

The treaty of waitangi



The Treaty of Waitangi is thought to be the most important document in New Zealand history. The main motive of the Treaty was to unite the Maori and British settlers to live together in New Zealand under a common set of laws and agreements.

One of the main differences between Te Tiriti/Treaty is the different use of language and what that language stood for. For example, the term kawanatanga, tino rangatiratanga and sovereignty. The word 'sovereignty' had no direct translation in Maori.

" It is widely accepted that the use of the words 'kawanatanga' and 'tino rangatiratanga' (in Article 2) contributed to later differences of view between the Crown and Maori over how much authority the chiefs would retain and how much the Governor would have. There can be little doubt that the chiefs who signed the Treaty expected to enter into some kind of partnership and power sharing in the new system". (Ministry of Culture and Heritage [MCH], 2012)

In the first article, Te Tiriti o Waitangi confirms Maori authority and sovereignty. It states that Rangatira and Hapū agree to the Crown enforcing Kawanatanga (Governorship). By signing this document, Maori thought that the Crown would use their authority over the British people and not the Maori people, this was a concept Rangatira liked because they thought it was a good way to keep the British people in line with the British laws. The Treaty of Waitangi states that the Rangatira and Hapū would cede their sovereignty to the Queen, meaning the Crown would have complete power and authority over everything and everybody throughout the land.

Another difference between the two texts is in article two of Te Tiriti o Waitangi. It states that the Crown acknowledges and accepts tino rangatiratanga (authority) of the Rangatira and Hap?, over their lands, villages and all that was valuable to them. In the Treaty of Waitangi, Maori were promised the absolute possession of their lands, forests, fisheries and all other properties, which they could collectively or individually hold on too for as long as they wanted too.

One of the main commonalties between Te Tiriti o Waitangi and The Treaty of Waitangi is where protection and rights are stated. In Te Tiriti o Waitangi, the Crown gave assurance that Maori would have the Queen's protection and Maori would also have the same rights as those of the British people, as well as the additional rights they already enjoyed. (MCH, 2012).

Four principles of the Treaty of Waitangi

According to Kingi (2006) the Principles of Partnership, Protection and Participation are drawn from both versions of the Treaty, they are used to better understand how the Treaty may be applied.

The first principle Partnership means having the duty to act reasonably and in good faith. This involves everyone working together with iwi, hap?, wh? nau and the Maori communities. There is an understanding to develop strategies for Maorihealthgain and appropriate health and disability services. Partnership also included the duty to consult Maori when it came to buying or selling any of their land.

The second principle Protection means actively protecting Maori knowledge, interests, values, and other treasured things. Protecting identity, language and culture. Also, valuing, validating and protecting local knowledge.

The third principle Participation requires Maori to be involved at all levels of the health and disability sector, including decision-making, planning, development and delivery of health and disability services. Participation by working to strengthen home and school relationships, and participating in school decision making within school environments. (Ministry of Health [MOH], 2014)

The fourth principle Mutual Benefit is the foundation of the Treaty partnership. When the Treaty was signed, both settlers and Maori were expected to obtain or retain the resources necessary for them to develop and prosper in the new, shared nation state. (Ministry of Justice [MOJ], 2016).

Why some Rangatira signed the Treaty/Tiriti and why some didn't

According to Martin (1968) Rangatira decided for or against signing the treaty based on its Maori text and after weighing up various considerations. They wanted regulated settlement and support in controlling settlers and land sales. Trade and a cash income from employment opportunities would also bring benefits to Maori communities as well. The new relationship would also enable them to avoid the intertribal warfare that had escalated in previous decades. Although Rangatira were aware that a colonial administration would require some concessions to allow it to exercise power, they were assured by officials that their own authority was left in place, this

suggested that authority would be shared between the government and the Rangatira.

Some Rangatira did not sign the Treaty/Tiriti because of the loss of their land and the potential, almost certainly loss of land to come. Some Rangatira felt very strongly that the Governor and his British people be returned to their own country, taking all that they brought to New Zealand, back with them.

