KIA MATAARA

Chapter 2

"Te Tirio Waitangi me te Taamio te Pakeha"

The Treaty of Waitangi 1840

RUN FROM TUES TO SAT
1 2 3 4 5 6 7 8 9 10 11 12 13
14 15 16 17 18 19 20 21 22 23 24 25

FOR WHAT WE ARE ABOUT TO RECEIVE...

BURP!

TANGATA WHENUA

CHURCHES

CROWN

ACRES

1860

1840
The Treaty of Waitangi was first signed on the afternoon of the 6th of February 1840, in the Bay of Islands at Waitangi.

It did not arise from warfare, as a Treaty of surrender, but was signed in a spirit of goodwill under the reigning conditions of Peace.

The Treaty was a Declaration of the traditional Maori rights of absolute authority over Aotearoa. Within this authority the signing Chiefs generously permitted the Crown a role. The Treaty document is a statement of this concession and forms the fundamental constitutional basis of the Nation.

The Treaty was signed by the representative Chiefs, in the belief that it documented the natural and inalienable Maori rights of land and resource ownership, self determination and the Maori way of life. Simultaneously the Treaty assured Maori of continuing authority and unrestricted access, over all natural resources of Land, Sky and Sea, including Forests, Lakes and Waterways.

Additionally, the Treaty guaranteed to Maori the same protection and rights as British citizens. It permitted the Crown to act as the sole agent in land dealings. It also required the Crown to establish a lawful and just system of shared Governance, in compliance with the Treaty conditions.

The Treaty of Waitangi re-stated and re-inforced the position and authority of the Chiefs. It confirmed their right to exercise shared control over the powers of Governorship granted to the Crown.
Chapter 2: te tiriti o Waitangi me te taami o te Pakeha

Hey, look at this card in the cereal — the signing of the Treaty was nothing like that!!

"The signing was a chaos — things weren't going to plan. In the rush, Hobson had to grab his hat and leap off the ship in "civvies" grabbing a draft of the Treaty as he went..."

"For years the Treaty of Waitangi has been held up by the Pakeha Government both here and overseas as the symbol of the greatest multi-racial nation in the world — they just forget to say it's never been honoured."

Look Nan! They're showing the Waitangi celebrations on T.V. — wow, look at all those ships and flags — !!!

There's not much to celebrate, moko.
Why was there a Treaty of Waitangi, Nan?

That's a long story. It started years before 1840— even before 1800. There were the sealers, whalers and traders who came and went; then the missionaries, who supposedly came to civilise us and save our souls; the convicts, who came over from NSW; and the “get rich quick” brigade who weren’t going to make it in England. But they weren’t only English.
By the 1930s, the race was on...

Number One; Holland has withdrawn—lost a few team members in 1642.

In Lane Number Two, is the U.S.A. Has had a consul in the Bay of Islands since 1838, but is not much fancied.

Number 3, handily placed is Australia, but some say the model is questionable—land grabbers, convicts, and speculators, with some already claiming all of the South Island....
In lane 5, the churches are wanting to have a bet both ways. Losing out on their first aim of a Christianised Maori NZ they are putting their weight behind the English.

A reluctant final starter in lane 7, the British government has to keep a low profile with its man busby in the north. It is already overstretched elsewhere...

But will decide to take the lead to keep the others out...

A dangerous player in lane 6, the NZ Company was on its way to claim NZ even though the British government refused it a charter to colonise...

A strong runner in lane four, France has moved in already with settlers in Akaroa, surveyors and a Catholic Bishop. But unpredictable with a bad track record in Tahiti and already involved in a massacre, a claim to NZ sent in a bottle, and a Baron de Thierry who declared himself King of NZ.

A message in a bottle!"
Who was that guy Busby?

He was what they called the British Resident, who the English sent over in the 1830s to try to keep the peace - but they wouldn't give him any soldiers, ships or guns - our people called him a 'Man of War without Guns!'

Busby took himself far more seriously than his boss, Governor Gipps in NSW.

