

The Treaty of Waitangi
PAST AND PRESENT

A resource for primary schools

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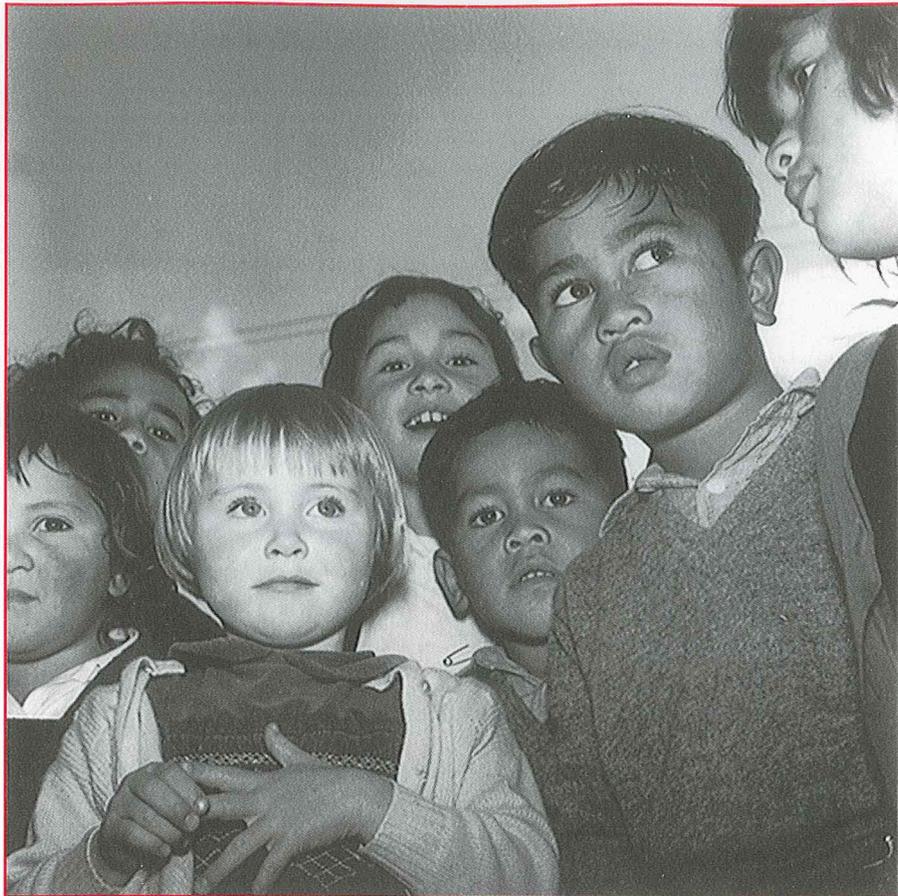
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THE TREATY OF WAITANGI PAST & PRESENT



A RESOURCE FOR PRIMARY SCHOOLS



Lyn Furseill, Waitangi Tribunal

Members of the Waitangi Tribunal at a hearing — Josie Anderson, Bishop Manuhua Bennett (Tribunal kaumātua), Keita Walker, Judge Richard Kearney (presiding officer).

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Section 1

AOTEAROA THE WAY IT WAS

For hundreds of years before the Pākehā arrived, Māori lived in all parts of our country. Life was hard, but the land, bush, rivers, lakes and oceans provided food and resources for the people.

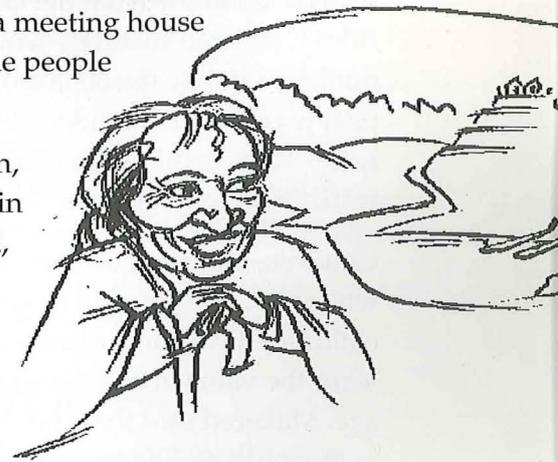
Home/kainga

The kainga was where the fires burned. The land, whenua, was protected. Rivers, forests and hills were all important places. They provided shelter and food and were given special names. The names were a way of recording history. They would remind people about ancestors or events from many years ago. The land was not owned by a single person. It had to be shared among the many relatives. People had to respect the land and respect each other.

Whānau, extended families, would often combine and build a kainga. Suitable land for cultivations and food gathering would usually be nearby. However children and their whānau did not live in one kainga all year round. Whānau would move around to harvest birds, catch fish or gather seafood.

Kainga would almost always have a whare puni — a meeting house used to welcome people or hold a hui.

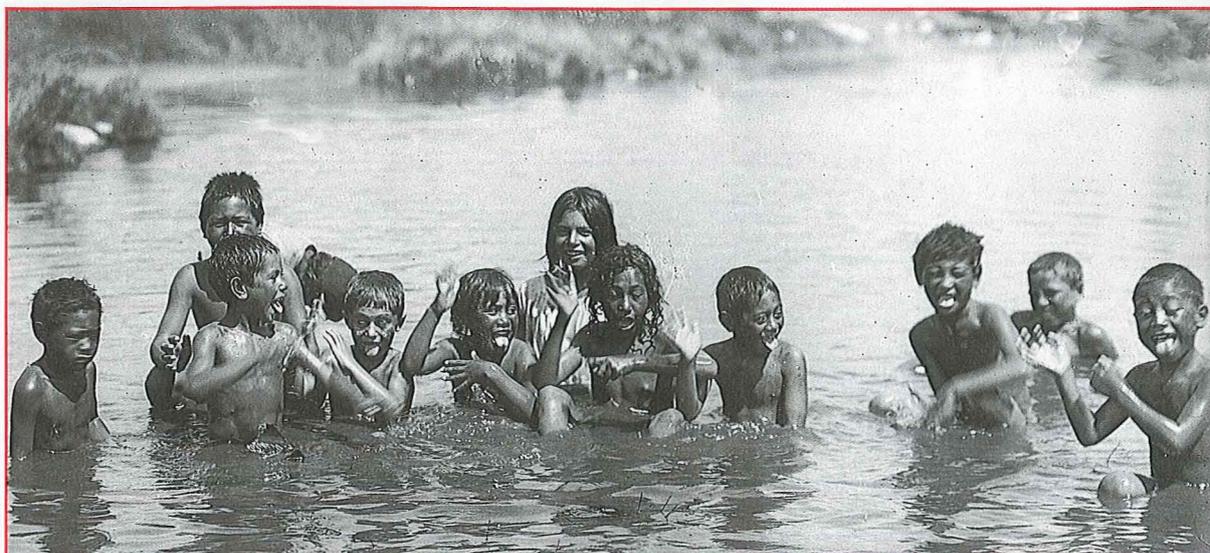
A Māori woman, Makereti, born in Rotorua in 1872, wrote a book about how the old-time Māori lived before the arrival of the Pākehā. She described what it was like to live in a kainga:



“No outsider would come and settle in a kainga, he would only come as a guest. Each family group had its own piece of ground which would be fenced off, and within this they would have their houses, two, three or more. These houses would be used for sleeping... A family group would also have a wharau or kauta built close by, to use for cooking in the bad weather.”

In good weather they would cook outside. They had special buildings and pits for storing food.

A penny haka at Ohinemutu, Rotorua. Photographer Lesley Hinge 1868–1942.



Laws, rules and behaviour

Maōri had a system of laws and rules in the same way that we have a system of laws and rules today.

Everybody knew what the laws and rules were, and that they would probably be punished if they misbehaved. Special people called tohunga knew a lot about the rules. They spent many years training and were very clever people.

Children, tamariki, were treasured by all the whānau. Grandparents helped care for children. It was important for children to learn the value of co-operation at an early age. Makereti said that children had to share in the work and do things such as fetch water. Children had to learn about hunting, gathering food, making their clothes and recognising plants and animals. This was as valuable as school work is today.

At night children would hear stories from their parents and grandparents. This taught them about the history of their whānau and hapū. There were no books or writing. Instead, songs and stories were important.



