

Te Tiriti o Waitangi

The purpose of this activity is to review some of the reasons why a treaty was needed, and to predict the content of the Treaty itself. A treaty written in the Māori language, te Tiriti o Waitangi, was signed at Waitangi, and is therefore used in this activity.

Activity 12

Time: 45 minutes.

Materials: Handouts, pages 42 and 43.

1. Ask the participants to discuss the worksheet on page 42 in small groups (10 min).
2. Take another 10 minutes to discuss the answers to the gap-fill sentences, (no.1 on page 42) as a group, but not yet the answers to the prediction questions (no. 2 on page 42).
3. Participants read a summary of te Tiriti on the handout on page 43 to find the answers to the questions (no. 2). This handout is a simplified summary, in English, of te Tiriti o Waitangi intended to help participants understand its content. It is not meant to replace the original which can be found in Appendix 2. They then discuss what te Tiriti says to answer the questions.
4. Participants come back to whole group discussion (20 – 25 minutes).

Notes

Before presenting a session on what the Treaty of Waitangi says, it is highly recommended that facilitators read through the list of common questions and answers likely to be asked by participants about the Treaty. These were written by Network Waitangi and are available on the website <http://aotearoa.wellington.net.nz/back/project.htm>

Definition of the word 'treaty'

It is useful to keep in mind that a treaty is a written agreement between two or more nations. This is a simple but accurate description of the Treaty of Waitangi as the signatories to the Treaty were representatives of the nations involved. On one side was the nation of Britain and on the other, the several nations or hapū of Aotearoa/New Zealand. Britain had earlier acknowledged the Declaration of Independence, signed in 1835 at Waitangi (Orange, 1987). This document

declared New Zealand to be 'an Independent state' and that 'all sovereign power and authority [resided] entirely and exclusively' in the hands of the Māori rangatira. (See notes about the flag adopted at the signing of the Declaration on page 48 and the Declaration itself, Appendix 1).

1. Reasons for having a treaty

See also the facilitator's notes for *Activity 10: Trading Cards* on page 36. Three of the key reasons for having the Treaty are summarised here and drawn from Orange (2004).

- **Some Pākehā people had no law and some were making problems.**

In fact many Pākehā in Aotearoa/New Zealand at the time did come under the authority of, and abide by the law of the land, that of the hapū of the area they lived in. Some newcomers however, did not do so and were creating problems for both Māori communities and the Pākehā who had settled here peaceably. Although these problems were somewhat exaggerated by the missionaries who were pushing for greater British involvement in the country, this was one of the reasons cited in the preamble to the Treaty.

- **Māori and Pākehā did not agree about some land sales.**

'By the late 1830s speculative land purchases of dubious legality were taking place around the country. In 1838, the more law-abiding settlers, traders and missionaries petitioned the Crown asking for more effective government in New Zealand' (Project Waitangi, 1989). Māori wanted many of these 'sales' investigated. The promise by Captain Hobson to investigate all pre-1840 land sales was influential in convincing some Māori to sign.

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- **More Pākehā were going to come soon.**
Of particular concern was the New Zealand Company, a commercial colonisation company whose driving force was Edward Gibbon Wakefield. It was stepping up its land purchases and sending an increasing number of settlers.

The population of Aotearoa/New Zealand in 1840

The Pākehā population at the time was around 2,000 and the figure for the Māori population varies depending on which source you use. However, whether you take 100,000 or 200,000 or higher as the value for the pie chart, each time it looks very much the same given the low figure for the Pākehā population.

2. What does the Treaty say?

The questions (no. 2) on page 42 provide a framework for discussing the main points of the Treaty. People should first predict what they think the answers will be in small groups. Next, give the participants a chance to read through and discuss the summary of Te Tiriti o Waitangi on page 43 before going through the answers to these questions (see notes below).

Note: Answers as worded in the summary are in *italics*. Further notes are in normal type.

