiriti (Treaty partners) in university structures, statutes and policies.

Further reading of the Statement, however, highlights a limited understanding or engagement with Māori scholarship about Te Tiriti, the context in which it was drafted, how it was discussed, or how modern Māori research about Te Tiriti. While there are many Māori scholars who publish and teach on the topic (for example Professors Maria Bargh, Professor Margaret Mutu, Professor Peter Addis and Associate Professor Veronica Tawhai), there is only one citation from 1989 that specifically includes Māori. Such a limited engagement with Māori scholarship on the topic, even if a formal consultation has taken place, is unsatisfactory. This is an example of epistemic violence (Swan, 2018), wherein Māori knowledge of Te Tiriti is dismissed in favour of interpretations which reaffirm settler colonial narratives of what ‘The Treaty’ was, who did or did not understand particular words, and what it therefore ‘means’ today.

II. KĀWANATANGA

The Statement refers to the university as a “mainstream tertiary education”, that is distinct from wānanga, as it needs to serve members of different cultures, including Māori, Pākehā, and international students. There are a number of strategies in place, such as teaching and learning plans, the Māori Advancement Plan, and other work in progress to develop an inclusive environment to foster a sense of belongingness for Māori students. The Vice-Chancellor and all holders of senior leadership positions within the university are expected to demonstrate competency for all Te Tiriti principles outlined

in the Statement and to promote active recognition of mana Māori Motuhake (Indigenous rights over own people and resources), mana mātauranga Māori (Māori knowledge), mana whare wānanga (university) and mana tangata (individual). The university has also specified its kaitiakitanga (active protective) responsibility in ensuring Māori are not disadvantaged in relationships that require the exercise of kāwanatanga and tino rangatiratanga.

III. TINO RANGATIRATANGA

Tino rangatiratanga is reflected through a mahi tahi (partnership) approach that aims to empower Māori to be actively involved in policy decision-making in matters affecting Māori communities within the university. Plans to facilitate decision-making power for Māori include having Māori leaders (i.e., Deputy Vice-Chancellor Māori, the Dean of Faculty of Māori and Indigenous Studies, leaders of kaupapa Māori research centres and student leaders) leading the internal and external engagement with Māori stakeholders, developing formal frameworks to consult with Te Rōpū Manukura (Kaitiaki or guardian of Te Tiriti for the university), the Deputy Vice-Chancellor Māori Office and the Academic Board, as well as providing a seat on the University Council for a member nominated by the Kīngitanga (Māori king).

Māori staff are warranted the right to exercise rangatiratanga over Māori schools and centres, tikanga Māori, te Reo Māori and other taonga (treasure and property) Māori. However, the Statement also implies that neither the university nor Māori have unfettered abilities to exercise authority across all governance and management structures, as tangible engagement and outcomes are to be made “within the constraints of practicality and available resources” (p.5).

IV. ŌRITETANGA

The university has an explicit commitment to “implement positive steps to provide for the pursuit of equity” (p.4), especially around reducing the disparities in participation and success for Māori students. The Statement affirms the right for Māori to receive equitable treatment to ensure fairness and justice with their tauwi (non-Māori) counterparts. Part of the equity equation also incorporates the university’s responsibility to guarantee freedom of conscious or unconscious discrimination and racism at personal and structural levels for Māori. Moreover, the Statement noted that the provision of resources for Māori programmes, schools, faculties or divisions are to be allocated at least in proportion to other similar units within the university.

Table 2. Critical Tiriti Analysis of the University of Waikato Treaty Statement against indicators

	Silent	Poor	Fair	Good	Excellent
1. Acknowledge the impact of settler colonialism, racism, and capitalism on Māori		√			
2. Māori are lead or equal partners		√			
3. Equitable Māori leadership in setting priorities, resourcing, implementation and evaluation			√		
4. Evidence of inclusion of Māori values influencing and holding authority		√			
5. Māori exercising their equitable citizenship				√	
6. Acknowledge wairuatanga, rongoā, and tikanga		√			

V. WAIRUATANGA

A whakatauākī on the passing of different coloured threads through the eye of the needle was drawn from the first Māori King to highlight the importance of maintaining the identity and integrity of all within the university (p.6). Noticeably, the Māori version refers to the term “wairua” a few times in the Statement but there was only one instance where the English version has translated the term as “spiritual integrity”.