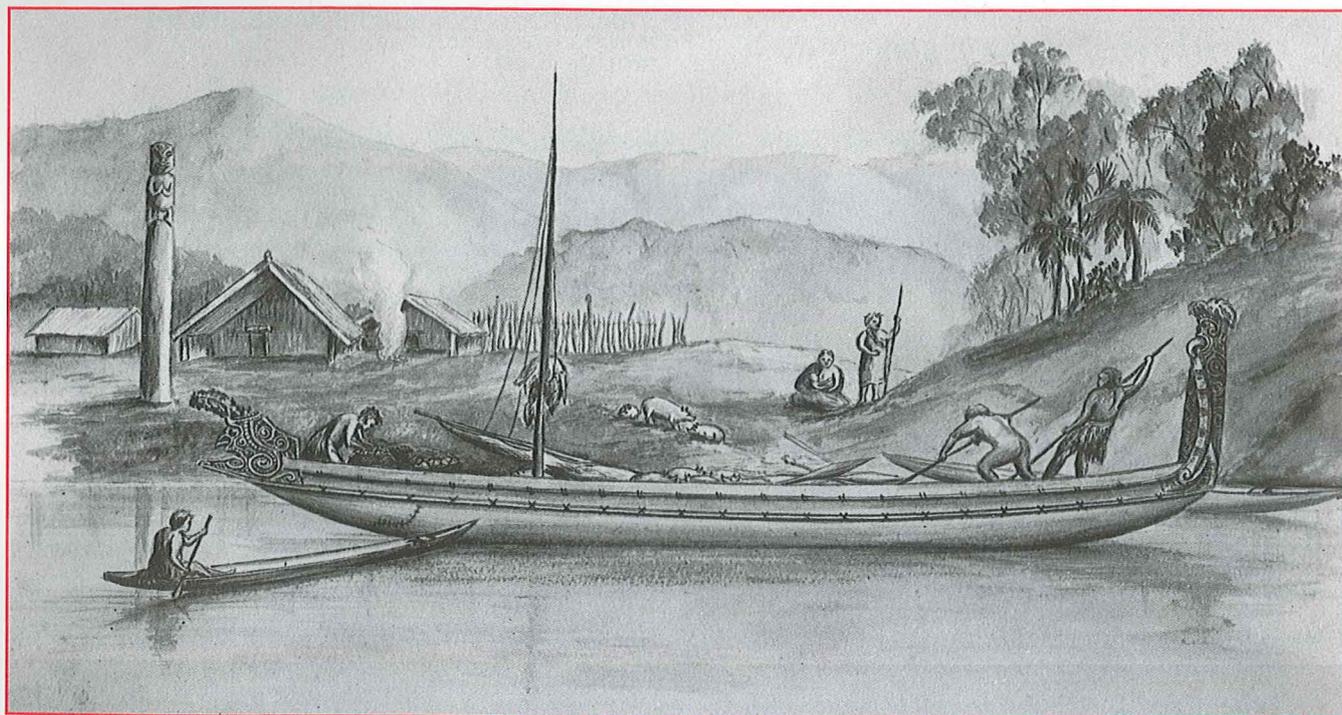
Carving was also a vital way of passing on history. Many

carvings would be given special names and many of them contained significant messages. They were passed on from one generation to another.

Trading

Maōri were business people. They had a very good system of trading. Hapū would trade with each other. Often pigeons and other birds would be traded for seafood. Feather cloaks were traded for weapons. In some cases canoes were traded. When kumara and other goods were traded they would be transported by waka. One of the most famous things that was traded was pounamu, the beautiful greenstone from the South Island. It was wanted by all the hapū because it was good for making weapons, ornaments and jewellery. It was carried over the mountains and taken on canoes to kainga hundreds of miles away from the South Island.

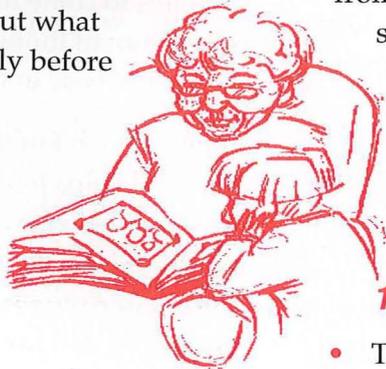
Canoes on the Whanganui River. Painting by Thomas Downes 1868–1938.



For group discussion and individual/group research.

1a Finding out about the past

- How do you know about what happened in your family before you were born?
- How do we know how people lived long ago?
- How did Makereti know what life was like for iwi before she was born?



Ask an adult to tell you about something that happened when they were a child. Write or tell their story.

1b Law and rules

What are some of the rules we have:

- at home
- at school
- for the whole country
- when we go out to different places, and
- when we are with different people?

Why do we have rules?

- What would happen if there were no rules?
- Make a chart showing family or school rules.
- How do we make social rules? Who makes them?
- If you think a rule or law is bad, what can you do about it?
- How do you decide if a rule is good or bad? Think about who the rule is good or bad for.
- What happens when we disobey rules?

1c Similarities and differences

- Think about and discuss all the ways that your life might be *similar* to a child living in Aotearoa before Pākehā settlers arrived.
- Discuss the ways your life is *different* from a Māori child before the Pākehā settlers arrived.
 - Make two lists, one for things that are the same and one for things that are different.
 - Compare the lists.

1d Place names

- Think of Māori place names in your area.
- Find out why those names were given. Use a Māori dictionary (if you need to) or talk to a *kuia** or *kaumātua*.*
- Think of some non-Māori place names in your area.
- Find out why those names were given.
- Discuss the differences between the way Māori and non-Māori name places.
- Discuss why Māori and non-Māori have named places differently.

kuia: an older woman
kaumātua: an older man



Section 2

THE ARRIVAL OF PĀKEHĀ TO AOTEAROA/NEW ZEALAND

Since the beginning of time people have explored the world.

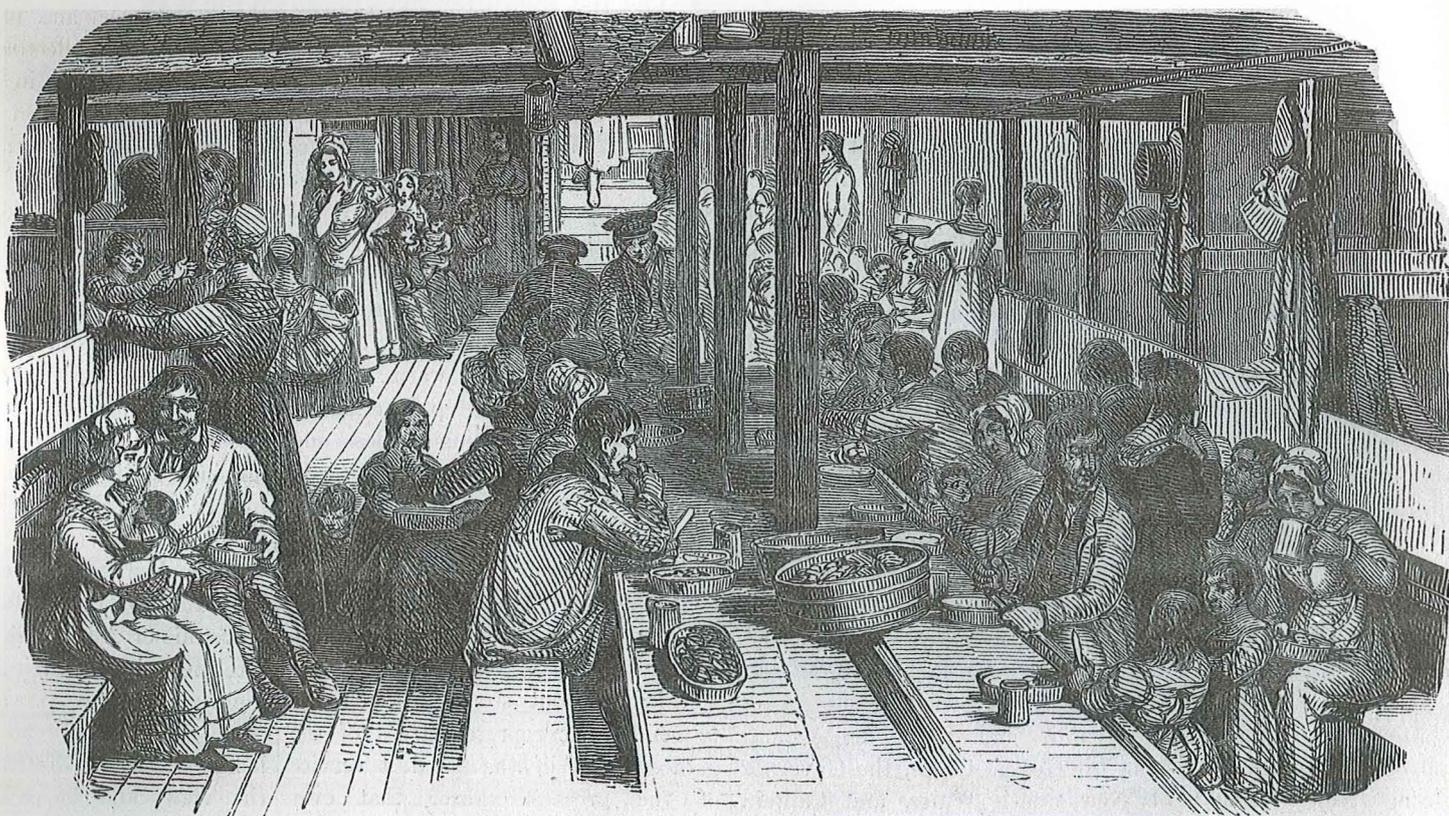
About 200 years ago people from Britain, Europe and America were exploring the world to find new land to live on. The Governments of these countries wanted to own more land and have more power in the world and they wanted to find new people to trade with. When people from these countries went to a new land they wanted to change it to make it like the place they had come from.

