

The New Zealand Psychological Society and the Treaty of Waitangi: Proposed Implementation Plan

**Prepared by the National Standing Committee on Bicultural Issues
for the Executive of the New Zealand Psychological Society.¹**

Rule 3. In giving effect to the objects for which the Society is established the Society shall encourage policies and practices that reflect New Zealand's cultural diversity and shall, in particular, have due regard to the provisions of, and to the spirit and intent of, the Treaty of Waitangi. (Constitution of the New Zealand Psychological Society, 1993)

In August 1993, the National Standing Committee on Bicultural Issues (NSCBI) was asked to prepare an implementation plan for the above Rule 3 for presentation to the Council of the New Zealand Psychological Society. This paper proposes a number of strategies whereby the Society might move towards attaining the goals of Rule 3. This paper has been prepared as a 'proposed plan' as the NSCBI believes that ongoing discussion and consultation is necessary to confirm specific directions proposed. In particular, the committee would like to gain feedback from Maori who attend the Hui for Maori in Psychology in February 1995, and from the Society membership generally.

Introduction:

The Treaty of Waitangi was the result of a process initiated by the Crown - an attempt to negotiate a relationship with the Tangata Whenua of Aotearoa. Although widely debated, the essential agreement that the parties to the Treaty agreed to is well summarised by Mason Durie²:

- a) *The Treaty would provide for the lawful and orderly settlement of British immigrants within Aotearoa [Article I].*
- b) *The different roles of the office of government and that of iwi rangatiratanga, with respect to their possessions, properties and nga taonga katoa would be guaranteed and respected. However, iwi rangatira granted to the Crown the right to buy, barter, exchange or sell land that the owner agreed to for a payment settled between the seller and the Queen's agent. [Article II]*
- c) *That additional rights, as British subjects, would be extended to Maori. [Article III]*

Time has demonstrated that the Crown has not upheld those terms agreed to in the relationship negotiated through the Treaty of Waitangi. The context that we now live in unfairly demands that Maori negotiate a relationship with a dominant majority and their Government. This is a far cry from the position in 1840 and is heard above injustices that have had a compounded effect on the position of Maori. Maori did not agree to a relationship of such an oppressive nature - and neither

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² Durie, M. (1989). The Treaty of Waitangi perspectives for social policy. In I. H. Kawharu. (Ed.). Waitangi: Maori and Pakeha perspectives of the Treaty of Waitangi. Auckland: Oxford University Press. pp 280-299.

should they be expected to continue to seek out an existence in a society that continues to assert such a relationship. The Treaty of Waitangi in its original form negotiated a relationship that allowed for diversity, yet maintained the self-respect and self-determination of all people present and yet to arrive in Aotearoa.

The Challenge for Psychological Agencies in Aotearoa:

The statistically and psychologically defined position of Maori in Aotearoa is appalling and is undoubtedly the result of past and ongoing colonial processes. In realising a fulfilment of Rule 3, the New Zealand Psychological Society and its members are taking up the challenge to seek to address the psychological position of and relationship between peoples in Aotearoa within a pro-Treaty framework.

Since 1840, the direction of the relationship negotiated by the Crown with Maori has been reversed. Maori are now required to negotiate their relationship with the dominant majority and its Government, not the other way around. The same could be said of other immigrant peoples to Aotearoa where the position and identity that they negotiate is with the dominant majority and its Government, not Maori. If we are to get this right, then the New Zealand Psychological Society and its members must move to a clearly negotiated relationship with Maori at a professional, organisational and personal level. If the relationship intended is not of benefit to the self-determination of Maori, a colonial relationship will continue to exist.

Prior to renegotiating a relationship with Maori, the New Zealand Psychological Society must recognise that the position that it occupies is one of power and privilege. As a national 'professional' organisation, the Society has for example, the power to influence; act on; discipline; accredit; disseminate information; exclude; include and ignore. Its members, in their professional roles, have a similar capacity. If the Society and its members fail to recognise and acknowledge this position, then to seek a relationship with Maori will only result in further pain, confusion and conflict.

The next section of this paper outlines nine guiding principles based on those Treaty principles defined by the Waitangi Tribunal and the Court of Appeal. The writers of this paper believe that the New Zealand Psychological Society needs to adopt these guiding principles in order to move in an organised fashion towards genuinely fulfilling the terms of Rule 3. The principles are worded in such a way as to apply directly to the Society and its members, and might easily apply to other Psychological Agencies that have Kawanatanga responsibilities (e.g., University Psychology Departments; College of Clinical Psychologists; Psychologists' Board; various Government Department Psychological Services).

Before outlining the principles, it should be understood that the Society evolved and was constituted according to criteria established by the 'Crown' and as such, signifies that it derives authority for its existence from the 'Crown' partner, rather than the Maori partner. In Treaty terms, the following principles relate primarily to the Society's role as a "Kawanatanga" organisation, being charged with responsibilities of governance for "...good order and security of [members] ...but subject to an undertaking to protect particular Maori interests."¹

The Treaty can be viewed as a basic human rights document for all people living in Aotearoa. However, given the injustices and positions of disadvantage put upon Maori, it is often necessary to spell out specific Maori rights. Indeed, if the reverse were true, then we would be spelling out non-Maori rights. In this case,

¹ Principles of the Treaty of Waitangi as defined by the Waitangi Tribunal (1983-1988). In the Parliamentary Commissioner for the Environment. (1988). Environmental Management and the principles of the Treaty of Waitangi. Wellington. p. 104.

those rights relating to Maori will be made explicit within the principles described below.