Determination

The ratings for each Te Tiriti indicator are displayed in [Table 2](#), accompanied by our outlined assessment reasons below.

Indicator 1: The Statement acknowledges that Māori students face barriers to participating effectively within the university due to the effect of racism. However, there was no mention of the settler colonialism and capitalism that led to the systemic undervaluation of mātauranga Māori and the resistance to decolonise the university (Kidman, 2020; McAllister et al., 2022).

Indicator 2: Tino rangatiratanga is theoretically reflected through the empowerment of Māori leaders at management levels, academic staff, and students to engage with both internal and external Māori stakeholders. However, conversations around Māori authority and influences at the university are limited to the exercise of tikanga Māori, te reo Māori and taonga Māori that aligns with “the law, with management and policies established by the University” (p.7).

Indicator 3: Notwithstanding the recognition of the important role of Māori leaders as a key part of the internal structure, no discussion was found to explain the practical steps being taken to ensure equitable Māori representation at different organisational levels.

Indicator 4: As the operation of universities becomes increasingly commercialised and linked to market demands and global capitalism, neoliberal practices within the university (e.g., emphasis on international rankings and bureaucratic control over knowledge production) are likely to

supersede the implementation of Te Tiriti (Kidman, 2020; Simon, 2022). The prioritisation of economic and neoliberal-driven imperatives (e.g., evident through the emphasis placed on the University having an ultimatum in making decision) suggests that tikanga Māori will take a backseat in informing academic governance and practice.

Indicator 5: Despite acknowledging the University's intention to establish formal frameworks for facilitating internal and external consultation with diverse Māori leaders, stakeholders, and bodies (including staff and students), the Statement does not explicitly address the issue of equitable Māori representation within different decision-making structures.

Indicator 6: The difference in the number of times “wairua” is used or translated across the two versions of the Statement can be seen as an example of ambiguity that can arise if terms are not used consistently.

Discussion

Strengthening practices

The university prides itself on having a Treaty Statement that allows staff in senior leadership positions and on committees to foster a shared understanding of meeting Te Tiriti obligations (University of Waikato, 2022). Indeed, this endeavour places the university ahead of many other universities in Aotearoa as a Crown institution in working towards its commitment to Te Tiriti. Below, we list specific recommendations that can further enhance the Statement's intent in accordance with Te Tiriti indicators.

We recommend viewing the Treaty Statement (University of Waikato, 2022) alongside the Taskforce Report (Smith & Jones, 2021), as the latter lists transformational action plans for the university to establish itself as an anti-racist institution. Examples of these plans include reviewing all university strategies and policies to achieve coherence with Te Tiriti, ensuring university systems and business processes are informed by mātauranga Māori, and enhancing relationships with the Kīngitanga, Waikato-Tainui and mana whenua of Waikato (Smith & Jones, 2021).

To become an anti-racist academic institution in Aotearoa requires ongoing efforts to actively decolonise institutional norms and values while growing clear pathways to uphold Te Tiriti and foster mana-enhancing tauwi-Māori relationships (Smith & Jones, 2021). A key to progress is the deconstruction of Whiteness as race and privilege that has been socially constructed into universities to favour White epistemologies over Indigenous and non-Western knowledge (Ahmed, 2012; Kidman, 2020; Simon, 2022). Concerningly, the searches of the terms “colonialism”, “capitalism”, “decolonise”, and “indigenise” returned no result in the Statement. The term “racism” was

mentioned once, and this was related to the university's commitment to ensure everyone is free from experiencing discrimination and racism at personal and structural levels (p.5).