- **Why did the Queen of England want to have a treaty?**
The key words from the introduction of the summary are, *The Queen wants Māori people to keep their lands and independence and she wants all peoples to live together in peace. Also, to make a government for her people.*

While the Treaty document refers to the wishes of the Queen herself, it was the Colonial Office which made the crucial decisions on her behalf. Its reasons for deciding to have a treaty are key to understanding the spirit of the agreement. The Colonial Office was not intending imperial expansion. They were already enjoying the economic benefits of trade without having to budget for a colony. By this time the humanitarian lobby was gaining strength in Britain. Preserving 'native' rights was now considered

important due to issues arising from the British colonies, including India, Sri Lanka (formerly Ceylon), Africa and Canada.

- **Who will hold power after the Treaty was signed?**
As stated in the summary, *Māori give to the Queen of England the right to have a governor... The Queen agrees that Māori keep their independence.*

This is probably the most controversial part of the whole Treaty debate. Did the Treaty, or did it not, grant the Crown sovereignty over everyone in the country? The main discrepancy between the English version and the text in Māori which was signed at Waitangi is the issue of sovereignty. The English version states that sovereignty is ceded to Britain. Māori say their ancestors would never have agreed to this and the words of the Māori text confirm this understanding. Also Māori far outnumbered the European settlers and were in control of the whole country.

The understanding of Māori at the time, reinforced by the wording of the Māori text of the Treaty, was that the Governor's authority was to be over the Pākehā settlers while Māori continued as normal under their own systems. According to recent research (Moon, 2002), this understanding is similar to what the British Colonial Office had originally intended prior to the signing of the Treaty.

Despite the fact that Hobson and his successors saw themselves as holding sovereignty on behalf of Britain, for up to twenty years after the Treaty was signed two kinds of power co-existed. British law presided over the areas of European settlement and Māori continued to retain ultimate authority within their own lands. This situation continued in practice until the Pākehā population and the settler Government grew strong enough to encroach upon Māori.

- **What is the British name for the person who governs a country when the queen or king lives far away?**
A governor. Note that the usage of

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'governor' is different in Britain from the United States.

Māori would probably have been aware of both meanings of 'governor' at the time because of their travels to other countries and because of the presence of the many British and American citizens in Aotearoa/ New Zealand at the time the Treaty was signed.

- **What important things does the Treaty say Māori will keep?**

The Queen agrees that Māori keep their independence and keep control over their lands and everything that is important to them.

The word in the text used to describe this power and control retained by Māori is 'rangatiratanga' or sovereignty.

- **Who can buy land?**

The Queen. In practice it would be the Governor who bought land on her behalf.

- **What does the Treaty say about religion?**

Māori customs and the different religions in New Zealand will be protected. The Catholic Bishop Pompallier and the Anglican Missionary William Colenso recorded a discussion on what today we would call religious freedom and customary law. In answer to a direct question from Pompallier, Hobson agreed to the following statement. It was read to the meeting before any of the Rangatira had signed the Treaty.

The Governor says that the several faiths (beliefs) of England, of the Wesleyans, of Rome, and also Māori custom shall alike be protected by him.

As these were the only organised religions present in the country at the time, it has been argued that this was a clause for protection of religion that was very open-minded for its time.

Is this statement, strictly speaking, part of the Treaty of Waitangi, a fourth article in effect? That depends on your point of view. Māori may have given as great a weight to this verbal agreement as to the other three written articles, whereas others have not considered it part of the Treaty as it was not appended in writing to the actual document.

- **Did the Treaty create new rights for immigrants? Did it create new rights for Māori people?**

The answer is 'yes' and 'yes'. The Treaty does create new rights for immigrants. The new right created in the Treaty was that of governorship. By extension, all of us who have come here since have rights, responsibilities and obligations of residency or citizenship which stem from the Treaty's Article 1.

The Treaty gives Māori *the same rights as British people* in Article 3. It does not, however, create any other *new* rights for Māori. What the Treaty does is guarantee the existing rights that Māori always had as tangata whenua.