Some British explorers came to Aotearoa, the land of te iwi Māori. They went back to Britain and told the British Government that this country would be a good place for British people to live. There were at first many sealers, whalers, missionaries, farmers and traders. A few people were also

arriving from France and America. Later, the British Government encouraged British families to come here. The British Government thought that Aotearoa would be a good base in the Pacific for Britain.

Many British families packed their bags and boarded ships to start a new life in a land they had never seen on the other side of the world. It took about six months to sail from Britain to Aotearoa and the voyage was often cold and uncomfortable.

Adults and children sometimes died in the cramped conditions of the sailing ships before they reached the shores of their new home. But they kept coming because they wanted a better life than they had in Britain. Many of them had been very poor and hungry in Britain.



DINNER ON BOARD THE FIRST EMIGRANT SHIP FOR NEW ZEALAND

Contact between Maōri and non-Maōri people

At first there were many more Maōri than non-Maōri people in Aotearoa. Some good trading relationships developed. But it was a time of great change and confusion for everyone. There were new languages and behaviours to understand, and new technology.

In the 1820s and 1830s more settlers arrived and there were arguments and misunderstandings between Maōri and settlers. This was because while Maōri had laws and rules for Aotearoa, some settlers wrongly thought that there was no law here. Some settlers knew there were Maōri laws but chose to disobey these laws. When a settler's cows trampled over Maōri neighbours' precious food crops, what could Maōri do? Also, Maōri were arguing and fighting with each other, sometimes about whether or not they should let the settlers have some of their land. And Europeans were fighting with other Europeans over land.

The British Government decided to send someone to work out a solution to the problems. In 1833 they sent **James Busby**.

The first contract

In 1835, Busby arranged a meeting for thirty-four northern rangatira to sign a Declaration of Independence. The Declaration said:

- that iwi would remain in charge of their land and all the people that lived there, and
- that Britain would protect them from other countries that might try to take them over.

The rangatira chose a flag which represented Aotearoa.

After the signing in the north, the Declaration was taken around the North Island. It was signed by Pōtatau Te Wherowhero, a Waikato rangatira who later became the Maōri King. Te Hāpuku of Ngāti Kahungunu, who had been known to have a low opinion of Europeans, also signed it. The rangatira decided to meet at Waitangi every



James Busby

James Busby was born in Scotland in 1802. When he was 22 his family moved to Australia where he started a grape-growing business and then worked for the Government. After a while he went back to England and the British Government were impressed with all he seemed to know about what was happening in Aotearoa. Even though he had never been there, they chose him as the person to go and solve the problems.

Busby had a difficult time trying to make everybody behave. There were no police and nobody took much notice of him. So he decided that one solution would be for Maōri rangatira* to take responsibility for law and order.

rangatira: chief/s

year to make the laws and rules for acceptable behaviour for all people living in Aotearoa, and for trading. But these meetings did not come about, perhaps because the rangatira were too busy with other matters.

Buying land and 'owning' land

In 1838 a group from Britain called the New Zealand Company began buying land from iwi to sell to settlers whom they brought to New Zealand. They did this to make money. Other settlers were buying and selling land to make money as well.

The idea of buying land was something new to Maōri. The British settlers thought that they owned the land after they bought it from Maōri. Some Maōri thought that they were letting the settlers live on and use the land but thought it would always be Maōri land. Hapū and iwi believe that a person can never be permanently separated from the land they were born on. Other people

may use it, but other people would never be tangata whenua*. The different ideas held by British and Maōri about owning land were the cause of many problems.

Land sales out of control

Busby could see that the New Zealand Company might buy far too much Maōri land but he had no means to stop it. Maōri were in danger of losing too much of their land to the New Zealand Company and other settlers. Busby told the British Government about the land sales and about all the fighting as well.

The British Government wanted to ask the different iwi if they would agree to Britain making the laws about behaviour for New Zealand and making sure everybody obeyed them. They sent **Captain William Hobson** to New Zealand as a governor to ask Maōri rangatira if their iwi agreed to the idea.

tangata whenua: people born on and belonging to the land

William Hobson

William Hobson was born in Ireland in 1792. He joined the Royal Navy before he was eleven. When he was still a teenager and in his early twenties he took part in wars with other countries. He was twice captured by pirates when he had a navy job trying to stop the activities of pirates and slave ships in the West Indies.

Later Hobson went to Australia as the commander of a frigate, the *Rattlesnake*, where he helped set up the town that is now the city of Melbourne. In



1837 he heard from Busby about the trouble in Aotearoa so he went there for a month to see what was going on and to try to help.

Hobson returned to England in 1838 and wrote a report for the Government about the New Zealand situation. He was sent back to New Zealand with instructions to obtain land from Maōri 'by fair and equal contracts'.

He arrived at Waitangi on 29 January 1840, just one week before the Treaty was signed.

The arrival of Pākehā

QUESTIONS & ACTIVITIES

2a Going to a new land

- Why do you think people went around the world exploring two hundred years ago?
- Why do you think families decided to leave their homes to start a new life in a strange land?
- Why do you think the British Government wanted families to come and live in Aotearoa?
- Imagine being an explorer who has just come across an island. How would you feel? What things would you be looking out for?
- Write or tell a story —

How I felt when my family moved to a new country.

Your story could be set in the present day or in the past. It could be real or imagined.

Explain what you expected and what it was like when you arrived.

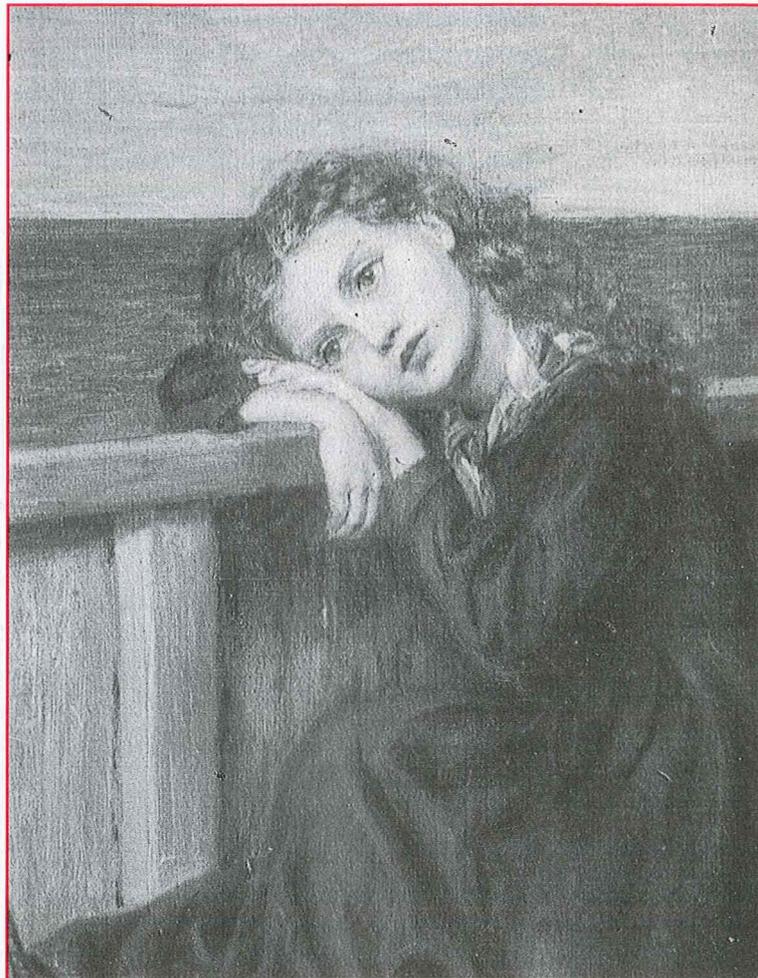
2b New people coming to your land

Different rules

- Break into three groups — A, B and C.
- Decide on a game you all know how to play that has two groups playing against each other.
- Groups A and B play the game.
- While groups A and B are playing the game, group C decides on changing one of the rules.
- Groups A and B stop playing the game.