As an anti-racism effort, the university predominantly depends on an Indigenous inclusion approach (e.g., increasing access of Māori students and introducing mātauranga Māori in curricula) that does not on its own contribute sufficiently to the normalisation of indigenous ways of being and knowing (Hoskins & Jones, 2022). Consequently, Māori staff and students are expected to fit in into a largely unchanged or superficially-changed institutional structure (Hoskins & Jones, 2022). Moreover, the Statement tends to portray the university as a passive bystander (a witnesser who chooses not to intervene) (Williams et al., 2022) as it relies on the goodwill of individuals to respect the integrity of others as part of its anti-racist initiative. The university sidesteps the responsibility to transform the institutional structures that give rise to Māori inequities while implying that racism is the consequential actions of some "bad individuals". Without a critical analysis of the injustices that result in a legacy of White privilege, and a longstanding commitment to combat structural racism, the institutional status quo is likely to remain unchallenged (Ahmed, 2012; Human Rights Commission, 2022; Kidman, 2020; Kidman & Chu, 2017).

The term "partnership" has been reiterated 11 times in the Statement as the university asserts its commitment to consult and empower Māori to actively involve in policy decision-making in matters that affect Māori communities. However, Māori scholars have highlighted that the notion of partnership can result in an insubstantial Te Tiriti relationship, since the Crown may selectively engage with and facilitate Māori voices (Macfarlane et al., 2007). While the Waitangi Tribunal (2023) proposed four principles (active protection, partnership, equity and options) to hold the Crown accountable in the provision of health and social services for Māori, these principles function to "balance" the influences of kāwanatanga and tino rangatiratanga in ways that have historically undermined Māori mana Motuhake (Māori sovereignty). Tino rangatiratanga refers to self-determination and independence for Māori to control over things Māori. An effective partnership recognises that Māori have the right as a Treaty partner to exert tino rangatiratanga and mana Motuhake, and the Crown needs to be willing to work through the structures preferred by Māori.

While the Statement makes it clear that Māori can exercise tino rangatiratanga on taonga Māori within the university, its remit is to be "constrained by the Crown's right to govern and establish laws" (p.3) and be "consistent with the law, with management and policies established by the university" (p.7). Such colonial framing of tino rangatiratanga exemplifies epistemic racism where the presence of a power hierarchy positions White settlers as possessors of authority and the sole source of valid knowledge while Māori are positioned

as inferior (Swan, 2018). The discrepancy in power distribution serves as a “brick wall” (Mutu et al., 2022; p.43) for the university to exert constitutional power that it has assumed for itself, as it disempowers Māori from participating in decision-making processes and hinders Te Tiriti from achieving its role as a justice and healing framework for Māori (Tawhai, 2022). Furthermore, the Statement falls short of considering the influence of tino rangatiratanga on the broader decision-making processes (e.g., planning of the university’s strategic goals) that can affect Māori. Te Tiriti responsibilities, which include the Statement’s reference to principles outlined by Waitangi Tribunal (2023), ought to extend to all levels of the university.

The reference to the “appropriate balance” (p. 11) of Te Tiriti influence between kāwanatanga and tino rangatiratanga in the Statement can be strengthened by referring to the relational sphere that was put forward by the constitutional transformation document (Jackson & Mutu, 2016). A relational sphere is a joint deliberative body that seeks to restore the balance from the historical (and contemporary) imposition of Crown sovereignty over Māori tino rangatiratanga. Following the formalisation of internal and external consultation framework to engage with different Māori entities, the university needs to consider Māori not solely as an entity of consultation, to instead equalise the power dynamics by empowering Māori leaders in decision-making processes on all matters. The current Statement can strengthen its Te Tiriti commitment by developing plans for structural change and transformation to facilitate a relational sphere with a fairer Māori representation within the university.

Furthermore, we found the blended reference to Te Tiriti based on two different documents—Treaty and Te Tiriti—in the Statement to be problematic. Historically, the Crown has relied on the English text to infer the cession of Māori sovereignty whereas the kāwanatanga reference of Te Tiriti merely indicates the right for the Crown only to govern its own settlers (Mutu, 2019). He Whakaputanga (Declaration of the Independence 1835) asserts Māori mana and sovereignty in Aotearoa and the relationship of kāwanatanga and tino rangatiratanga was later reaffirmed by Te Tiriti (Healy et al., 2012). If the university intends to strengthen the relational sphere for Māori and the Crown to have the equal authority, the Statement should consistently refer to the Māori text. Te Tiriti is also now recognised as a constitutional instrument in Aotearoa to bridge Māori inequities (Ministry of Education, 2021) and to challenge racial oppression (Human Rights Commission, 2022). Hence, the reference to Te Tiriti can indicate more firmly the university’s commitment to address structural racism. This must occur in a way which attends to the specific articles of Te Tiriti, moving beyond the blended interpretation approach that has sought to re-form Māori tino rangatiratanga within Crown kāwanatanga.