When Busby asked for help, Gipps and the big boys in the English colonial office said they had more important problems elsewhere -

Riots on my lawn - I need help!!

- Like in Ireland, India, China and South Africa. They told him to sort it out himself...

A letter to Busby... tell him to stop maddening and work something out - our troops are too busy to go to NZ!
We picked out a flag for your new confederation — now forget about all this tribal stuff — you're all one — you're all Maori!!

This might help keep the peace between the tribes — and also solve our little problem of ship registration at the same time. (Clever, aren't I?)

Back in NSW...

What does this mean, then?...
Meanwhile the settlers and others were rioting up large in Kororareka.

And the postie was busy between Aotearoa and the British Colonial Office...

(Mailbag)

Aotearoa to British Colonial Office:

Busby here (you know, the British Resident).
We need help. The French and the Yanks are lurking around. Send in the troops! Piss!

Hiya! Great idea! Give us a chance to colonise New Zealand. We'll do it anyway.

Just dropped into Aotearoa. Bitotty down in old Otago. See yu.

Dear Guys,

Things are really getting out of hand down here. Help!

Love, missionaries xx

Regis
THE BRITISH COLONIAL OFFICE GOT THE ROYAL GOAHEAD TO COLONISE...

Go for it, boys!!

Allrighttt!!! We're so clever-clever! If you go straight to the top, that avoids parliamentary discussion!! Hee, hee.

Ah yes... we're going to step in here to protect our settlers... and the natives, and bring them all the blessings of civilised life! Hobson's our man for the job. We'll send him there to get us sovereignty over the country. But we can't afford any more wars. Get those Maori to agree to having us there.

Boast! Do it quickly, quietly and cheaply!!
SIX DAYS BEFORE THE TREATY SIGNING...

"Cidday! I'm Hobson, fresh from Sydney. From now on I'm taking over as the Lieutenant Governor of New Zealand. I'll be looking into all the land you lot are claiming."

"Where's my 15 gun salute?"

"You're only a Consul so you're only getting an 11 gun salute, so there!"

"Says who? We're setting up our own government in Wellington!"
So Hobson said he was in charge and the British were taking over even before the Treaty was signed—what a cheek!!!

Why did our people sign then, Nan?

Because they were smart! They considered that Queen Victoria with all her power would be able to control the Pakeha who were flooding into the country.

The Treaty was seen by the rangatira as a sacred pact between two sovereign powers. The collective sovereignty of Māori as held by them and the Parliamentary sovereignty represented by the British Queen.
"Hone Heke, Rewa, Kawiti and some others were already having second thoughts about the English and the missionaries before Hobson got there...."

Waka Nene drafted an invitation to chiefs for a hui at Waitangi on Feb 5th.

Then Busby helped Hobson redraft the treaty based on instructions from England and Rev. Williams translated it into Maori.

When he arrived on Jan 30th he met the missionary Henry Williams and got his support...

What's a good word for sovereignty - um, ...

"Let me see... Kawanatanga will do, I think!"

I'm with ya, mate!
On the night of the 5th, a debate was held and the rangatira all agreed to sign the Treaty. It was only token! The kaumataua from the Treaty of Waitangi Council chose a few chiefs to argue against it. This was and still is, a part of Maori speaking strategy. It even livens things up! The signing was meant to take place on the 7th but our people were getting hoha and said they'd be off. That's when Williams got a hold of Hobson who was asleep on his boat to rush back to Waitangi on the 6th.

"The Treaty was signed in many other places - 512 had signed by October. All except 39 had signed the Maori text. But many rangatira and inwi refused to sign saying they'd never place their mana under the Queen."
What did the Treaty say?

The Queen was given the power to make laws to keep order among the Pakeha.

Mana Maori was recognised and acknowledged as a sovereign right and Maori were entitled to the rights of British citizens.

Our rangatira were quite clear what they were signing. The Maori text guaranteed the chiefs and the tribes te tino rangatiratanga - absolute control and authority - over Aotearoa including our law and religion.