- Group C will now play group A. Group A will play by the old rules and group C will play using their new rule. Group C must make believe that they have always played the game by the new rule. Group B will watch.
- What happened when groups A and C tried to play the game together? How did it feel for groups A, B and C when they were playing the game?
- Imagine how difficult it would be to play with people who have different rules and who also speak a different language.
- How do you think Maōri felt when people came from overseas and made new rules?

"The Little Emigrant," painting by Laura Herford, c. 1886



2c Ownership/buying/lending

Maōri and Pākehā had different ideas about owning, lending and borrowing before and after the Treaty was signed. They didn't understand each others language very well either. This caused serious problems about land.

Read this story about how people often misunderstand you when you give them something.

Eruera and Sally are in standard four at Pounamu School. One morning during maths the teacher asks the class to draw a graph using their coloured felts. Sally doesn't have any felts. Eruera says to her, "You can have mine because I have another set in my bag that I can use." Sally is really pleased and at lunchtime she gives Eruera some of her chocolate cake.

A week later, the teacher tells the class to use their felts again to draw a map for a social studies class. Eruera had taken home the set of felts that he had got from his bag for the maths class because they were his sister's felts. He feels a bit cross with Sally because she still has not returned his felts.

He asks Sally if he can have his felts back.

"But you gave them to me," says Sally.



"No I didn't," says Eruera, "I just lent them to you."

"No," says Sally, "you said I could have them and I gave you some of my chocolate cake."

"I said you could have them for that day, but I didn't say for keeps," says Eruera.

- Write or tell a story about a time when you have had a misunderstanding about buying, lending or borrowing something.
- How could Eruera and Sally make sure they understood each other?
- Imagine if Sally had newly arrived in the school from another country and she doesn't speak English very well. What difficulties would there be in this situation?

2d The Declaration of Independence

If the rangatira who signed the Declaration of Independence had met every year, as planned, to make laws and rules for Aotearoa, there might not have been a Treaty of Waitangi.

It seems that the rangatira did not decide that they would not meet each year. It was more likely that they were too busy with other matters.

- How would you organise a meeting today for people who live all over the country?
- Now, imagine organising a meeting in 1835 for people who live all over the country. How would you do it?

Section 3

THE SIGNING OF THE TREATY OF WAITANGI

The British Government decided that Hobson would ask Maōri rangatira to sign a Treaty with Queen Victoria. Hobson would act on the Queen's behalf because she was in England. A treaty is an agreement or contract between two or more people, groups or countries. Britain recognised New Zealand as a separate country because they accepted the Declaration of Independence that had been signed five years before.

Busby and Hobson together wrote a draft treaty. A missionary* **Henry Williams** and his son, Edward, translated it into Maōri.

The fifth of February 1840 was a very important day. Rangatira were invited to a

missionary: a person who works to join other people to his/her religion

Christian: one who believes in the teaching of Jesus Christ

spiritual: concerned with the spirit, soul, god and religious things

Henry Williams — Part I of his life

Henry Williams was born in 1792 in England. When he was 12 his father died and at 14 he entered the Royal Navy. He married at 26 and soon after joined the Church Missionary Society and decided to become a missionary*.

He arrived in the Bay of Islands in 1823 with his wife Marianne and their three children. Williams became the leader of the mission there. At that time not a single Maōri had become a Christian*. Maōri had their own religion and did not want to become Christians.

Williams could see that the other missionaries were not succeeding in converting Maōri to Christianity because they spent too much time trying to make Maōri live like the settlers.

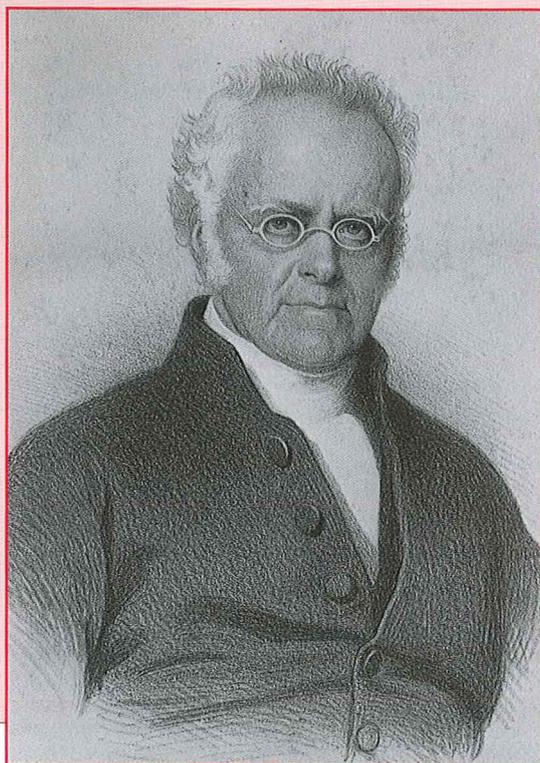
Williams decided that more Maōri would become Christians if the

missionaries talked more about the spiritual* side of being a Christian because Maōri were very spiritual people. He also told the other missionaries that they should learn the Maōri language and learn about Maōri culture if they wanted to be able to talk properly with Maōri about becoming Christians.

Williams was very helpful to Maōri and often helped solve disputes between Maōri and settlers. 3,000 Maōri in the Bay of Islands area had become Christians by 1842.

But the years that followed the signing of the Treaty of Waitangi were not so happy for Henry Williams.

You will learn more about Henry Williams in Part II of his life.



The Treaty of Waitangi

The text in Māori

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 māori o Nu Tirani - kia wakaaetia e nga Rangatira māori 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 kaua ai nga kino e puta mai ki te tangata Māori ki te Pākehā 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 aianei, 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, kihai 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.

Ko te tuatoru: Hei wakaritenga mai hoki tenei mo te wakaaetanga ki te Kawanatanga o te Kuini - Ka tiakina e te Kuini o Ingarani nga tangata māori katoa o Nu Tirani. Ka tukua ki a ratou nga tikanga katoa rite tahi ki ana mea ki nga tangata o Ingarani.

[Signed] William Hobson, Consul and 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 wakaaetia 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 Pepuери i te tau kotahi mano, e waru rau e wa te kau o to tatou Ariki.

Ko nga Rangatira o te wakaminenga.

The text in English

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.

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 power 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 possession of the 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 maintain the same in their possession; but the Chiefs of the United tribes and the Individual Chiefs yield to Her Majesty the exclusive right of Pre-emption 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.

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.

[Signed] William Hobson, Consul and 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.

[Signatures, dates etc]



hui to talk about the Treaty and decide whether they wanted to sign it. A large tent was put up on the lawn in front of Busby's house. A crowd started to gather outside including many Māori (some of whom had travelled a long way), settlers, traders, sailors and missionaries. Everybody was interested to find out what was in the Treaty and to hear the debate.

Everyone moved into the tent. Hobson explained that the Queen was concerned for both Māori and Pākehā in Aotearoa because of the lack of law and order. She was asking the rangatira if they agreed to Hobson becoming the Governor of Aotearoa. Hobson would then be able to control the British settlers. Busby said to the Māori rangatira that Hobson was not going to take away their land. Instead he was going to make sure that Māori land was safe from settlers. The missionary Williams read out the Treaty in Māori.

What the Treaty said

- Māori would have rangatiratanga (total control) over all their lands and taonga (everything important to them) for as long as they wished.
- If Māori wanted to sell land they must sell it to the Governor who would then sell it to settlers.

reo: language

governance: you have governance when you are allowed to make rules and see that they are obeyed.

- The Queen would make sure that there would be law and order for all people in the country. She would make sure that Māori rangatiratanga and property would be protected.

(Queen Victoria was in England. The Governor was the Queen's representative in Aotearoa.)

The Treaty said that this agreement was necessary because so many non-Māori were now living in Aotearoa.

Difference between the Māori and English versions

There were two versions of the Treaty. One was in Māori and the other was written in English.

William Hobson signed for Queen Victoria, the Queen of England. He signed the English and Māori versions. He did not know te reo Māori.*

Māori signed the Māori version.

In the English version of the Treaty of Waitangi, Māori give sovereignty to the British Queen. Sovereignty means absolute and total control of everything. So, in the English version, Māori gave the British total control of the country.

The Māori word 'rangatiratanga' is similar to 'sovereignty'.

The Māori version of the Treaty did not say that Māori would give 'rangatiratanga' to the British. And it must be remembered that Māori signed the Māori version, not the English version.

The Māori version of the Treaty says that Māori give 'kāwanatanga' to the British. This word in English means 'governance'*. The Māori who agreed to sign did so because they wanted the British to govern, which means to make laws about

behaviour. Many people today believe that most Maōri would not have signed the Treaty if the Maōri version had used 'rangatiratanga' for 'sovereignty'.