Some Rangatira didn't sign because they didn't want their dignity and freedom to be taken away from them. They also believed that the soldiers would be forced upon them, turning them into slaves and taking away their free will. Some Rangatira were not prepared to compromise their independence and mana. They wanted to retain full control over their affairs and settle their own disputes. Some Rangatira wanted Europeans to be put under the control of their British Queen, in doing so, bringing law and order to their land. Rangatira knew themselves to be the only chiefs and rulers, they did not want to be ruled or governed from any foreigner or outsider. They saw the Treaty as a direct insult to themselves, their people and their culture.

Some Rangatira wanted to keep the French out and by signing the Treaty/Tiriti, some Rangatira saw the treaty as an alliance, an alliance to prevent the French or any other foreigner from coming to New Zealand and taking over their lands. By signing the Treaty/Tiriti, it was thought that the land would be protected from the crown against those who meant harm to the people already on the land and to the land itself. Some Rangatira signed the Treaty/Tiriti because they felt as though their people had become as one

already. The English and the Maori had intertwined so much of their life's already, through that of trade, women, children, and the land, some Rangatira thought that by signing the Treaty/Te Tiriti, this bond could only be strengthened.

Some Rangatira had put all their trust into the missionaries whom had told them that by signing the Treaty, it would be the best thing for Maori people. Some Rangatira believed that by signing the Treaty/Tiriti they would enter into an equal partnership between themselves and the British, they believed that their mana and rangatiratanga would be kept safe under the terms of the Treaty of Waitangi/Te Tiriti O Waitangi. (Waitangi Tribunal, 2014).

How the Treaty was upheld and not upheld in the first 60 years following its signing

One way the Treaty/Tiriti was upheld was by enforcing the British Government Law. According to Moon and Biggs (2004) during 1841, it was a crime of murder committed by Wiremu Kingi Maketu that confronted the new Government with the issue of whether the British Law applied equally to Maori people. Not long after the murder it was decided by both sides, including the leading Nga Puhi Chiefs, that Maketu would be tried under British laws for his crimes. The trial resulted in Maketu being found guilty and execution via hanging was his chosen punishment. This was the beginning of British rule, where you were to be tried and punished for your crimes.

One way the Treaty/Tiriti was not upheld was when it came to the selling of Maori land. The Crown had pre-emption rights, and this meant that only the New Zealand Government could buy land from Maori. This put a stop to

foreigners buying massive quantities of land and those who had already bought land before the Treaty were forced to have their purchases approved or cancelled by the Government. This all changed in 1844, when Governor Fitzroy issued a proclamation to waive the pre-emption to allow settlers to buy land directly from Maori. (Land timeline. n. d.).

How has Te Tiriti/Treaty influenced current day biculturalism in Aotearoa

In the bicultural society of today's Aotearoa, New Zealanders are free to choose their own beliefs from the dual heritage of Aotearoa, without being discriminated against because of their choices.

Some of the ways the Treaty/Tiriti has influenced current day biculturalism is by recognising Maori language (Te Reo Maori) as one of the official languages of New Zealand. Te Reo Maori is used throughout all school and day-care programmes, as well as in the workforce too.

The preservation and celebration of Tikanga Maori (culture) and having the same equal respect and recognition as non-Maori cultural practices. Most importantly, equal opportunities for Maori to succeed economically, educationally, and within the justice system. It also means stronger attempts at recognising all things Maori and this means having a genuine sharing of power and privilege throughout all roles in New Zealand.

By allowing these things to prosper, the New Zealand Government have moved towards creating a society that is more bicultural in practise. As stated by Hayward (2012) Government departments began to adopt the idea that the languages, cultures and traditions of both European and Maori should be officially recognised by the state. An important part of

biculturalism in New Zealand is the acknowledgment that Maori are Tangata Whenua (the people of the land) and that they have a special relationship with the land.