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Māori and Pākehā Perspectives of the Treaty of Waitangi

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Appendix

Texts of the Treaty of Waitangi

The Text in English

(Source: *Facsimiles... of the Treaty of Waitangi*)

Her Majesty Victoria Queen of the United Kingdom of Great Britain and Ireland regarding with Her Royal Favour the Native Chiefs and Tribes of New Zealand and anxious to protect their just Rights and Property and to secure to them the enjoyment of Peace and Good Order has deemed it necessary in consequence of the great number of Her Majesty's Subjects who have already settled in New Zealand and the rapid extension of Emigration both from Europe and Australia which is still in progress to constitute and appoint a functionary properly authorized to treat with the Aborigines of New Zealand for the recognition of Her Majesty's Sovereign authority over the whole or any part of those islands — Her Majesty therefore being desirous to establish a settled form of Civil Government with a view to avert the evil consequences which must result from the absence of the necessary Laws and Institutions alike to the native population and to Her subjects has been graciously pleased to empower and to authorize me William Hobson a Captain in Her Majesty's Royal Navy Consul and Lieutenant Governor of such parts of New Zealand as may be or hereafter shall be ceded to Her Majesty to invite the confederated and independent Chiefs of New Zealand to concur in the following Articles and Conditions.

Article the first

The Chiefs of the Confederation of the United Tribes of New Zealand and the separate and independent Chiefs who have not become members of the Confederation cede to Her Majesty the Queen of England absolutely and without reservation all the rights and powers of Sovereignty which the said Confederation or Individual Chiefs respectively exercise or possess, or may be supposed to exercise or to possess, over their respective Territories as the sole Sovereigns thereof.

Article the Second

Her Majesty the Queen of England confirms and guarantees to the Chiefs and Tribes of New Zealand and to the respective families and individuals thereof the full exclusive and undisturbed possession of their Lands and Estates Forests Fisheries and other properties which they may collectively or individually possess so long as it is their wish and desire to retain the same in their possession; but the Chiefs of the United Tribes and the individual Chiefs yield to Her Majesty the exclusive right of Preemption over such lands as the proprietors thereof may be disposed to alienate at such prices as may be agreed upon between the respective Proprietors and persons appointed by Her Majesty to treat with them in that behalf.

The Text in Maori

(Source: *Facsimiles... of the Treaty of Waitangi*)

Ko Wikitoria te Kuini o Ingarani i tana mahara atawai ki nga Rangatira me nga Hapu o Nu Tirani i tana hiahia hoki kia tohungia ki a ratou o ratou rangatiratanga me to ratou wenua, a kia mau tonu hoki te Rongo ki a ratou me te Atanoho hoki kua wakaaro ia he mea tika kia tukua mai tetahi Rangatira – hei kai wakarite ki nga Tangata maori o Nu Tirani – kia wakaaetia e nga Rangatira maori te Kawanatanga o te Kuini ki nga wahikatoa o te Wenua nei me nga Motu – na te mea hoki he tokomaha ke nga tangata o tona Iwi Kua noho ki tenei wenua, a e haere mai nei.

Na ko te Kuini e hiahia ana kia wakaritea te Kawanatanga kia kua ai nga kino e puta mai ki te tangata Maori ki te Pakeha e noho ture kore ana.

Na, kua pai te Kuini kia tukua a hau a Wiremu Hopihona he Kapitana i te Roiara Nawi hei Kawana mo nga wahi katoa o Nu Tirani e tukua aianci, amua atu ki te Kuini, e mea atu ana ia ki nga Rangatira o te wakaminenga o nga hapu o Nu Tirani me era Rangatira atu enei ture ka korerotia nei.

Ko te tuatahi

Ko nga Rangatira o te wakaminenga me nga Rangatira katoa hoki ki hai i uru ki taua wakaminenga ka tuku rawa atu ki te Kuini o Ingarani ake tonu atu – te Kawanatanga katoa o o ratou wenua.

Ko te Tuarua

Ko te Kuini o Ingarani ka wakarite ka wakaae ki nga Rangatira ki nga hapu – ki nga tangata katoa o Nu Tirani te tino rangatiratanga o o ratou wenua o ratou kainga me o ratou taonga katoa. Otiia ko nga Rangatira o te wakaminenga me nga Rangatira katoa atu ka tuku ki te Kuini te hokonga o era wahi wenua e pai ai te tangata nona te Wenua – ki te ritenga o te utu e wakaritea ai e ratou ko te kai hoko e meatia nei e te Kuini hei kai hoko mona.