The Treaty promises that Maōri would keep their rangatiratanga over their lands and everything else. The Maōri who signed did so because this meant iwi would keep control over their land and everything else important to them.

The great debate

The debate amongst the rangatira went on for five hours. Williams translated what the rangatira said for Hobson and Busby who did not understand te reo Maōri. He also translated what Hobson said because not all Maōri understood English.

Some rangatira thought the Treaty was a good idea and others didn't. Their main concerns were about their authority (power and control), their land and trade dealings.

Te Kēmara of Ngāpuhi was the first to speak. He said, "No! No! No! I shall never say 'yes' to your staying. Were all to be equal then perhaps Te Kēmara would say 'yes.' But for the Governor to be up and Te Kēmara to be down... No! No! No! O Governor, my land is gone, gone, all gone."

Te Ruki Kawiti, also of Ngāpuhi said, "No. No. Go back, what do you want here? We native men do not wish you to stay. We do not want to be tied up and trodden down. We are free!"

Tamati Waka Nene of Ngāpuhi spoke for

Te Ruki Kawiti

Te Ruki Kawiti was born in the 1770s. Kawiti was known as both a warrior and a whakaiao whenua* among his people. On several occasions he found ways to stop terrible battles taking place between his tribe and other tribes.

He did not agree to sign the Treaty on 6 February but decided he would sign at a special meeting in May with Hobson. He possibly regretted signing because in 1845 he joined forces with other leading Maōri to challenge British rule in his country. When the British launched three major attacks in the Bay of Islands, Kawiti's forces won. One time, when Maōri



had only one fighter to every six British soldiers, they still managed to win. The British wanted to make peace with Kawiti, but he would not agree because the British said that the peace agreement would involve Kawiti giving them some Ngāpuhi land. In the end, he did agree to peace.

Before he died Kawiti told his people to wait "until the sandfly nips the pages of the book [the Treaty]; then you

will rise and oppose." When Treaty promises are not upheld, his tribe has remembered this through the years, and still does today.

When Kawiti died his tangi lasted for a year.

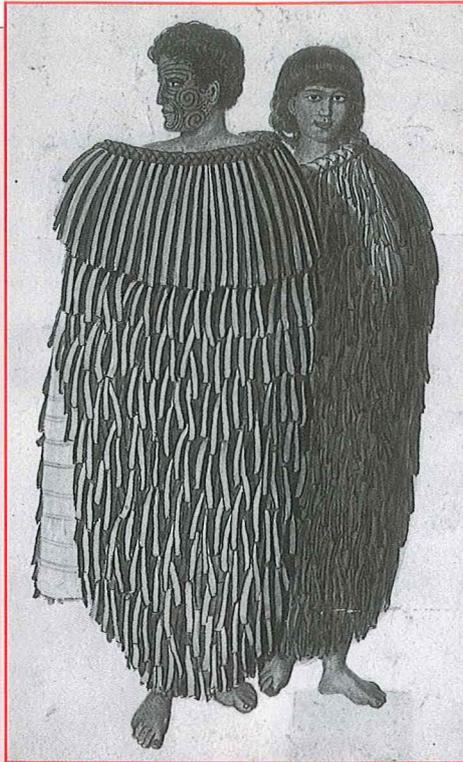
whakaiao whenua: peacemaker

Kawiti (right) with Harriet (Heke's wife) and Hone Heke. Painting by Joseph Merrett 1816-1854

Hone Heke

Hone Wiremu Heke Pokai, a Ngāpuhi rangatira, was born at Maunganui Bluff in 1807 or 1808. He went to a missionary school and was very good at his work. He was also very tall and well built. The missionary Williams was a big influence in his life and this was probably why he signed the Treaty.

But soon after the Treaty was signed it became hard for his people to make enough money to live on from their trading and they became extremely poor. This may have been because Hobson had decided to make Auckland the main place for settlement and trading. Heke was angry that his people were poor. One day in 1844 he organised his men to cut down the British flagpole at Kororareka. This flagpole used to fly the Maōri flag. The Governor decided he needed to bring in soldiers from Australia to deal



Hone Heke and his wife

with this sort of behaviour. Heke wrote to the Governor and said he would improve his behaviour and replace the flagpole. The letter was proud rather than sorry because Heke was still angry that his people were suffering. When the flagpole was replaced, Heke cut it down again twice in January 1845. The Government sent the army to guard the flagpole.

In March, fighting began between the British and Heke. Kawiti, who had joined forces with Heke, distracted the British and Heke cut down the flagpole a fourth time.

Many battles followed between Heke and the British. He never really made peace with the Governor; instead he accepted the Governor's right to be in his country and expected him to honour the Treaty.

the Treaty. He said to the other rangatira, "Is the land not already gone? Is it not covered, all covered with people, with strangers, foreigners — even as the grass and herbage — over whom we have no power?" Nene said that it was now too late to tell the Pākehā to go back. "Many of his children are also our tamariki. He makes no slaves". He said Pākehā would bring plenty of trade and that it would be best if Maōri and Pākehā could be friends together.

Language problems

At one point a Pākehā, Trader Jack, interrupted. "Begging your pardon, Sir," he said to Hobson, "but it's that Mr Williams. He's not translating a good half of what the Maōri say. He's not translating half of what you say either."

moko: a tattoo on the face which identifies a person.

Another Pākehā, Johnson, who understood Maōri language said that the Maōri were saying a lot about the missionaries taking their land and that Mr Williams was not translating it.

The rangatira who spoke at the end of the day were in favour of signing the Treaty. They persuaded most of the other rangatira to sign.

6 February 1840

The next day, 6 February, the rangatira gathered again, this time to sign the Treaty of Waitangi. **Hone Heke** was the first to sign. That day at Waitangi about forty rangatira signed the Treaty. The Treaty was then taken around the country by British officials and missionaries to collect more signatures. Most rangatira who signed drew their moko* as their signature.

Women who signed the Treaty

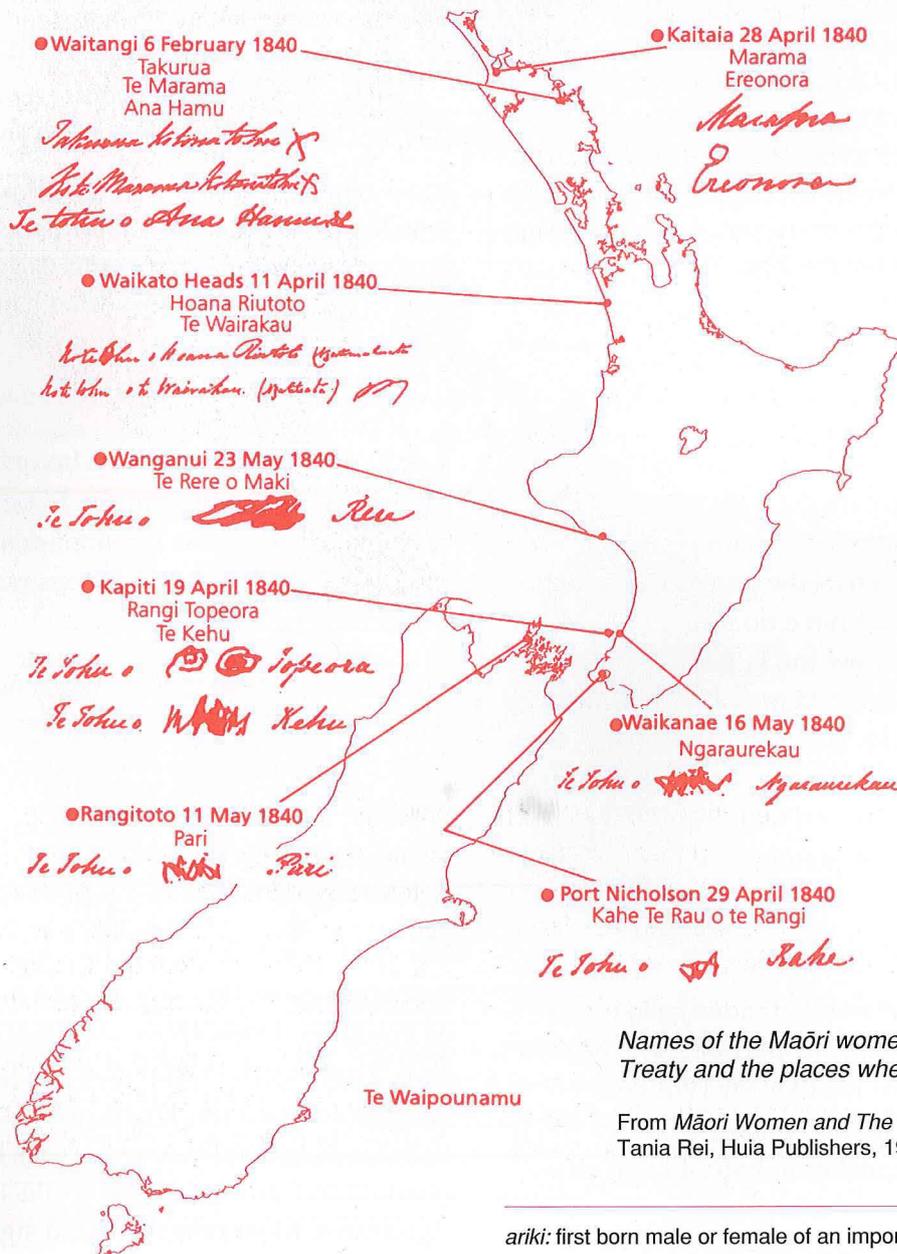
Thirteen Māori women have so far been identified as signing the Treaty.

