

Commonly Asked Questions about the Treaty Documents

Why is there both a Māori Text and an English Version of the Treaty?

The Māori Text is the translation into the Māori language of the draft, which was in English. It was discussed on February 5th and signed the next day by 40 chiefs, and Captain Hobson on behalf of Queen Victoria. Copies of this document were taken around the country by missionaries, traders and British officials to 50 different meetings between February and September 1840, resulting in about 500 more chiefs signing it.

The so-called English Version was written in March 1840 based on the treaty draft prepared for the signing event on February 6. It was discussed and signed only at Port Waikato and Manukau, and has only 39 chiefs' signatures.

Why does this poster only have the Māori Text and its translation?

Māori were agreeing to the ideas in the Māori Text — their understanding of the discussion was critical to their agreement. There is no evidence that any Māori chiefs would have agreed to hand over their sovereignty to the Queen as is stated in the first article of the English Version. Although some Māori chiefs did sign the English Version, discussion of it took place in the Māori language.

The Māori Text is also the Treaty recognised today in international law through the principle of *contra proferentum* — a rule that is applied to bilingual treaties and requires that in cases of ambiguity a treaty is to be interpreted against the party drafting it.

What did the chiefs understand by the concept of 'government', that they were allowing the Queen to have in Article 1?

Māori were told that they would be handing some power over to the British, but that they would be keeping ultimate authority, or final say over things (Article 2). The British would have the right to set up government, *kawanatanga*, which Māori understood would be over the settlers only.

In Article 2, it looks as though the government could require hapū to sell their land — is that right?

No — land sales were intended to be voluntary. This section is very similar to the English Version, which stated that sales would only occur if Māori wished to sell. The only restriction was that sales must be to the Crown, not directly to settlers.

What is the difference between the English Version and an English translation?

Even though the English Version was originally called a translation of the Māori Text and is still often presented alongside it, it is, in fact, substantially different in its content. The direct English translation on the poster is a modern one by Sir Hugh Kawharu (1927–2006), paramount chief of Ngāti Whatua and Emeritus Professor at the University of Auckland.

What is the 'Confederation' referred to in the Preamble and Article 1?

It refers to the Confederation of United Tribes of New Zealand which was a concept developed by James Busby, the British resident, soon after his arrival in 1833. He was hoping that the chiefs would come together as a governing confederation.

Do references to 'people of New Zealand' (Preamble, Article 2) and 'ordinary people' (Article 3) mean that these parts refer to people of all ethnicities?

Not in 1840 — the British Crown and its officials used the term New Zealanders when referring to Māori. 'Tangata maori' in Article 3 literally translates as 'ordinary people' — but then, as now, meant Māori.

Why is 'subtribes' used instead of 'tribes' in the Preamble and Article 2?

The chiefs who signed the Treaty were leaders of hapū. The translation of hapū is 'sub-tribe', which is smaller than an iwi or 'tribe'. In pre-European times hapū were the basic political and economic unit of Māori society — effectively, sovereign nations — and were made up of a number of related whānau (families) occupying a particular area.

Isn't there a fourth article?

Bishop Pompallier, who was present at the February 6th signing, asked Hobson to make a statement about the implications of the Treaty for Māori who had become Catholics. Hobson agreed. Henry Williams wrote down what he said and then read these words aloud to the chiefs in the Māori language. "The Governor says that the several faiths of England, of the Wesleyans, of Rome and also Māori custom and religion shall alike be protected by him." This is now often referred to as the fourth article of the Treaty.

Some Useful reading

Moon, P. and Biggs, P. (2004) *The Treaty and its Times: the illustrated history*. Auckland: Resource Books
Orange, C. (1991) *An illustrated history of the Treaty of Waitangi*. Wellington: Allen & Unwin
State Services Commission Treaty Information Programme (2005) *All about the Treaty*. Information now transferred to the New Zealand History site: <http://www.nzhistory.net.nz/category/tid/133>