

Historical Overview of the Treaty of Waitangi

Early Connections

The Treaty journey goes back many centuries to the time when Polynesians, migrating throughout the Pacific, identified Aotearoa as a desirable place to settle. Over the centuries, the early arrivals spread out and new groups came to join them.

Many centuries later, Europeans eventually extended their explorations in this direction as well, with Abel Tasman naming the place Nieuw Zeeland on his map in 1642. By the early 1800s, people of many nationalities were living alongside the hapū — although in 1840 Māori still vastly outnumbered them.

Generally, these early relationships were mutually beneficial: European

traders were keen to have new markets; missionaries were pleased to find new converts; and settlers relied on tangata whenua for survival as they established new homes for themselves. Tangata whenua valued new material resources such as iron tools and wool, and were interested in European ideas such as a written language. At that time Europeans comprised just 1% of the population.

As in any relationships there were some difficulties. There were cross-cultural misunderstandings and problems caused by European lawlessness which had an impact on land dealings. At that time tangata whenua raised their concerns with missionaries and traders.

European governments were not particularly keen to get involved because New Zealand was too far away and appeared to be of little strategic value, but the Europeans and tangata whenua who were living together here wanted to address the problems in order to retain the benefits of their relationships. In 1835 the British Resident, James Busby, decided to take a step in this direction by writing the Declaration of Independence to the King of England on behalf of many hapū in the north. In addition to asserting hapū sovereignty, it stated that the hapū would protect and befriend British people living in their communities in exchange for the King protecting the hapū from colonisation. Thus, the foundation was laid for a somewhat different approach to colonisation in New Zealand: when the British Colonial Office sent Captain Hobson to arrange a formal relationship between the Crown and the hapū it was emphasised that the hapū were sovereign and owned the land, and that Hobson was responsible for ensuring their full, informed

consent to any changes to this state of affairs.

What the Treaty Says

Lord Normanby (British Secretary of State for the Colonies) said, in the instructions he gave to Captain Hobson in August 1839, that he was to establish government amongst Europeans in order to avert 'the same process of war and spoliation' that had occurred elsewhere when Europeans arrived (Buick, 1976, pp 71-72).

Unfortunately, the process for discussing and agreeing to the Treaty was problematic, which led to fundamental misunderstandings between the English Crown and hapū signatories, especially in relation to who held sovereignty: the hapū believed they had retained it while the Crown believed that it had been ceded to them. These different perspectives are reflected in the two main documents that are referred to as 'the Treaty': the Māori Text and the English Version. Although the British Crown and subsequently the New Zealand government have tended to focus on the English Version, the Māori Text is increasingly recognised because

- many more hapū signed it (over 500 compared to only 39 signatures on the English Version)
- rangatira signing the Māori Text knew what they were agreeing to as it was in their own language, while those who signed the English Version did so based on explanations in Māori by British missionaries and others
- an international legal principle recognises that the Māori Text takes precedence

Whichever document is considered, however, the fundamental point is that the Treaty created a unique relationship between the government and the hapū

Relationships Deteriorate with Colonisation

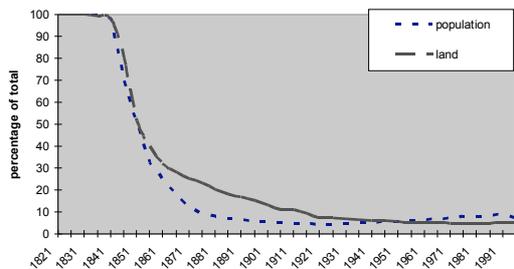
Unfortunately, the colonisation process that followed was typical of European colonisation elsewhere. The Treaty relationship, as envisioned by the Crown in 1840, contained some significant aspects:

- The British recognised hapū sovereignty, and ownership of land.
- It was a voluntary arrangement.
- It was intended to enhance relationships for mutual benefit.
- The coloniser had good intentions.
- The British were taking responsibility for misbehaving Europeans.

From the beginning, differences of understanding about what the Treaty said created friction, but the problems escalated dramatically as large numbers of Europeans

arrived who did not know or care about the Treaty, who had not been in positions of dependence on tangata whenua for survival and who therefore did not particularly value relationships with hapū. By 1860, Māori were less than half the population in the country, and their land was being taken at an equally rapid rate.

Decline in Maori Population and Control of Land



The overriding of hapū authority and their rights in the land, the denial of fundamental human rights to Māori, and the devastating effects of colonisation on Māori communities are now well recorded and are still very evident today (see, for example, Walker, 1990; Orange, 1989; Te Puni Kōkiri, 2000).

The Treaty Today

The Treaty movement as we know it today emerged from Māori activism in the 1970s, which in turn influenced Pākehā in the anti-racism and peace movements, amongst others, to become more proactive.

In the 1980s, for the first time, the government was proactive in considering how the Treaty might be incorporated into the future of New Zealand, by including references to it in some legislation; previously, government activities had been confined to responses to Treaty breaches, for example in establishing the Waitangi Tribunal in 1976. The 1990s were dominated by emergence of a 'settlement' process to address injustices in taking land from Māori. The beginning of the 21st century has been characterised by a curtailment, and in some cases reversal, of previous progress as the government has responded to perceived public dissatisfaction with Treaty-identified strategies.

Further Reading

Belich, J. (1988) *The New Zealand Wars and the Victorian interpretation of racial conflict*. Auckland: Penguin

Introduction and conclusion include analysis of why wars occurred

Buick, T. L., (1936) *The Treaty of Waitangi: How New Zealand became a British Colony*. New Plymouth: T. Avery

An early account of the Treaty

Calman, R. (2003) *The Treaty of Waitangi*. Auckland: Reed

A good introduction which is short and easy to read

Durie, Mason. (1989) *Te Mana, Te Kawanatanga: the Politics of Maori Self-Determination*. Auckland: Oxford University Press

Contemporary Māori development and aspirations

Moon, P. (2002) *Te ara ki te Tiriti: The path to the Treaty of Waitangi*. Auckland: David Ling

Documents British intentions leading to the formation of the Treaty

Moon, P. and Biggs, P. (2004) *The Treaty and its Times: the illustrated history*. Auckland: Resource Books

A colourful and accessible history

New Zealand History online

<http://www.nzhistory.net.nz/category/tid/133>

Office of Treaty Settlements (2002) <http://www.ots.govt.nz/>

The negotiation process and settlement progress

Orange, C. (1991) *An illustrated history of the Treaty of Waitangi*. Wellington: Allen & Unwin

The easiest-to-read introduction to the topic

Te Puni Kokiri. (2000) *Progress towards closing social and economic gaps between Māori and non-Māori: a report to the Minister of Māori Affairs*. Wellington: Te Puni Kokiri

Aggregated information from various social and economic sources

Treaty Educators for Migrants Group (2006) *Tangata Tiriti - Treaty People*. Auckland Workers Educational Association

Provides simple, accurate information in plain English about the Treaty of Waitangi for recent migrants

Treaty Resource Centre. <http://www.trc.org.nz>

Activities and other resources not available elsewhere.

Waitangi Tribunal Reports (2002)

<http://www.waitangi-tribunal.govt.nz/reports/>

Report summaries are available, as well as full Tribunal reports

Walker, R.J. (2004) *Ka Whawhai Tonu Matou: Struggle without End*. (2nd ed) Auckland: Penguin

A history of Aotearoa/New Zealand, from creation and Polynesian migration through to the present