



The Methodist Church of New Zealand
Mission Resourcing



Information Pack

Te Tiriti o Waitangi



The Treaty of Waitangi 1840



ENGLISH VERSION & MAORI VERSION

Preamble

English Text

Preamble

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 authorised 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 authorise 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.

Maori Text translated to English

Preamble

Victoria, the Queen of England, in her concern to protect the chiefs and the subtribes of New Zealand and in her desire to preserve their chieftainship (1) and their lands to them and to maintain peace (2) and good order considers it just to appoint an administrator (3) 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 (4) 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 (5) to the chiefs of the Confederation chiefs of the subtribes of new Zealand and other chiefs these lays set out here.

*(English translation of Maori text
by Professor Sir Hugh Kawharu)*

Footnotes

- (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"
- (2) "Rongo" "Peace" – seemingly a missionary usage (rongo – to hear. i.e. hear the 'word', the 'message' of peace and good will, 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.

ENGLISH VERSION & MAORI VERSION

Article the First

English Text

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 they 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.

Maori text translated to English

Article the First

The Chiefs of the Confederation and all the chiefs who have not joined that Confederation give absolutely to the Queen of England forever the complete government (6) over their land

Article the Second

English Text

Article the Second

Her Majesty the Queen the 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 Forest 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.

Maori Text translated to English

Article the Second

The Queen of England agrees to protect the chiefs, the subtribes and all the people of New Zealand in the unqualified exercise (7) of their chieftainship over their lands, villages and all their treasures (8). But on the other hand the Chiefs of the Confederation and all the Chiefs will sell (9) 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.

Footnotes

- (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 emphasise to a chief the Queen's intention to give them complete control according to their customs. "Tino" has the connotation of "quintessential".
- (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 (sacred places), ancestral lore and whakapapa (genealogies), etc.
- (9) "Sale and purchase" "Hokonga" – Hoko means to buy or sell

ENGLISH VERSION & MAORI VERSION

Article the Third

English Text

Article the Third

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.

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 mean 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.

Maori Text translated to English

Article 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 (10) of citizenship as the people of England (11).

(Signed) W. Hobson
Consul & 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.

Footnotes

- (10) "Rights and duties" "Tikanga" – while 'tika' means right, correct, (e.g. 'e tika hoki' means that this 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.



William Hobson

A Captain in Her Majesty's Royal Navy Consul and Lieutenant Governor of such parts of New Zealand.

Tamati Waka Nene



A leading Nga Puhi chief, Nene was an early friend of Pakeha an one of the Wesleyan missionaries' first converts, taking baptismal name of Thomas Walker (Tamati Waka)

Background

Te Tiriti o Waitangi was the work of Governor Hobson (acting under instruction from the Colonial Office in London) and first signed at Waitangi on 6 February 1840. Six days later it was signed at the Wesleyan Mission Stationing at Mangungu on the Hokianga Harbour (with John Hobbs acting as interpreter). It was then taken to many other places throughout the country, finally being signed by 482 rangatira. Historically it is of a different order to the Declaration of Independence. It was the work of a foreign power, British, whose aim was to secure settlement of its people in this land. Te Tiriti was necessary in order for colonisation to take place. Like the Declaration of Independence, it too was about 'mana i te Whenua' and 'te tino rangatiratanga', being an endorsement of the Declaration. Te Tiriti guaranteed tupuna their tino Rangatiratanga. In words of the English translation of the Maori version, the Queen agreed to the rangatira and the hapu retaining full power and control (tino Rangatiratanga) of their lands, their villages and all their taonga including the Maori way of life.

The Maori Version

The Maori version of Te Tiriti confirmed tino Rangatiratanga or Maori sovereignty over all things Maori (article 2). It granted kawanatanga to the Crown (article 1), kawanatanga, being a transliteration of governorship. Tupuna would have been in no doubt as to the meaning of Rangatiratanga, and on the basis of its being guaranteed in Te Tiriti, willing to sign it. In 1840 Maori had no desire and no need to give away their 'mana i te whenua' and 'tino rangatiratanga', affirmed just a few years earlier in the Declaration of Independence. What they gave to the Crown was limited power to control new settlers. That power was kawanatanga. In retaining tino Rangatiratanga it was clear to tupuna that their ability to control their own destiny was not lessened. In granting kawanatanga they saw that they would benefit from limited and controlled immigration and the introduction of new technology. Maori were to retain the substance of the land while the Queen was to have the shadow. Article 3 did not make Maori into British subjects. Rather it recognised their continuing right to enjoy their own laws, customs and lifestyle, just as British subjects enjoyed their own. This was reinforced in article 4 of Te Tiriti which is part of the recorded tradition of the Treaty, where the Governor agreed to protect Maori ritenga or custom. There was however some advantage for Maori in being regarded as British. For instance it made travel overseas a lot easier. Article 4 also agreed to protection of the choice of religion with particular reference to the Church of England, the Wesleyan Church and the Church of Rome.

The English Version

However the English text of the Treaty of Waitangi assumes that Maori gave away all their sovereign power to the Crown – something which successive governments have relied on for their legitimacy. (Alternatively they have believed that Governor Hobson's unilateral proclamations of British sovereignty over the country in May 1840. Gave all power to rule, to the Crown.) Such an idea would never have been acceptable to Maori. 200,000 Maori had no need whatever to concede any power to just 2,000 settlers. They signed the Maori text because they knew what it meant. Their sovereignty was to remain intact.

Two churchmen, the Catholic Bishop, Pompallier and the Anglican missionary William Colenso recorded a discussion on what 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 chiefs had signed the Treaty.

E mea ana te Kawana ko nga whakapono katoa o Ingarani, o nga Weteriana, o Roma, me te ritenga Maori hoki e tiakina ngatahitia e ia.

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

For Reflection

- 1) What do you see as the significance of the Treaty of Waitangi?
- 2) Why should we take note of it today?
- 3) What do you see as the combined effect of the Declaration of Independence and the Treaty of Waitangi for this country?
- 4) What are some of the implications of the Treaty for our church?