In consideration thereof Her Majesty the Queen of England extends to the Natives of New Zealand Her royal protection and imparts to them all the Rights and Privileges of British Subjects.

(Signed) W Hobson Lieutenant Governor

Now therefore We the Chiefs of the Confederation of the United Tribes of New Zealand being assembled in Congress at Victoria in Waitangi and We the Separate and Independent Chiefs of New Zealand claiming authority over the Tribes and Territories which are specified after our respective names, having been made fully to understand the Provisions of the foregoing Treaty, accept and enter into the same in the full spirit and meaning thereof in witness of which we have attached our signatures or marks at the places and the dates respectively specified —

Done at Waitangi this Sixth day of February in the year of Our Lord one thousand eight hundred and forty.

(For legal purposes, refer to Treaty of Waitangi Act 1975, First Schedule (English text) and the Schedule to the Treaty of Waitangi Amendment Act 1985 (Māori text).)

Hei wakaritenga mai hoki tenei mo te wakaetanga ki te Kawanatanga o te Kuini — Ka tiakina e Kuini o Ingarani nga tangata maori katoa o Nu Tirani ka tukua ki a ratou nga tikanga katoa rite tahi ki ana mea ki nga tangata o Ingarani.

(Signed) W. Hobson
Consul & Lieutenant Governor

Na ko matou ko nga Rangatira o te Wakaminenga o nga hapu o Nu Tirani ka huihui nei ki Waitangi ko matou hoki ko nga Rangatira o Nu Tirani ka kite nei i te ritenga o enei kupu, ka tangohia ka wakaetia katoatia e matou, koia ka tohungia ai o matou ingoa o matou tohu.

Ka meatia tenei ki Waitangi i te ono o nga ra o Pepuero i te tau kotahi mano, e waru rau e wa te kau o to tatou Ariki.

Translation of Maori text by I. H. Kawharu

Victoria, the Queen of England in her concern to protect The Chiefs and the sub-tribes of New Zealand in her desire and to preserve to them their chieftainship¹ and their land and to maintain continually also the Peace² to them and the quiet living therefore has considered she a thing right to give a Chief³ one who will arrange with the people ordinary of New Zealand to reach an agreement by the Chiefs ordinary [for] the government of the Queen [to be] upon the places all of this land and the Islands⁴ because also there are many other people of her tribe [who] have lived on this land, and will come here. So the Queen desires to establish the government so that no evil will come to the people Maori [and] to the European living law without. So [it] has pleased the Queen to allow me William Hobson a Captain in the Royal Navy to be Governor for the places all of New Zealand to be received shortly [and] hereafter to the Queen [and so] is making⁵ she for the Chiefs of the Confederation of the subtribes of New Zealand and other Chiefs these laws set out here

[This is] the first

The Chiefs of the Confederation and the Chiefs all also [who] have not entered that Confederation give absolutely to the Queen of England for ever the government⁶ all of their land

[This is] the second

The Queen of England arranges [and] agrees to the Chiefs to the subtribes to people all of New Zealand the unqualified exercise⁷ of their chieftainship over

- 1 'Chieftainship': this concept has to be understood in the context of Maori social and political organization as at 1840. The accepted approximation today is 'trusteeship'; see NZMC Kaupapa 1983.
- 2 'Rongo': 'Peace', seemingly a missionary usage (rongo — to hear i.e. hear the 'Word' — the 'message' of peace and goodwill, etc).
- 3 'Chief' ('Rangatira') here is of course ambiguous. Clearly a European could not be a Maori, but the word could well have implied a trustee-like role rather than that of a mere 'functionary'. Maori speeches at Waitangi in 1840 refer to Hobson being or becoming a 'father' for the Maori people. Certainly this attitude has been held towards the person of the Crown down to the present day — hence the continued expectations and commitments entailed in the Treaty.
- 4 'Islands' i.e. neighbouring, not of the Pacific.
- 5 'Making' i.e. 'offering' or 'saying' — but *not* 'inviting to concur' (cf English version).
- 6 'Government': 'kawanatanga'. There could be no possibility of the Maori signatories having any understanding of government in the sense of 'sovereignty' i.e. any understanding on the basis of experience or cultural precedent.
- 7 'Unqualified exercise' of the chieftainship — would emphasize to a chief the Queen's intention to give them complete control according to *their* customs. 'Tino' has the connotation of 'quintessential'.