In Britain at that time women did not vote or have any say in important issues. However, three women signed at Waitangi on 6 February.

Many Māori women were very important. They were rangatira or ariki.* Henry Williams knew this. He was one of the people who took the Treaty around the

country. He collected the signatures of women at Kapiti, Wellington and Wanganui.

Another person who was collecting signatures around the country refused to allow the daughter of Te Pehi, a famous Ngāti Toa rangatira, to sign. That signature collector thought women were not important enough to sign the Treaty. Te Pehi's daughter was angry and her husband refused to sign, probably because of the insult to his wife. Misunderstandings like this can happen very easily between two different cultures.



Rangi Topeora — *One of the women who signed*

Rangi Topeora was a rangatira of the Ngāti Toa tribe and also belonged to Ngāti Raukawa. She was born in about 1790 at Kawhia and moved South with her people to live on the Kapiti Coast, north of Wellington. She was a well-known composer of waiata* about love and war, and had a beautiful singing voice.

There were many battles between her people and the tribes in the Kapiti area. Rangi Topeora and her mother, Waitohi, played an important part in the planning and fighting of these battles.

At the battle of Waiorua on Kapiti Island in 1824 Topeora showed her strong position in her tribe. Wearing only a rāpaki* she climbed upon the gateway of her pā and stood with her legs astride. She faced the oncoming enemy holding a taiaha* in her hands challenging them to enter the pā. The battle was won by her people because no man would pass between her legs.

On 14 May 1840 Topeora signed the Treaty. In her early days she supported the Government's plan to build a road in the Kapiti district. She placed pegs where the road was going to be although her

people did not agree with building the road. No-one dared to interfere with her pegs and the road was built. But a few years later Topeora spoke out against the settlers and urged her people to resist them.



rāpaki: a piece of clothing like a skirt
taiaha: a wooden spear
waiata: song

Henry Williams — Part II

After the Treaty was signed there was a lot of conflict between the settlers and Māori. Settlers became suspicious of Williams because he was very friendly with iwi in the Bay of Islands. Māori became suspicious of him because British troops were stationed at the Waimate mission station. Some Māori were also beginning to think that he had misled them when he told them what was in the Treaty. He had not told them that the English version said that they would be under the control of the British Queen's representatives in Aotearoa.

Williams had acquired a lot of land in the north before the Treaty was signed. The Governor of Aotearoa said that he and the other missionaries had far too much land and this was the cause of war in the North. In 1849 the Church Missionary Society decided to dismiss him from the Society.

Williams continued to be a minister and was allowed back into the Church Missionary Society in 1854. He stayed in Aotearoa until his death.

The long journey: collecting signatures around the country

Few rangatira signed at Waitangi on 6 February but more signed when the Treaty was taken around the North.

The main argument the British used to try to get signatures was that the Treaty would protect Maōri from Pākehā gaining control of their land.

Not all rangatira signed the Treaty

Several rangatira in the Waikato signed the Treaty, but Pōtatau Te Wherowhero refused even though he was asked again and again. He was an important man and the British knew that if he signed, others would sign too.

Missionaries influenced some Maōri to sign the Treaty because many Maōri had become Christians and believed that what the missionaries said was right. Not as many Maōri signed who lived in areas where there had been few missionaries or none at all. This was the case for the Arawa and Tūwharetoa tribes in the central North Island.

No attempt to get signatures was made in South Taranaki where a vessel, the *Alligator*, had sailed along the coast in 1834 firing cannons on coastal kainga.

It took four months to collect over 500 signatures.

Hobson declared British sovereignty over Aotearoa/New Zealand on 21 May 1840. He did this before consulting the British Government.

Hobson then told the British Government that all the rangatira in the North Island agreed to the Treaty. This was not true. Hobson said that the South Island could be included because the British had 'discovered' the South Island. This was not true either. Hobson sent Maōri and English copies of the Treaty to England. Henry Williams had written on the bottom of the English version that it was a literal translation* of the Maōri version. This was not true.

Many of the rangatira that did not sign the Treaty, and some who did, continued to protest against Pākehā settlement for years to come. Many settlers were against the Treaty as well.

literal translation: when the writing in one language has the same meaning as the writing in another language

3a Agreements and contracts

People make all sorts of agreements and contracts with other people. The agreement might be in writing or it might be a spoken agreement. The agreement or contract might be that if you do the dishes you will get pocket money. Adults have contracts about paying rent for the house you live in or paying money back to the bank that lent them money to buy a house.

- What sort of agreements or contracts have you made? Who with?
- Why do you make them?
- What happens if you break them?
- Who decides that a contract is needed?

Make a contract

It may be between:

- you and another person in your class
- two groups in your class
- you and the teacher
- a group and the teacher
- you and someone in your family.

Decide

What is the expected behaviour from those who sign the contract? Remember the British Government's instruction to Hobson to make 'fair and equal contracts.'

- One month later look at:
 - whether the contract was kept or broken
 - why it was kept or broken.



Think about these points

- Did you understand what you were expected to do in the contract?
- Was the contract written in a way that was easy for all people who signed it to understand?
- Did you and the other people who signed the contract talk about what was expected in the contract before you signed it?
- Did you trust that the other people who signed the contract would do what they said they would? Do you still trust them?
- Did you respect the rights of the other people who signed the contract? Do you still respect them?

3b Treaty signatures

- Look at the map which shows where Maōri rangatira signed the Treaty and how many signed in each place.
- Look at the places where no signatures were collected. Work out why none were collected there. Discuss whether the British had enough signatures to set up a government for all of Aotearoa.

3c Selling the land

- Why do you think it was written in the Treaty that if Maōri wanted to sell land they must sell it to the Government rather than to settler families?

3d Settlers and the Treaty

The Treaty was a contract between Maōri and the Queen.

- Why do you think so many settlers came to the debate?
- Why do you think some settlers supported the Treaty and some were against the Treaty?

Section 4

WHAT HAPPENED AFTER THE TREATY WAS SIGNED?

The Government did not do what it said it would do in the Treaty of Waitangi, which was to let Maōri own and control their lands and their lives.

Case study — Taranaki

Before the Treaty was signed Maōri children in Taranaki lived with their whānau and hapū in their kainga on their land which was owned by the whole tribe.

War

But a few years after the Treaty was signed the Government wanted a lot more of their land for British settler families to live on. There was a long war between the Government's army and Taranaki hapū

who wanted to keep their land. It was a very frightening time for the children because there was so much violence and they were always worried about their homes and their families. Many of the adults in their families were killed and some children were killed too. Many of their homes and food gardens were destroyed.

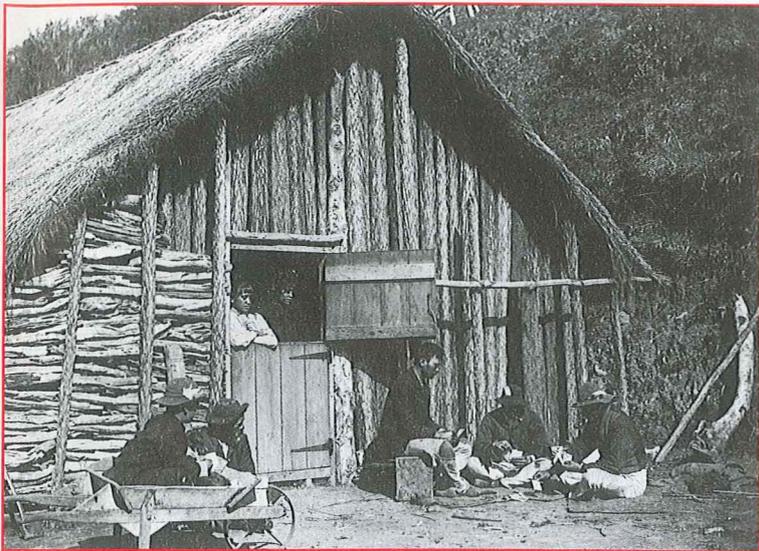
Confiscation*

The Government wanted to punish those Taranaki hapū who had fought back against the army. The Government decided to confiscate the land belonging to those hapū. But the Government took far more land than it said it would take. It said that it would give some of it back so that the Maōri

Parihaka village with Mount Egmont or Taranaki in the background.

confiscation: when a person or people in power takes away something from a person or people without power





Whare kainga, Parihaka.

families would have somewhere to live. But it didn't give any land back for more than ten years and even then it did not return anywhere near as much land as it said it would.