The chiefs weren't too impressed when the Pakeha immediately started acting like THEY were the holders of rangatiratanga!

-not impressed with that!!

All the petitions, battles and court cases have happened because the Pakeha have refused to keep their promise to acknowledge our rights under mana Maori, te tino rangatiratanga and our sovereignty.
The settlers and the Crown disregarded the Māori text and went by the English version. It suited them to believe it gave the British absolute sovereignty and only gave Māori possession of our property as long as we wanted it, or until it was taken away. But that’s not what our people signed...

Huh? What’s that??

This is not right!!
No, that's not what we agreed to!!

The British even made a proclamation in London saying they had taken over sovereignty of the North Island by the Treaty and the South Island by discovery while the Treaty was still being taken around the country.

Hey, it's confusing for me too! But heck, I'm just doing my job!!

Discovery? The bones of your tupuna are buried here!!

Worse still... the English law says British sovereignty came about by this announcement and not by the signing of the Treaty!!

When the Attorney General in 1842 questioned whether British law should be applied to Māori who didn't sign the Treaty, he was sacked!

Six months in a leaky boat...
The first big battle for authority was over the right of Maori to continue charging taxes for boats using the harbour - that's what led Hone Heke to war...

Meanwhile...

The battle went on between the NZ Land Company and the Crown over land, and new rulings were made by "The White Male Club."

These land sales are invalid 'cos of shady dealings... so we'll have that land for the Crown!!

This land is not being used... well, take it as wasteland, thank you!

Huh? What happened to Hobson's promise to recognise and preserve our land rights?
For example when the NZ Company Vigilantes were killed at Waipau in 1843, the Government refused to arrest Te Rauparaha...

Our people didn't take all this lying down! People like Hope Heke and Kawiti still kept on exercising rangatiratanga. Others opted to go with the Crown, as a way to settle old scores!!!

Hey, they got what they deserved — tons trying to arrest Te Rauparaha —

...just 'cos he threw them off Ngati Toa land when his people caught the Company surveying!

*See Chapter One 'Pepahekehu'.

That's the difference between "friendly" and "hostile" natives!!!

But that didn't stop them using force and illegal tactics to get land. Even when the NZ Company promised to pay compensation for land they took unlawfully, there's no evidence they ever paid.
Pretty soon the Governor decided to move the capital from Russell to Tamaki.

Ngati Whatua had gifted lots of land to the Pakeha for settlement, the building of churches and schools etc. But the Government worked out ways to get even more, trampling all over the mana of their hosts.

Maori continued working the land. But Pakeha still wanted more. They even said that they should have the good land cos our people didn't know how to use it properly - meaning we didn't fence it off and plough it up.

Ngati Whatua had gifted lots of land to the Pakeha for settlement, the building of churches and schools etc. But the Government worked out ways to get even more, trampling all over the mana of their hosts.

We solders got paid with land!!

They ignored the truth that Maori were really successful communal farmers and traders.

Did you know that in 1848 there were 53 Maori owned vessels of over 4 tons registered in the port of Akaroa?
Our people believed the Queen would respect our rangatiratanga - that we could sell land we chose to at a price we wanted, and no more. But the government always found a way around it.

**CANTERBURY**

If Kai Taui refuse to sell this land, I'll buy it off Ngati Toa.

**WAIKARE/ HAWKES BAY**

Squatting rules, ok? Once we get a lease, keeping the land's a piece of cake...

**WAITARA**

I veto this sale.

Too late! We've bought it from Tenia.

**OTAKOU**

We can't see it on the Survey map.

Can't exist then.

**WAIKARE/ HAWKES BAY**

What meetings of share owners in the papers?

We never sold this land to Kemp!

**HAKATARAMEA**

Dalgety and Campbell were the land owners at Okataina and Bannock. The copy was sent by the government to our members of the tribe in mid-winter 1879.

