

1983

were aborted or that bargaining power was to prove less effective than the rule of might, but that Iwi had recognised both opportunity and threat in the new environment. They had embarked on a process of futures planning to strengthen their position and establish a secure foothold for future generations. If the Treaty of Waitangi had been an instrument of annexation, then it was also to be a pathway to the future.

Beyond Settlements

However, after a promising start, the Treaty was soon to become a marker of the past rather than a signpost to the future. Not only was the parchment itself allowed to fall into tatters, but the promise of a joint Māori-Crown approach to transformation gave way to a one-sided declaration of colonial rule. The establishment of a Māori electorate and four Māori seats in Parliament in 1867 was overshadowed a decade later by Justice Prendergast in a Supreme Court decision that declared the Treaty to be 'a simple nullity;' it could be virtually disregarded. By the mid 1950s the Treaty of Waitangi was being recognised as a significant but essentially historic document largely irrelevant to modern times.

Māori, however, saw it differently. As land holdings dwindled and Māori decision-making became marginalised, there was growing disquiet and a groundswell of indignation. Recourse to the Courts had failed to reverse the Prendergast decision and by the 1970s a new generation was ready to take to the streets to protest land loss, loss of language, and loss of authority. The 1975 Māori land march startled most New Zealanders who had little idea how deeply embedded the sense of injustice was. In the same year, and largely due to the efforts of Matiu Rata, the Waitangi Tribunal was established.

In the Tribunal's first major publication, the 1983 *Motunui Report*, the relevance of the Treaty to contemporary New Zealand was articulated in terms that made sense to Māori, to jurists, and to local communities. Well before the emergence of a green philosophy, or warnings about global climate change, the Tribunal had highlighted the impact of industrial development on the environment, in particular on the Waitara River and the Taranaki reefs. A Treaty of Waitangi breach was levelled at the Government and, importantly, echoed by a wide section of the community. The Tribunal's findings could not be ignored with the same indifference that Prendergast had used to dismiss the Treaty itself. Claims against the Crown for historic breaches of the principles of the Treaty dating back to 1840 followed, slowly at first and then by the score. Māori energies were now spent delving into Government policies and practices in the nineteenth century.

While the claims process was eventually to bring a sense of closure if not justice for many Iwi, it was also to locate the Treaty debate in the past. A focus on the settlement of claims has tended to mask the fact that the whole purpose of the Treaty was to plan ahead. Instead for many New Zealanders the Treaty had become synonymous with past grievances and the corollary was that once settlements were concluded then the Treaty would have exhausted itself. But while an investigation into historic breaches drew on the principles of the Treaty, the claims process was more closely attuned to the delivery of justice rather than the ratification of the Treaty.

Although many settlements have yet to be concluded, most of the major historic claims have been resolved, including the central north island 'Tree Lords' claim lodged by eight Iwi. A new

