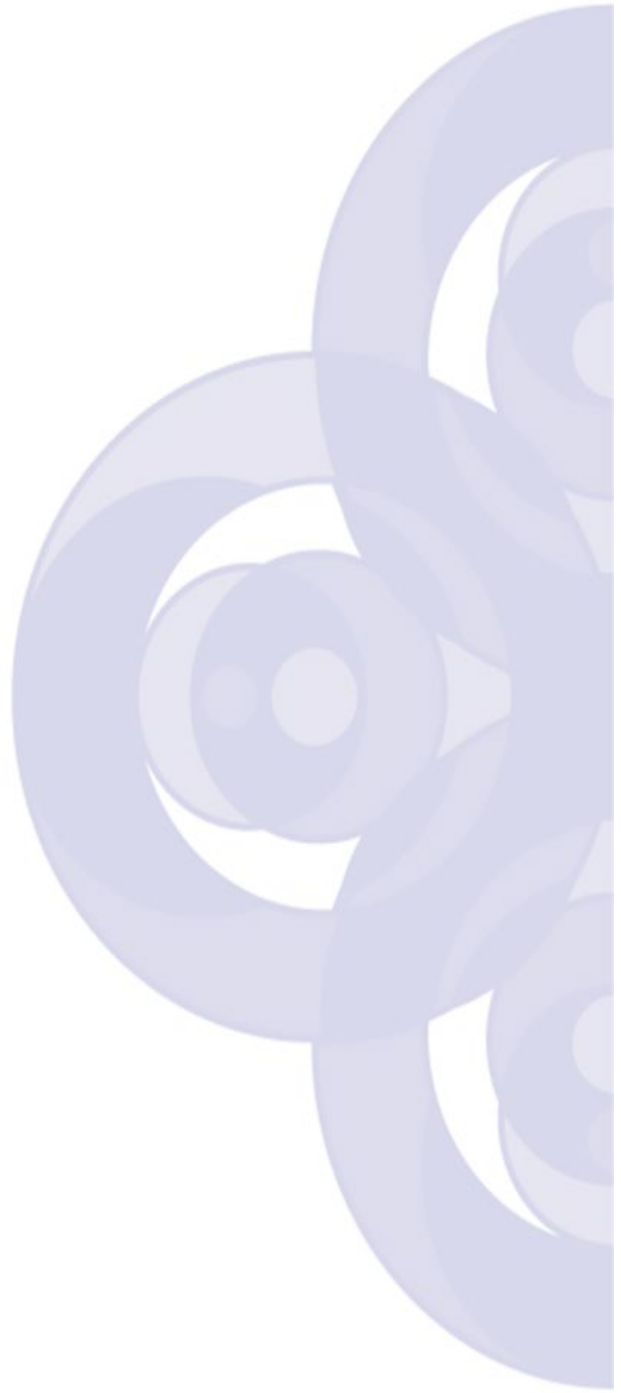




TE TIRITI O WAITANGI

*Tukuna mai te wairua o Te Tiriti hei hono i a
tatou mo ake tonu*



TŪĀPAPA | FOUNDATION

This is one of a series nga rauemi | resources developed by AWE Consultants Limited. The foundations of these korero are built on te Tiriti Relationship Framework (the framework) principles which incorporate recognition that there is a special place of ¹Tangata Whenua in Aotearoa and the rights and responsibilities associated with that:

- It recognises that ²Te Tiriti o Waitangi was signed between two nations, Tangata Whenua, and the Crown.
- It is accepted that the grievances that Tangata Whenua have suffered as indigenous people of this land needs to be addressed structurally and culturally beyond the Treaty settlement process using different approaches to current and future relationship development.
- It acknowledges that Tangata Whenua have the right and the responsibility to manaaki all ³Tangata Tiriti who come to Aotearoa in a manner that expresses Tikanga Māori and acknowledges cultural worldview difference.

MĀTAURANGA O TE TIRITI O WAITANGI | UNDERSTANDING THE TREATY OF WAITANGI

⁴The Treaty of Waitangi (Māori: Te Tiriti o Waitangi) is a treaty first signed on 6 February 1840 by representatives of the British Crown and Māori chiefs (Rangatira) from the North Island of New Zealand. It has become a document of central importance to the history, to the political constitution of the state, and to the national mythos of New Zealand, and has played a major role in framing the political relations between New Zealand's government and the Māori population, especially from the late-20th century.

¹ **Tangata Whenua:** A generic term used for Maori comprising those who have kaitiaki responsibilities for the whenua, (i.e., Maori who are tied culturally to an area by whakapapa and whose ancestors lived and died there), together with Taura Here (Maori, resident in an area, but who belong to waka and hapu from other parts of Aotearoa/New Zealand)

² Te Tiriti o Waitangi Māori text as translated by Professor I H Kawharu, published in the Report of the Royal Commission on Social Policy, Wellington 1988

³ **Tangata Tiriti:** Generic term to describe people whose rights to live in Aotearoa derive from Te Tiriti o Waitangi and the arrangements that the Crown has established under the provisions of 'Ko te tuatoru' of Te Tiriti o Waitangi (Māori text)

⁴ [Treaty of Waitangi - Wikipedia](#)

TE REO VERSION

There is no disputing that the Maori text and the English text of Te Tiriti are very different. There have been many attempts to interpret the Maori text but most often to suit the author and/or the Crown. In 1988, Professor I H Kawharu completed a direct translation, not an interpretation, of the Maori text.