**IT'S STILL GOING ON OF COURSE**

Sales, forests, fisheries, river boundaries, etc...
These weren't isolated examples - it was the policy of the Pakeha government, which the British set up in 1856, to take our land and deny our rangatiratanga - never mind the Treaty of Waitangi.!!

Good one, eh? Only men who own land can vote and be elected.

Yeh, maori don't own private property - beauty communists.

Yeah we can keep them out - as well as the undesirable Pakeha.

Parliament

War

Were the British troops and life is just a hoot - we fight in the North, invade Waikato, terrorise Taranaki, overrun Ruahuka - life is a dream, sweetheart!!

Hey, watch it! Too many of them are getting individual titles - they'll be outvoting us soon.

I know, let's set up four seats just for them and pretend they're getting special treatment.

Yeah - then they'll never have enough power to rock the boat!

BRILLIANT! That's democracy.

Neat trick this! Take their land. If they fight back, call them rebels and take more land.

Then you give it to Pakeha who fight for the honour of the Crown!
Laws were often borrowed from other countries that the British invaded—like the 1863 "Suppression of Rebellion Act" which made Maori, fighting to save their land, 'rebels' so they could be sent to jail without trial and lose their land—they borrowed that one from Ireland!!

This is a neat one—the Validation of Invalid Land Sales Act!! (1874)

If we take this Parihaka lot to court, they'll only get a month inside. Why not pass laws saying we don't have to convict them and just keep them in prison for a year or so—well call them the Maori Prisoners Acts!!

So much for enjoying the same rights and privileges as British citizens!!

Courts

Awfully sorry, chappies—but the courts can't enforce the Treaty unless the Government passes a law that says we can—and they haven't.

It's the same everywhere the British made treaties—just shows you how unbiased British justice is...

But the Treaty only gave the Queen the right to make laws to keep the peace—not set up a Pakeha government and legal system that leaves us with nothing!

Even British law says the Treaty should be read as the Maori would understand it!!

Yaah, British justice is justice for the British!!

Anyway, we got our sovereignty over NZ from our Proclamation in London, not from the Treaty!!
The Maori kept fighting for our rangatiratanga. There was the Kōbātītī parliament, the Treaty of Waitangi councils, the rise of court cases, petitions... even deputations to the United Kingdom...

Wiremu Tamihana petitioned Parliament and the Queen in 1865

There have been over 180 petitions on fisheries alone over the past one hundred years!!

In the 1880s two deputations went to England, having got nowhere with the NZ govt.

Why do these Maori think we give a damn about the Treaty? We got what we want.
Whenever our people looked like showing the NZ government up in England there was some fast footwork...

Another Maori petition. Take no notice - we don't! Everything's honky-dory down There!

Sorry Maori people - you'll have to talk to the NZ Government - it's nothing to do with us anymore.

But our Treaty was with the Queen not a government of thieves and liars.

Pakeha in England and Australians worked together to prevent the Treaty being honoured.
By the turn of the century, Maori people came to the grand conclusion that Pakeha must have lost their copy of the treaty. In 1919, four Maori M.P.'s had an idea:

We've got an idea!!

Let's send a copy of the Treaty to the King.

May as well give one to the Pakeha in Wellington too.

Ratana petitioned in the United Kingdom for an independent Royal Commission and for the return of confiscated lands in 1924...

Sorry! Not interested—back to you, NZ Government!!

In 1932 another attempt was made to ratify the Treaty. Introduced by Erriera TIKIKATENI (later H. Ratana M.P.) into Parliament, it was signed by 30,000."
The actions of our people don’t point to them having given away sovereignty to a settler government!

DEFSITIONS

KAWANATANGA = governorship and administration.
RANGATIRATANGA = highest chieftainship, sovereignty.

