

Historical Overview of the Treaty of Waitangi

Early Connections

The Treaty journey goes back many centuries to the time when Polynesians, migrating throughout the Pacific, identified Aotearoa as a desirable place to settle. Over the centuries, the early arrivals spread out and new groups came to join them.

Many centuries later, Europeans eventually extended their explorations in this direction as well, with Abel Tasman naming the place Nieuw Zeeland on his map in 1642. By the early 1800s, people of many nationalities were living alongside the hapū — although in 1840 Māori still vastly outnumbered them.

Generally, these early relationships were mutually beneficial: European

traders were keen to have new markets;

missionaries were pleased to find new converts; and

settlers relied on tangata

whenua for survival as they established new homes for themselves. Tangata whenua valued new material resources such as iron tools and wool, and were interested in European ideas such as a written language. At that time Europeans comprised just 1% of the population.

As in any relationships there were some difficulties. There were cross-cultural misunderstandings and problems caused by European lawlessness which had an impact on land dealings. At that time tangata whenua raised their concerns with missionaries and traders.

European governments were not particularly keen to get involved because New Zealand was too far away and appeared to be of little strategic value, but the Europeans and tangata whenua who were living together here wanted to address the problems in order to retain the benefits of their relationships. In 1835 the British Resident, James Busby, decided to take a step in this direction by writing the Declaration of Independence to the King of England on behalf of many hapū in the north. In addition to asserting hapū sovereignty, it stated that the hapū would protect and befriend British people living in their communities in exchange for the King protecting the hapū from colonisation. Thus, the foundation was laid for a somewhat different approach to colonisation in New Zealand: when the British Colonial Office sent Captain Hobson to arrange a formal relationship between the Crown and the hapū it was emphasised that the hapū were sovereign and owned the land, and that Hobson was

responsible for ensuring their full, informed consent to any changes to this state of affairs.

What the Treaty Says

Lord Normanby (British Secretary of State for the Colonies) said, in the instructions he gave to Captain Hobson in August 1839, that he was to establish government amongst Europeans in order to avert 'the same process of war and spoliation' that had occurred elsewhere when Europeans arrived (Buick, 1976, pp 71-72).

Unfortunately, the process for discussing and agreeing to the Treaty was problematic, which led to fundamental misunderstandings between the English Crown and hapū signatories, especially in relation to who held sovereignty: the hapū believed they had retained it while the Crown believed that it had been ceded to them. These different perspectives are reflected in the two main documents that are referred to as 'the Treaty': the Māori Text and the English Version. Although the British Crown and subsequently the New Zealand government have tended to focus on the English Version, the Māori Text is increasingly recognised because

- many more hapū signed it (over 500 compared to only 39 signatures on the English Version)
- rangatira signing the Māori Text knew what they were agreeing to as it was in their own language, while those who signed the English Version did so based on explanations in Māori by British missionaries and others
- an international legal principle recognises that the Māori Text takes precedence

Whichever document is considered, however, the fundamental point is that the Treaty created a unique relationship between the government and the hapū

Relationships Deteriorate with Colonisation

Unfortunately, the colonisation process that followed was typical of European colonisation elsewhere. The Treaty relationship, as envisioned by the Crown in 1840, contained some significant aspects:

- The British recognised hapū sovereignty, and ownership of land.
- It was a voluntary arrangement.
- It was intended to enhance relationships for mutual benefit.
- The coloniser had good intentions.
- The British were taking responsibility for misbehaving Europeans.

From the beginning, differences of understanding about what the Treaty said created friction, but the problems escalated dramatically as large numbers of Europeans