lands over their villages and over their treasures⁸ all. But on the other hand the Chiefs of the Confederation and the Chiefs all will give to the Queen a sale and purchase⁹ of those parts land is willing [to sell] the person owning the Land for the amount of the price agreed between them [viz. the vendor and] the purchaser appointed by the Queen as an agent purchase for her

[This is] the third

For arrangement therefore this for the agreement concerning the Government of the Queen will be protected by the Queen of England the people ordinary all of New Zealand [who] will give them the rights and duties¹⁰ all in equal measure [that apply] under her constitution to the people of England¹¹.

[signed] William Hobson
Consul and Lieut. Gov

So we the Chiefs of the Confederation of the sub-tribes of New Zealand meeting here at Waitangi are therefore the Chiefs of New Zealand having seen the shape of these words being accepted and agreed all by us, thus are recorded our names and our marks

Done this at Waitangi on the sixth of the days of February in the year one thousand, eight hundred and forty of our Lord

The following is an attempt at a reconstruction of the literal translation. While sometimes much is made of the several English versions of the Treaty, to my knowledge there is only one Maori version (allowing for the odd spelling mistake) and this is the one signed by all but a small minority. Discussion in English (as well as in Maori) of the meaning of the Treaty should therefore focus on the Maori version and on its literal translation.

Dictionary assistance is of course helpful, but understanding of concepts and context is more vital, hence the frequent reference today to 'rangatiratanga', 'taonga', 'kawanatanga' and so on.

8 'Treasures': 'taonga'. As submissions to the Waitangi Tribunal concerning the Maori language have made clear, 'taonga' refers to all dimensions of a tribal group's estate, material and non-material — heirlooms and wahi tapu, ancestral lore and whakapapa, etc.

9 'Sale and purchase': 'hokonga'. Hoko means to buy or sell.

10 'Rights and duties': 'tikanga' while 'tika' means right, correct, (e.g. 'e tika hoki' means that is right), 'tikanga' most commonly refers to custom(s), for example of the marae; and custom(s) clearly includes the notion of duty and obligation.

11 There is, however, a more profound problem about 'tikanga'. There is a real sense here of the Queen 'protecting' (i.e. allowing the preservation of) the Maori people's tikanga (i.e. customs) since no Maori could have had any understanding whatever of British tikanga (i.e. rights and duties of British subjects). This, then, reinforces the guarantees in Article 2.

Victoria, the Queen of England, in her concern to protect the chiefs and subtribes of New Zealand and in her desire to preserve their chieftainship and their lands to them and to maintain peace and good order considers it just to appoint an administrator one who will negotiate with the people of New Zealand to the end that their chiefs will agree to the Queen's Government being established over all parts of this land and (adjoining) islands and also because there are many of her subjects already living on this land and others yet to come.

So the Queen desires to establish a government so that no evil will come to Maori and European living in a state of lawlessness.

So the Queen has appointed me, William Hobson a captain in the Royal Navy to be Governor for all parts of New Zealand (both those) shortly to be received by the Queen and (those) to be received hereafter and presents to the chiefs of the Confederation chiefs of the subtribes of New Zealand and other chiefs these laws set out here.

The first

The Chiefs of the Confederation and all the chiefs who have not joined that Confederation give absolutely to the Queen of England for ever the complete government over their land.

The second

The Queen of England agrees to protect the chiefs, the subtribes and all the people of New Zealand in the unqualified exercise of their chieftainship over their lands, villages and all their treasures. But on the other hand the Chiefs of the Confederation and all the Chiefs will sell land to the Queen at a price agreed to by the person owning it and by the person buying it (the latter being appointed by the Queen as her purchase agent).

The third

For this agreed arrangement therefore concerning the Government of the Queen, the Queen of England will protect all the ordinary people of New Zealand and will give them the same rights and duties of citizenship as the people of England.

(Signed) W. Hobson
Consul and Lieutenant-Governor

So we, the Chiefs of the Confederation and of the subtribes of New Zealand meeting here at Waitangi having seen the shape of these words which we accept and agree to record our names and our marks thus.

Was done at Waitangi on the sixth of February in the year of our Lord 1840.