

# An English Version

## 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 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 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 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 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 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.*

## AS YOU CAN SEE THERE ARE TWO DOCUMENTS: THE TREATY IN MAORI (INCLUDING ITS TRANSLATION INTO ENGLISH) AND THE ENGLISH VERSION.

The Treaty in Maori was signed by Captain Hobson and over 500 Rangatira, over 40 of them at Waitangi on 6 February 1840.

The English version was signed only at Port Waikato/Manukau. There the Treaty in Maori was promoted but the English version was signed (by approximately 40 Rangatira).

## WHAT HAPPENS WHEN TWO TREATIES ARE INTERPRETED DIFFERENTLY?

In International Law

- in any ambiguity the contra proferentem principle applies, which means that a decision is made against the party that drafts the document, and
- the indigenous text takes preference.

For the Treaty of Waitangi this means that the text in Maori takes precedence on both these counts.

## THE TREATY

- is like an instrument of the Declaration of Independence of New Zealand - He Wakaputanga o te Rangatiratanga o Nu Tireni - which was made on 28 October 1835. Thus...
  - Te tino rangatiratanga was retained by Maori in Article Two of the Treaty.
  - Kawanatanga was delegated to the Crown in Article One.
  - Article Three assured Maori of recognition and protection in addition to rights of equal citizenship.
- is between the Crown and Hapu
- established a relationship with Maori, giving Pakeha a place - if the Treaty is honoured. (In 1840 'Pakeha' meant all those who were not Maori.)

Network Waitangi Otautahi (August 2004)



# TE TIRITI O WAITANGI

## HE KUPU WHAKATAKI,

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 ata noho hoki, kua waka(a)ro ia he mea tika kia tukua mai tetahi Rangatira hei kaiwakarite ki nga tangata Maori o Nu Tirani. Kia wakaaetia e nga Rangatira Maori te Kawanatanga o te Kuini ki nga wahi katoa 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 ahau, a Wiremu Hopihana, he Kapitana i te Roiara Nawi, hei Kawana mo nga wahi katoa o Nu Tirani i tukua, a ianei a mua 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 wakritea ai e ratou, ko te kaihoko e meatia nei e te Kuini hei kaihoko 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.

*William Hobson*

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 tofiu.

Ka meatia tenei ki Waitangi, i te ono o nga ra o Pepueri, i te tau kotahi mano, e waru rau, e wa tekau o to tatou Ariki.

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

# TREATY OF WAITANGI

## A TRANSLATION OF THE MAORI TEXT

*Signed at Waitangi, February 1840, and afterwards by over 500 Rangatira.*

Victoria, the Queen of England, in her gracious thoughtfulness to the Rangatira and Hapu of New Zealand, and in her desire to preserve to them their authority and their land, so that peace and quietness may be kept with them, has thought it right to send a chief (an officer) as one who will negotiate with the Maori people of New Zealand. Let the Maori Rangatira accept the Governorship (Kawanatanga) of the Queen over all parts of this country and the islands. This is because a great number of the people of her tribe have settled in this country, and more will come.

Now, the Queen desires to arrange the Governorship lest evils should come to the Maori people and to the Pakeha who are living here without the 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 Rangatira of the Confederation of the Hapu of New Zealand and the other Rangatira, these are the laws spoken of.

## THIS IS THE FIRST

The Rangatira of the Confederation, and all those Rangatira who have not joined the Confederation grant to the Queen of England forever all the Governorship (Kawanatanga) of their lands.

## THIS IS THE SECOND

The Queen of England acknowledges and agrees to the absolute authority (Tino Rangatiratanga) of the Rangatira, Hapu and all the people of New Zealand over their lands, their villages and everything that is held precious. But the Rangatira give to the Queen the right to purchase those pieces of land that 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 her subjects, the people of England.

William Hobson, Consul and Lieutenant-Governor

Now we, the Rangatira of the Confederation of the Hapu of New Zealand, here assembled at Waitangi, and we, the Rangatira 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.

This was done at Waitangi on the 6th day of February in the year of our Lord 1840.

*At the meeting before any of the Rangatira had signed the Treaty, Hobson agreed under questioning from the Catholic Bishop Pompallier to read the following statement, which was a record of discussion on religious freedom and customary law, which Bishop Pompallier had had with the Anglican Missionary William Colenso. This is sometimes referred to as the fourth article or Protocol.*

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