Changing the land-owning rules

When it did return some of the land to Taranaki people, it did not return it to the whole hapū. Instead, it divided it up and made only a few members of the hapū the owners of the land. This caused enormous problems between the families whose names had been written down as owners and the families that were not named.

Nowhere to live

No land at all was returned to some Taranaki hapū. The families had to live somewhere, so they lived on the land that

was once theirs but now belonged to the Government. No-one else was living on the land because the Government had not sold the land to settlers as it had said it would.

The end of the battle

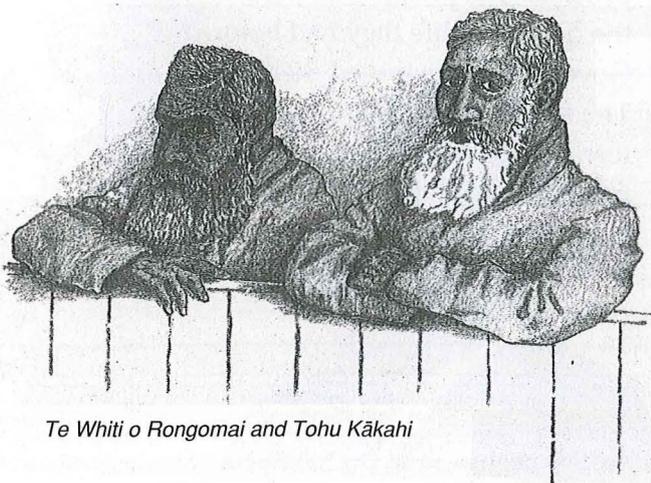
Titokowaru of Ngāti Ruanui was a great leader of the Taranaki people. He tried for many years to keep peace between Taranaki hapū and the Government but the Government kept confiscating more and more Taranaki land. As a last resort, Titokowaru travelled with his people through the war area and cleared it of all soldiers and settlers. After this, the Government was angry and would not meet with those Taranaki Maōri leaders who wanted to talk and sort things out.

Parihaka — peaceful protest

At this time, a large group of families were living in a community called Parihaka. There were two spiritual leaders, Te Whiti o Rongomai and Tohu Kākahi, who did not believe in violence. They thought it was wrong to fight and much better to solve problems by talking. All the people at Parihaka agreed with this.

So, instead of fighting the Government for not returning their land, they started to plough the land that was actually theirs, but now had settler families living on it. This is called "peaceful protest." 400 ploughmen were arrested and put into jail. They did not fight back when they were arrested.

The army then took over the remaining hapū land. Some of this land had gardens that fed whole communities and they needed these gardens to survive. When the army broke the garden fences, Maōri simply put them up again. They did not fight the army. The army tore fences down again and



Te Whiti o Rongomai and Tohu Kākahi

Parihaka village around 1880



Maōri put them up again. 200 Taranaki fencers were put in jails with the ploughmen.

During this time the Government made new laws that said it could put Maōri in jail without trial. This meant that Maōri did not go to court first to find out whether or not they were guilty of breaking a law.

The Government didn't like the people at Parihaka controlling their own lives. It claimed that the people at Parihaka were preparing for war against the Government. So it sent a huge army into the peaceful settlement and destroyed it. Tohu and Te Whiti were charged with plotting against the Government and jailed. Tohu and Te Whiti had only one question for the Government. They asked about the land that was supposed to have been returned 19 years before.

During the trial, or court case, of Tohu and Te Whiti, it seemed that they might not have done anything wrong and that the army was in the wrong. So the Government quickly made a new law which said that whatever soldiers did at Parihaka was legal. The trial of Tohu and Te Whiti was stopped. It was decided that they were guilty without having a court case.

After this, the Government gave back some of the land they had been promising for such a long time. But there was a catch. Settler families were living on quite a lot of it and were allowed to live there for as long as they wanted to.

The Government badly interfered with Taranaki iwi. It made it impossible for the hapū to make enough money to live a good life. The Government made laws which stopped them from living on and taking care of their land in the ways that they always had done. The Government stopped Taranaki hapū from controlling their lives. It destroyed their communities.

The situation today

Today, Taranaki iwi have still not received the land that was promised after the war. Some Taranaki women still wear the raukura* in their hair, a sign of peace that originates from the Parihaka peaceful protests. The people still have not recovered the quality of life they had before the Government destroyed their communities. The families have not forgotten all the terrible things that happened to their people. Parents told their children what happened and when those children grew up they told their children, and so on till the present day.

*rau*kura: feather

What happened after the Treaty?

QUESTIONS & ACTIVITIES

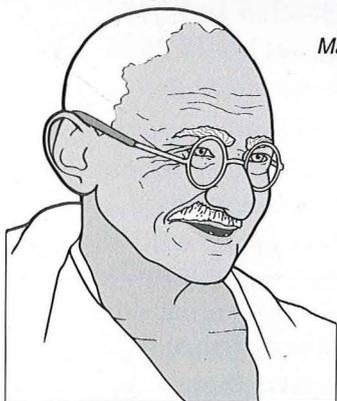
4a Peaceful protest

The spiritual leaders, Te Whiti and Tohu protested against the Government's actions without being violent.

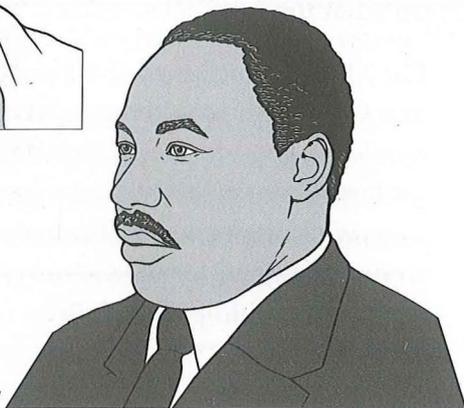
- Find out more about Te Whiti, Tohu and the Parihaka situation.

In other parts of the world there has been peaceful protest.

- Find out about the leaders Mahatma Gandhi (India) and Martin Luther King (United States of America) or other leaders of peaceful protests.
- What were they protesting about?
- What happened as a result of their protest?
- What are the similarities and differences between Parihaka and the other peaceful protests you have found out about?
- Why do you think people in power act as if they fear peaceful protest?



Mahatma Gandhi



Martin Luther King

4b The purpose of courts

We have courts to decide whether or not a person has done something which has broken a law. The court decides if a person is guilty or not guilty of the crime they have been accused of.

Write or tell about:

- a time when you were blamed for something you didn't do and no-one would listen to you. Explain how you felt.

or

- a time you got into trouble for doing something which you thought was right but other people thought was wrong and no-one gave you a chance to explain. Explain how you felt.

Your situation is similar to Māori leaders in Taranaki who were treated as guilty without going to court first.

4c The Treaty and Taranaki Māori

Taranaki iwi were not asked to sign the Treaty but Hobson declared sovereignty over all of Aotearoa.

What do you think the relationship was between Taranaki iwi and the Government in the 1860s?

4d Taranaki today

- Write about, or prepare a speech about why the events of the past in Taranaki are still important to Taranaki people today.
- Think about how things could have been done differently in Taranaki and how that would have affected the lives of the people then, and now.

Section 5

WHAT THE TREATY MEANS TODAY

Living side by side

The Treaty of Waitangi contract is the founding document* of our country.

Maōri agreed:

- to let other people live in their country
- to let the British make rules about behaviour and see that everyone obeys them.

The British agreed:

- to let Maōri keep control of their own lives
- that Maōri would have the same rights as all other people in Aotearoa.

Respect

Respect means that you treat other people with consideration. Respect does not mean you have to be the same, like the same foods or enjoy the same activities.



Michael Hall

The Treaty was a contract of respect between the British and Maōri. Today there are a lot of people living here whose families are not from Britain. The Treaty now means there must be respect between Maōri and non-Maōri.

It is important that the laws and rules today consider and respect both Maōri and non-Maōri ways of living. It is important that Maōri and non-Maōri who live near each other are considerate of each other and respect each others' differences.

