

W TE TIRITI O WAITANGI

HE KUPU WHAKATAKI Ko Wikitoria te Kuini o Ingarangi i tana mahara atawai ki ngā Rangatira me nga Hapū o Nu Tirani i tana hiahia hoki kia tohungia ki a rātou o rātou rangatiratanga me to rātou wenua a kia mau tonu hoki te Rongo ki a rātou me te Atanoho hoki kua wakaaro ia he mea tika kia tukua mai tetahi rangatira hei kai wakarite ki ngā Tangata Māori o Nu Tirani-kia wakaetia e ngā rangatira Māori te Kawanatanga o te Kuini ki ngā wāhikatoa o te wenua nei me ngā Motu – nā te mea hoki he tokomaha ke ngā 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 ahau a Wiremu Hopihona he Kapitana i te Roiara Nawi hei Kawana mo ngā wāhi katoa o Nu Tirani i tukua aiane i mua atu ki te Kuini e mea atu ana ia ki ngā Rangatira o te wakaminenga o ngā hapū o Nu Tirani me era rangatira atu enei ture ka Kōrerotia nei.

KO TE TUATAHI Ko ngā Rangatira o te Wakaminenga me ngā Rangatira katoa hoki, kihai i uru ki taua Wakaminenga ka tukua rawa atu ki te Kuini o Ingarangi ake tonu atu-te Kawanatanga katoa o o rātou wenua.

KO TE TUARUA Ko te Kuini o Ingarangi ka wakarite ka wakaetia ki ngā rangatira, ki nga hapū, ki ngā tangata katoa o Nu Tirani, te tino rangatiranga o o rātou wenua o rātou kainga me o rātou taonga katoa. Otiia ko Ngā Rangatira o te Wakaminenga me ngā Rangatira katoa atu, ka tukua ki te Kuini te hokonga o era wāhi wenua e pai ai te tangata nona te wenua ki te ritenga o te utu e wakaritea ai e rātou ko te kaihoko e meatia nei e te Kuini hei kaihoko mona.

KO TE TUATORU Hei wakaritenga mai hoki tenei mo te wakaetanga ki te Kawanatanga o te Kuini. Ka tiakina e te Kuini o Ingarangi ngā tangata Māori katoa o Nu Tirani. Ka tukua ki a rātou ngā tikanga katoa rite tahi ki ana mea ki ngā tangata o Ingarangi.

Na, ko matou ko ngā Rangatira o te Wakaminenga o ngā hapū o Nu Tirani ka huihui nei ki Waitangi ko matou hoki ko ngā 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 ngā ra o Pepuere i te tau kotahi mano, e waru rau e wa te kau o to tatou Ariki.

• TREATY OF WAITANGI: A LITERAL ENGLISH TRANSLATION OF THE MAORI TEXT •

Signed at Waitangi February 1840, and afterwards by about 500 Chiefs.

VICTORIA, the Queen of England, in her kind (gracious) thoughtfulness to the Chiefs and Hapus of New Zealand, and her desire to preserve to them their Chieftainship and their land, and that peace and quietness may be kept with them, because a great number of the people of her tribe have settled in this country, and (more) will come, has thought it right to send a Chief (an officer) as one who will make a statement to (negotiate with) Maori people of New Zealand. Let the Maori Chiefs accept the governorship (KAWANATANGA) of the Queen over all

parts of this country and the Islands. Now, the Queen desires to arrange the governorship lest evils should come to the Maori people and the Europeans who are living here without law. Now, the Queen has been pleased to send me, William Hobson, a Captain in the Royal Navy to be Governor for all places of New Zealand which are now given up or which shall be given up to the Queen. And she says to the Chiefs of the Confederation of the Hapus of New Zealand and the other Chiefs, these are the laws spoken of.

THIS IS THE FIRST

The Chiefs of the Confederation, and all these Chiefs who have not joined in that Confederation give up to the Queen of England for ever all the Governorship (KAWANATANGA) of their lands.

THIS IS THE SECOND

The Queen of England agrees and consents (to give) to the Chiefs, hapus, and all the people of New Zealand the full Chieftainship (rangatiratanga) of their lands, their villages and all their possessions (taonga: everything that is held precious) but the Chiefs give to the Queen the purchasing of those pieces of land which the owner is willing to sell, subject to the arranging of payment which will be agreed to by them and the purchaser who will be appointed by the Queen for the purpose of buying for her.

THIS IS THE THIRD

This is the arrangement for the consent to the governorship of the Queen. The Queen will protect all the Maori people of New Zealand, and give them all the same rights as those of the people of England.

WILLIAM HOBSON, Consul and Lieutenant-Governor

Now, we the Chiefs of the Confederation of the Hapus of New Zealand, here assembled at Waitangi, and we, the Chiefs of New Zealand, see the meaning of these words and accept them, and we agree to all of them. Here we put our names and our marks.

THE FOURTH ARTICLE

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 Ingarangi, o nga Weteriana, o Roma, me te ritenga Maori hoki e tiakina ngatahitia e ia.

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

THE TREATY OF WAITANGI

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 these islands.

Her Majesty therefore being desirous to establish a settled form of Civil Government with a view to averting 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 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 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 the 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 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.

*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 Provision 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.

AS YOU CAN SEE, THERE ARE TWO TREATIES: THE MAORI TREATY, (INCLUDING ITS TRANSLATION INTO ENGLISH), & THE ENGLISH VERSION.

WHICH TREATY IS THE REAL ONE?

Both. There are 512 signatures but only 30 are on an English version. The rest are all on the Maori Treaty. The Waitangi Tribunal is instructed to have regard to both Maori and English versions as both have signatures.

IS THE TREATY LEGAL?

Yes, but like other treaties, The Treaty of Waitangi is not directly enforceable by the courts unless Parliament has so directed in an Act of Parliament.

This has happened in some, but not all areas of law. Parliament has set up the Waitangi Tribunal to hear and report on claims that the Treaty has been breached.

WHAT HAPPENS WHEN THE TWO TEXTS ARE INTERPRETED DIFFERENTLY?

In International law, in any ambiguity the contra proferentum principle applies. This means that a provision should be interpreted against the party who drafts it and that the indigenous language text takes precedence.

FOR MORE INFORMATION CONTACT: PROJECT WAITANGI, PO BOX 825, WELLINGTON.