⁵Ko Wikitoria te Kuini o Ingarani i tana mahara atawai ki nga Rangatira me nga Hapu o Nu Tirani i tana hiahia hoki kia tohungia ki a ratou o ratou rangatiratanga me to ratou wenua, a kia mau tonu hoki te Rongo ki a ratou me te Atanoho hoki kua wakaaro ia he mea tika kia tukua mai tetahi Rangatira – hei kai wakarite ki nga Tangata maori o Nu Tirani – kia wakaaetia e nga Rangatira maori te Kawanatanga o te Kuini ki nga wahikatoa o te wenua nei me nga motu – na te mea hoki he tokomaha ke nga tangata o tona Iwi Kua noho ki tenei wenua, a e haere mai nei

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

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

KO TE TUATAHI

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

⁶Victoria, The Queen of England, in her concern to protect the chiefs and subtribes of New Zealand and in her desire to preserve their chieftainship and their lands to them and to maintain peace and good order considers it just to appoint an administrator one who will negotiate with the people of New Zealand to the end that their chiefs will agree to the Queen's Government being established over all parts of this land and (adjoining) islands and also because there are many of her subjects already living on this land and others yet to come.

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

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

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 over their land.

⁵ Transcript of handwritten original in Archives New Zealand/Te Rua Mahara o te Kawanatanga, Wellington Office. (Ref: IA9/9)

⁶ Translation by Professor I H Kawharu, published in Report of the Royal Commission on Social Policy, Wellington, 1988

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 maori katoa o Nu Tirani ka tukua ki a ratou nga tikanga katoa rite tahi ki ana mea ki nga tangata o Ingarani.

[signed] W. Hobson Consul & Lieutenant Governor

Na ko matou ko nga Rangatira o te Wakaminenga o nga hapu o Nu Tirani ka huihui nei ki Waitangi ko matou hoki ko nga Rangatira o Nu Tirani ka kite nei i te ritenga o enei kupu. Ka tangohia ka 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 Pepueri i te tau kotahi mano e waru rau e wa te kau o to tatou Ariki.

KO TE TUAWHA

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 SECOND

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

THE THIRD

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

(signed) William Hobson, Consul and Lieutenant-Governor

So we, the Chiefs of the Confederation and 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 marks thus.

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

THE FOURTH

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

THE PRINCIPLES

⁷The Principles of the Treaty of Waitangi, in New Zealand law and politics, are a set of principles derived from an **interpretation**, of the Treaty of Waitangi. They are **an attempt to reconcile the differences in te reo Māori and English language versions** of the Treaty and allows the application of the Treaty to a contemporary context.

The principles originate from the famous case brought in the [High Court](#) by the [New Zealand Māori Council](#) (*New Zealand Maori Council v Attorney-General*) in 1987. There was great concern at that time about the ongoing restructuring of the New Zealand economy by the then [Fourth Labour Government](#), specifically the transfer of assets from former Government departments to [State-owned enterprises](#). Because the state-owned enterprises were essentially private firms owned by the government, there was an argument that they would prevent assets which had been given by Māori for use by the state from being returned to Māori by the Waitangi Tribunal and through Treaty settlements. The Māori Council sought enforcement of section 9 of the State- Owned Enterprises Act 1986 which reads: "Nothing in this Act shall permit the Crown to act in a manner that is inconsistent with the principles of the Treaty of Waitangi".

This was clearly a strategy adopted by the NZ Maori Council to make the Crown accountable. The Principles (often referred to the 3 P's) empowers the Crown entities that dispute Tangata Whenua rights and responsibilities in Aotearoa New Zealand to use them as a 'tick box' exercise. It is an interpretation of the Treaty not a translation. When one accepts the Principles of the Treaty it colonises my Tupunas' words. The true intent of Te Tiriti is lost. A Te Tiriti mature organisation would refrain from using the Principles of the Treaty of Waitangi.

THE ARTICLES

The origins of the Articles are an **interpretation** of the titles 'Ko te tutahi' Ko te tuarua' Ko te tuatoru' which in simple terms, is the numbering of the paragraphs contained in Te Tiriti o Waitangi. The Maori translation of the word 'Articles' is ⁸'Ngā Tuhipānui.'. That kupu (word) does not appear anywhere in the Maori text of Te Tiriti.

WHAKAMUTUNGA | CONCLUSION

When we commit to Te Tiriti o Waitangi, it is the Maori text, translated, **not** interpreted, we advocate for.

⁷ Wikipedia

⁸ Google Translate