The university has made it an obligation to integrate tikanga Māori and mātauranga Māori in the teaching and research spaces. It also realises that it has the specific duty of supporting staff and students to understand te ao Māori and Te Tiriti. The surge of interest in mātauranga Māori, that also partly caused the introduction of equity weighting and new funding weights for mātauranga Māori in the Performance-Based Research Fund (PBRF; Tertiary Education Commission, 2022), means that Māori expertise is more valuable (in the monetary sense) than ever before. Against the backdrop of a low number of Māori academics in Aotearoa (McAllister et al., 2019), the university should be mindful of the increasing aronga takirua or the double-shift role (being Māori in a Crown institution) that Māori staff and students are tasked to do (Haar & Martin, 2021; Johnson et al., 2021). The additional (often unpaid) cultural labours, such as performing karakia (prayer) and offering cultural expertise for teaching and research demands, can lead to burnout and be detrimental to the wellbeing of Māori academics if not managed carefully (Haar & Martin, 2021). Young Māori academics are especially likely to be trapped in such vulnerable situations in the face of academic precarity (Kidman, 2020). Thus, we urge the Statement to expand on its “active protection” role to include caring for the wellbeing of Māori staff and students and developing programmes for tauwiwi to be trained to challenge racism and be aware of their own positionality (see Crawford & Langridge, 2022).

The focus of the university on being a good Treaty partner and supporting the inclusion of Māori is not equivalent to decolonising and indigenising the institutions. It is clear to us that the English Statement was not written with te ao Māori in mind, as key Māori concepts and values such as manaakitanga (hospitality and kindness), whanaungatanga (relationship and kinship) and wairua (spirit, soul) are missing in this version. To advocate for Māori inclusion in a largely unchanged institutional structure is as Hoskins and Jones (2022) describe a doomed cycle in the “hope that something will change” in improving Māori equity (p.2). Simon (2022) further described biculturalism as a “zombie concept” that is “dead, yet alive” (p. 128) when the interpretation of Te Tiriti is done in ways that favour the Crown, rather than uphold mana Motuhake and challenge the predominantly White settler colonialism. For a university to honour its Te Tiriti obligations, the key lies in the normalisation of tikanga Māori and mātauranga Māori determined by Māori leadership, so that the institution can become a place where Māori staff and students can explore possibilities and express belongingness (Hoskins & Jones, 2022; Kidman, 2020).

Conclusion

Te Tiriti has become a symbolic basis for Aotearoa New Zealand universities to demonstrate bicultural commitments and putative inclusivity towards Māori. However, Te Tiriti is more than a symbolic basis or foundational document for contemporary biculturalism. It is, was, and always will be

an agreement that was signed between sovereign parties. Discussions of the spirit, principles, or intention of Te Tiriti (or the Treaty) cannot be allowed to undermine what was actually discussed and agreed to by rangatira on behalf of hapū. This specific case study on the University of Waikato’s Treaty Statement evinces a need to openly interrogate the relevance of Tiriti commitments made by universities to Te Tiriti articles, empowerment of mana Motuhake, and expectation to address inequities for Māori, unfair representation at senior leadership levels, and the increasing cultural labour experienced by Māori staff and students. With other universities in Aotearoa on par with, or falling behind, in being Te Tiriti-compliant, this paper provides some indicators for how these institutions can strengthen practices based on recommendations from the Taskforce report (Smith & Jones, 2021), Matike Mai Aotearoa (Jackson & Mutu, 2016) and Waitangi Tribunal (2023).