Principles of Action

Kawanatanga and Active Protection:

1. Maori have the right to protection. The ability to protect Maori interests rests with those that have the power to do so. The Society, collectively and individually, must seek to avoid disadvantaging or threatening Maori and their interests, through ignorance, action or inaction [Article II].
2. The Society has the power to influence processes affecting the position of Maori within and outside of the organisation. Whoever is not an active part of the solution continues to be part of the problem [Articles II & III].
3. Principles of action and current obligations will change with time, emphasising the need for monitoring, evaluation and review. The Society must develop processes to review whatever Treaty principles, policies and recommendations that it implements in order to remain consistent with the needs and aspirations for whom such policies and practices were designed [Implicit].

Partnership:

4. Maori have the right to share in all aspects and privileges of New Zealand society. If the Society and its individual members are to meet its Treaty obligations, then it must negotiate and maintain a principle of partnership that must be exercised in the utmost good faith [Articles II & III].
5. Dependence is not a desirable state. Any processes entered into for the benefit of Maori people must in the long term ensure that Maori reach a position of empowerment and self-determination [Articles II & III].
6. Maori people have the right of choice to act either under Article II or Article III, that is under Maori protocol or generally under citizen rights [Articles II & III].

Tino Rangatiratanga:

7. It is imperative that the Society recognise Tino Rangatiratanga. The Society must organise to work to contribute to reaching the goals of Iwi [Article II].
8. Early consultation concerning any matters of proposed actions where Treaty considerations might apply is imperative to the efficient organisation and action of the Society, its members, clients and Iwi. All parties should adhere to this principle [Implicit & Article II].
9. The management of Maori psychological conditions shall be according to Maori cultural preferences and in terms of Tino Rangatiratanga [Article II].

Suggested recommendations to be actioned by the New Zealand Psychological Society

Given that there is general agreement expressed in favour of the above principles of action, the following steps are suggested as initial actions for the Society. It is stressed that the involvement of Maori, or at the very least, feedback from Maori, is essential in implementing these initial actions. This list should not be seen as exhaustive, these steps are provided as a starting point only. With the suggested inclusion of two Maori members on the Executive of the Society, the formation of a Maori and Psychology Division, and indeed the on-going work of the NSCBI, it is anticipated that more specific recommendations and advice on practical issues will be forthcoming. Initially, the NSCBI might serve to provide feedback about implementation, but should not be the sole source.

1. That the Society move towards establishing a collaborative relationship based on partnership with Maori by:

- a) In the first instance, ensuring that at least two Maori members of the Society (or people nominated by the National Standing Committee on Bicultural Issues) are included in the constitution of the governing body(ies) of the Society. When and if the Maori membership of the Society increases, the nominations of Maori representatives would come from the Maori and Psychology Division.
- b) Seeking to support the establishment of a Maori and Psychology Division of the Society.
- c) Seeking to increase the number of Maori psychologists through approaching Government Ministries and other service providers who employ psychologists, with view to establishing a fund to support scholarship(s) for student(s) of Maori descent engaged in training that contributes to registration as a Psychologist.
- d) Encouraging, supporting and resourcing the directions and initiatives made by Maori within its membership.
- e) Forging links with Iwi, and Maori national and local community groups with a view to contributing collaboratively to meeting the psychological goals of Maori development.
- f) Recognising, respecting and acting according to the knowledge that other professional bodies are structured and implement a pro-Treaty partnership within their activities (eg., New Zealand Association of Counsellors; New Zealand Association of Social Workers; Special Education Services).

2. That the Society develop accreditation standards and procedures that are culturally appropriate and safe for Maori, by:

- a) Encouraging psychological training programmes to develop culturally compatible content and to employ culturally safe teaching and assessment practices for Maori students.

- b) Encouraging all members to seek feedback from students, clients, colleagues, and appropriate organisations, on the cultural appropriateness and safety of their practice, and review their practice accordingly.
- c) Reviewing all aspects of it's Code of Ethics to ensure that a culturally appropriate and safe standard of practice is established.
- d) Monitoring, and when necessary, advocating changes to Acts or policies governing psychological registration, training and practice to ensure that a culturally appropriate and safe standard of practice is established and maintained.

3. That the Society define a period (e.g., decade) for the urgent development of psychological theory, research, teaching and practice that is specifically useful and relevant to Iwi and Maori community development, by:

- a) Encouraging members to contribute their research skills and resources to collaborative research ventures managed by Iwi or Maori national and local community groups. This would require notification to Iwi or Maori national and local community groups of preparedness to work in this fashion.
- b) Ensuring that a forum (not necessarily at Conference) is provided on at least a 5 year basis for Maori to review progress, discuss, prioritise and voice to the Society, those psychological issues of concern to Maori development.
- c) Encouraging members to initiate research on the training, practice and behaviour of psychologists to determine how they might develop professional behaviour and structures that best complement Maori development.
- d) Ensuring that at least for the next five years, that there is the opportunity and organisation of forum(s) at the Annual Conference of the Society, for the discussion of psychological research, teaching, theory and/or issues of interest to Maori development.
- e) Establishing a publication principle whereby at least one publication of the Society (eg., The Bulletin) includes at least one contribution per year that explicitly reports or comments on psychological research, theory, practice or issues of relevance to Maori development.

4. That the Society undertake regular reviews to determine progress made towards the implementation of Rule 3 in all aspects of Society activities by:

- a) Monitoring and receiving feedback on the implementation of Rule 3 on a yearly basis by asking committees, divisions and branches of the Society to provide a brief report of those activities engaged in that meet with those recommendations made above.

- b) Conducting, after a period of 5 years, a full evaluation of the Society's effectiveness in implementing Rule 3, that also provides recommendations for further action.

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