Trust

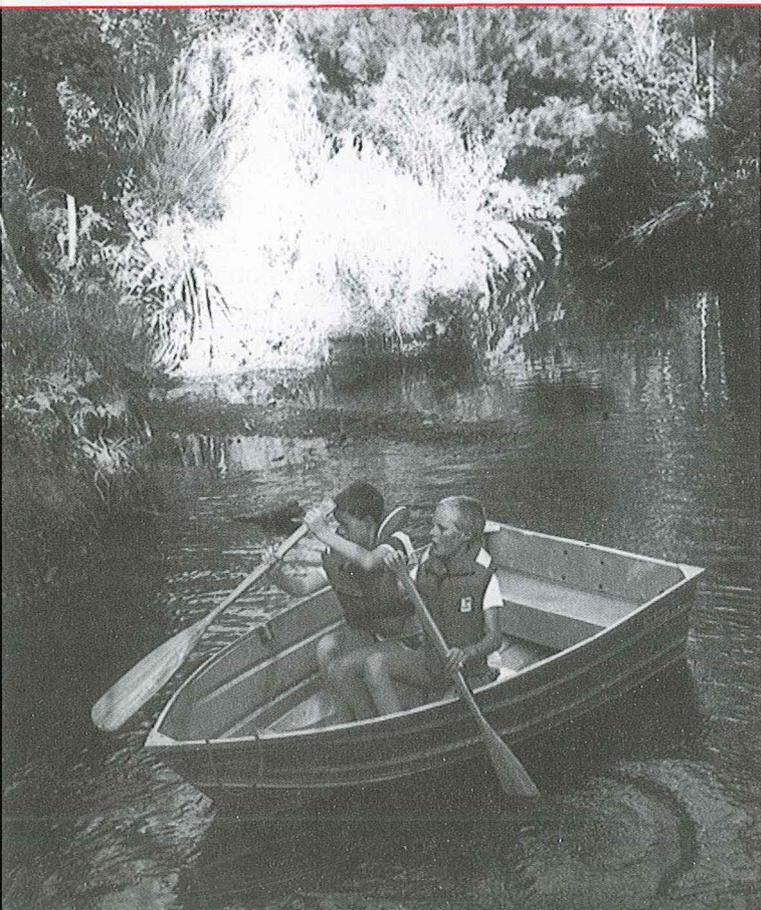
A contract will work only if both groups who sign it trust that the other group will do what the contract says they will do.

The Maōri who signed the Treaty trusted that the British would make laws that would be good for both them and the settlers. Unfortunately, as we have seen from what happened in Taranaki, the laws were often good for the Government and for the settlers, but not for Maōri.

founding document: first significant agreement between cultures
claim: request, complaint or grievance

THE TREATY OF WAITANGI — PAST & PRESENT

Section 5 • Page 1



Ans Westra



Lyn Fussell

Judge Richard Kearney (presiding officer), Josie Anderson (Tribunal member), Alan Sargison (Crown witness), Bishop Manuhua Bennett (Tribunal kaumātua), Professor Whatarangi Winiata (Te Wānanga o Raukawa chief executive), Keita Walker (Tribunal member) with Wānanga claim Tribunal members and Crown counsel.

The Waitangi Tribunal

Ever since the Treaty was signed Maōri have been going to the Government, both here and in Britain, to talk about honouring the Treaty contract. Now, we have the Waitangi Tribunal. The Tribunal studies Treaty claims* about what the Government did in the past that was not good for Maōri. Claims can also be made about what the Government is doing right now. The Waitangi Tribunal claims are not only about land. Maōri have made claims about the Government allowing pollution of the sea, rivers, air and land. They have made claims about fishing laws, the Maōri language and education.

After the Waitangi Tribunal has listened to the claim it decides whether a Government in the past, or the Government now, acted in a way that broke a promise given in the Treaty. If the Waitangi Tribunal decides that the Government broke a Treaty promise, it suggests to the Government how it could put things right. In some cases the Government has to do what the Waitangi Tribunal suggests.

How to put right the wrongs

The Government, Maōri and the Waitangi Tribunal are trying to put right the wrongs that have happened as a result of Treaty promises being broken. They are trying to build a better future for Maōri and trying to create better understanding between Maōri and Pākehā.

A lot of the land that was wrongly taken from Maōri is now owned by non-Maōri. It would be just as bad to take that land from those people and give it back to Maōri. The Government must talk with each iwi group with a complaint concerning the Treaty. The Government and Maōri must find a solution to the problem that will be fair for everyone, Maōri and non-Maōri.

Making decisions together

In the past Maōri were not treated as a partner with the Government, as the Treaty had promised. Now the Government is trying to stop new problems arising between Maōri and the Government by making sure that iwi are involved when laws and important decisions are made.

What the Treaty means today
QUESTIONS & ACTIVITIES

5a What difference has the Treaty of Waitangi made?

- What do you think might have happened if there had not been a treaty between Maōri and the British Queen when the settlers started to arrive?
- What do you think Aotearoa/New Zealand might be like today if there had not been a treaty?

5b Shared decision making

Step 1

- Divide into groups of three.
- Your group decides what your group and one of the other groups is going to do at morning interval.
- Write down on a piece of paper what you have decided your group and the other group will do and give it to the other group.
- How do you feel about what the other group decided you will do at interval? Do the other two people in your group feel the same as you?

Step 2

- Repeat the exercise. This time, discuss with the other group what they would like to do at interval before you make a decision.

Step 3

- Explain how you felt at the end of Step 1 and at the end of Step 2.



5c How to put right the wrongs

Role play

The Government has agreed with a claim by a particular iwi, that the iwi land was wrongly taken.

Step 1

- Divide into three groups:
 1. *the Government*
 2. *the iwi*
 3. *non-Maōri* currently living on land that the Government agrees was wrongly taken from Maōri. The Maōri claim is not against this group. The claim is against the Government who made laws that allowed the land to be taken.

Step 2

- Talk in your group about what the land means to you.
- Talk about ways the problem could be solved that would suit your group and that you think the other groups would agree with.
- Decide on a group spokesperson.

Step 3

- The Government group will talk with the iwi group.
- The group spokesperson will talk first to explain what the land means to the group and how the group thinks the problem could be solved.
- Then other group members may talk.
- Your task as a group member is to avoid arguments and try to find a solution. This involves listening very hard to what the other group has to say.
- The non-Maōri group watches the discussion.

Step 4

If Government and Maōri agreed to a solution:

- the non-Maōri group after hearing the discussion, can:
 - report to the Government that it is happy with the solution reached, or

- report to the Government that it is not happy with the solution and
- request a meeting with Government, or
- request a meeting with the iwi group, or
- request a meeting with both Government and iwi, together or separately

If the Government and Maōri have not agreed to a solution

- the non-Maōri group, after hearing the discussion can:
 - request a meeting with Government, or
 - request a meeting with the iwi group, or
 - request a meeting with both Government and the iwi group, together or separately

See if you can find a solution. You may have to compromise.*

compromise: give and take on both sides to reach an agreement



Ans Westra

GLOSSARY

Sometimes Maōri words are explained in the text. This has been done when it is important that the English language reader is not distracted from the text.

<i>ariki</i>	first born male or female of an important family	<i>kainga</i>	home
<i>authority</i>	power and control	<i>kaumātua</i>	an elder
<i>Christian</i>	a person who believes in the teaching of Jesus Christ	<i>kuia</i>	an older woman
<i>claim</i>	complaint or grievance	<i>literal translation</i>	when the writing in one language has the same meaning as the writing in another language
<i>compromise</i>	give and take on both sides to reach an agreement	<i>missionary</i>	a person who works to join other people to the missionary's religion
<i>confiscation</i>	when a person or people in power takes away something from a person or people without power	<i>moko</i>	a pattern tattooed on the face which identifies a person.
<i>founding document</i>	first significant agreement between cultures	<i>rangatira</i>	chief or chiefs
<i>governance</i>	you have governance when you are allowed to make rules and see that they are obeyed.	<i>rāpaki</i>	a piece of clothing like a skirt
<i>hāngi</i>	food cooked in the ground with heated stones	<i>raukura</i>	feather
<i>hapū</i>	part of a large tribe	<i>reo</i>	language
<i>hui</i>	meeting, gathering of people	<i>spiritual</i>	concerned with the spirit, soul, god and religious things
<i>iwi</i>	people, or group of people, or tribe	<i>taiaha</i>	a wooden spear
		<i>tamariki</i>	children
		<i>tangata whenua</i>	the people born on and belonging to the land
		<i>tangi</i>	funeral
		<i>waiata</i>	song
		<i>whakaaio whenua</i>	peacemaker
		<i>whānau</i>	family group

Hawkes Bay Herald-Tribune



Waitangi Tribunal members listening to *whaikōrero* at Waiohiki Marae: From left: John Clarke, Professor Keith Sorrenson, Roger Maaka, Judge Wilson Isaac (presiding officer) and John Turei