One common misconception that is often repeated in the media is that the Treaty gives special rights to Māori people only. In fact, as the first immigration document, it is a more significant agreement for Pākehā/ Tauīwi.

treaty noun [C]

a written agreement between two or more countries
eg. a peace treaty

(from Cambridge Learner's Dictionary)

**1. Here are some reasons why people wanted to have the Treaty of Waitangi.
Use these words to finish the sentences:**

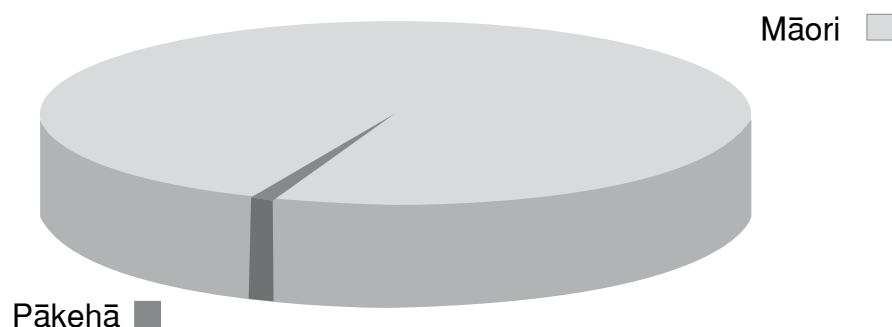
Māori Pākehā

- Some _____ people had no law and some were making problems.
- _____ and _____ did not agree about some land sales.
- More _____ were going to come soon.

**2. Talk together and answer these questions about the Treaty.
What do you think it says?**

- Why did the British want to have a treaty?
- Who would hold power after the Treaty was signed?
- What important things does the Treaty say Māori will keep?
- Who will be allowed to buy land?
- What does the Treaty say about religion?
- Did the Treaty create new rights for Pākehā people? Did it create new rights for Māori people?

The population of Aotearoa/New Zealand in 1840



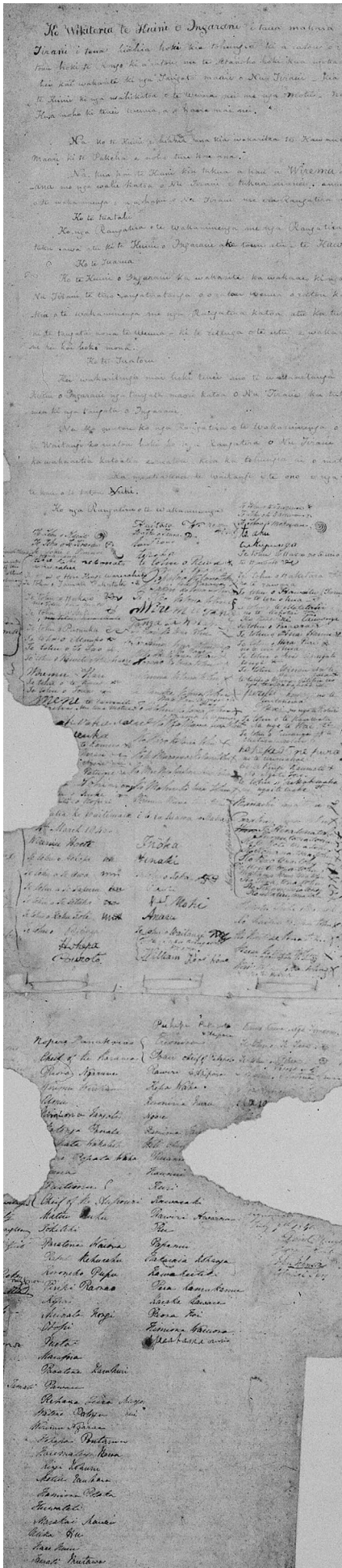


Image from Archives New Zealand / Te Rua Mahara o te Kāwanatanga, Wellington Office. [Archives Reference: IA 9/9]

a summary of
Te Tiriti o Waitangi
 in plain English

Introduction

The Queen wants Māori people to keep their lands and independence and she wants all peoples to live together in peace. This agreement is to make a government for her people who are now in New Zealand and for those who will come in the future.

First

Māori give to the Queen of England the right to have a governor in New Zealand.

Second

The Queen agrees that Māori keep their independence and keep control over their lands and everything that is important to them. They give to the Queen the right to buy land, if they want to sell it.

Third

The Queen gives Māori people the same rights as British people.

Fourth (spoken promise)

The Governor promises to protect Māori customs and the different religions in New Zealand.