Following the release of the Parata-Gardiner report, the University of Waikato has advanced a number of programmes to promote anti-racism, Te Tiriti and mātauranga Māori. For example, staff members are offered the opportunity to attend professional development to understand Te Tiriti principles and tikanga Māori and to enrol in te reo Māori immersion course through scholarships (University of Waikato, 2022). Without any measurable outcome or accountability, however, the institution may simply be making lofty decolonisation commitments. Further and constant Māori-led evaluations are required to measure the progress of universities in fulfilling Te Tiriti obligations.

To conclude we are guided by the words of matua Moana Jackson “Is the present system actually just for Māori and consistent with Te Tiriti for Māori? Clearly, it’s not. Therefore, it’s incumbent on us to work towards transformation.” (Tukaki, 2022). These wise words still linger today as he reminds us of the need to transform institutions, reconstruct the colonised society, and demolish the power imbalance to resuscitate the relational sphere that Te Tiriti o Waitangi initially envisages. As a group of Māori and tauwiwi authors, we believe this relational sphere is not only possible, but inevitable, provided we continue to insist on decolonial transformation.

Glossary of Māori terms

Aotearoa	Māori navigators first named the North Island as Aotearoa or the "land of long white cloud". It is now commonly referred to as the Māori name for New Zealand.
hapū	Collective kinship groups with a shared ancestor
He Whakaputanga o te Rangatiratanga o Nu Tirene	The Declaration of Independence of the United Tribes of New Zealand was signed by rangatira Māori (chiefs) in 1835 to recognise Māori as a sovereign independent nation of Aotearoa.
hui	Gatherings or meetings
kaitiakitanga	Guardianship and stewardship
kaupapa Māori	Māori approach, agenda and philosophy
kawa	protocol
kāwanatanga	The Crown’s governance of tauwiwi or non-Māori settlers as asserted in Te Tiriti o

	Waitangi article I
Kīngitanga	The Māori kingdom or king movement
mahi tahi	To work together or collaborate
mana	Authority, power, and status
mana motuhake	Sovereignty and autonomy
mana whenua	Māori who have historic and territorial rights over the land
manaakitanga	Hospitality and kindness
Māori	Indigenous peoples of Aotearoa/New Zealand
mātauranga	Knowledge and wisdom
Matike Mai Aotearoa	Independent Working Group on Constitutional Transformation led by Dr Moana Jackson and Professor Margaret Mutu in 2016
ōritetanga	Equality and equity for all residing in Aotearoa as asserted in Te Tiriti o Waitangi article III
Pākehā	European settlers or New Zealanders of European descents
rangatira	chief
rongoā	remedy or medicine
tangata Tiriti	People of Te Tiriti o Waitangi
tangata whenua	People born of the land or Indigeous peoples
taonga	Treasure and property
tauīwi	Foreigner coming from afar or non-Māori
te ao	worldview
te reo	language
Te Tiriti o Waitangi	The founding document of Aotearoa New Zealand. Te Tiriti (Māori text) and the Treaty (English text) convey different meanings.
tikanga	Procedure and custom
tino rangatiratanga	Māori self-determination guaranteed through Te Tiriti o Waitangi article II
wairua	Spirit or soul
Waitangi Tribunal	The Waitangi Tribunal is a standing commission of inquiry established under the Treaty of Waitangi Act 1975 in Aotearoa. It investigates and makes recommendations on claims brought by Māori concerning breaches of Te Tiriti by the Crown.
whakatauākī	Proverb or saying
whanaungatanga	Relationship and kinship
whare wānanga	University

Acknowledgement

The current research constitutes part of a larger WERO project ‘Diversity policies, privilege and structural advantage’ that focuses on how Indigeneity and ethnicity are incorporated into institutional policy, how racism is handled, and the way dominant Pākehā (European) culture is addressed. This work received financial support from the Ministry of Business, Innovation and Employment Endeavour Research Programme, ‘Working to End Racial Oppression’ (UOWX2002). We would like to thank Ritu Roy and Otilie Stolte for offering us valuable feedback in an earlier draft of the manuscript.

Published: December 01, 2023 AEDT.



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