Because the Pakeha majority controlled the legal system and definitions of LAW and JUSTICE – they could and did – react to Maori exercising te tino rangatiratanga as if WE were breaking the law!!
They are:

**Tick where applicable - a threat to the nation's security.**

- Pai Marire Movement
- Whare Paia
- Te Rauparaha
- Tātoukawa

**Violent and disorderly**

- Hone Heke and Kawiti
- Kingittanga
- Toku Kukahi and Te Whiti
- Waikato objectors (WWI)
- Te Kooti

**Disturbing the peace**

- Hone Heke and Kawiti
- The people of Rangiaowhia
- Te Ua Haumene
- Te Māhara and the Kaatuku Heke
- Nga Tamatawha

**Selling liquor illegally**

- Rua Kenana at Maungapohatu

**Breaking the law**

- Rua Kenana
- Panhaka ploughmen
- Wiremu Kingi
- Kingittanga
- Taranaki people
- Te Apo Marawa occupation
- He Tawa
- Ngai Tamatawha

**Evading taxes**

- Hokianga
- Need a gunboat for this!!
- Look out Roundtable!

**Trespassing on crown land**

- Bastion Pt

**Rates in arrears**

- Mangonui

But wasn't that how we got Māori to sell us land in Hawkes Bay and Taranaki?

Shhh! That was us - This is them!
Maori who continued to exercise rangatiratanga in their own areas were, and still are - hassled by Pakeha institutions...

Well divert this river -

Don't worry about sewage disposal - let's just dump it in the river.

We want to put a road through here.

Don't fish here.
But what about "international law?"

It says that Treaties between two peoples should be interpreted in favour of the group who didn’t draft them, and against the group who did.

Shhhhh - don’t mention THAT! We’re allowed to break our own rules - and even make up a few more!!

It’s all working rather well - Parliament is Pakeha dominated, so are the media, courts, education system etc.

Hey, they even set up a little Treaty Advisory Unit in the Justice Department to advise the Government on how to avoid and get around the Treaty!
Our controls worked so well that we haven't needed to use the army since the 1870s. We've just depended on the courts, the police, the jails — and some very helpful theories/ideas/myths!!

"Mind you, once or twice things have looked a bit dizzy for our version of Law and Order, so we've rolled out the troops — Takaparawha 1978, Springbok Tour 1981, Waterfront Lockout 1951."
This type of thinking comes out every time Maori try to enforce our rights as tangata whenua. — Those same rights that are also set out in a treaty drawn up by the Brits.

Get ready for a few more popular anti-treaty myths!!

No—you don't need any special rights. We are all ONE PEOPLE!!

In wartime and in sports, we are all NEW ZEALANDERS, pulling together!!

Sorry, but the courts don't recognise utu/rahui/tapu/muru—it's ONE LAW FOR ONE PEOPLE!

I've heard THAT one before!!" He Iwi Kotahi Tatou"— That was what Hobson said during the Treaty signing ceremony.
Other great myths

We are a nation of immigrants.

Democracy is fair - it means majority rule.

NZ has the reputation as the country with the best race relations in the world.

Maori wiped out a whole race of Maori's before the Pakeha arrived here.

At least the British were humane and honest...

Maori are a dying race... There's no full-blooded ones left.

While Pakeha have been inventing the myths, Maori have kept the Treaty alive for 150 years, in waiata, haka, whaikorero, whitiwhiti korero, drama...

We are Maori - we are the tangata whenua. We will not be treated as second-class citizens or turned into brown-skinned Pakeha.
FEB 6th, 1840
The birth of our fair nation! Let's celebrate that glorious day!!

The government answer was to celebrate the myth of Feb the 6th and to avoid actually doing anything about the Treaty of Waitangi.

One way of our people focussing attention on the Treaty was to push for Feb 6th as a national holiday. Many Pakeha supported that too - for different reasons of course -

Yeah if those Maori start raving on about the Treaty - well call it New Zealand Day - and they might forget about the Treaty of Waitangi.

SPOT THE DELIBERATE MISTAKES IN THE FOLLOWING PICTURE.
WE BORROWED FROM THE 1990 COMMISSION.

The whole picture correct!!
During the 1970s and 1980s, Maori protest called for a Maori boycott of GVT celebrations.

Some groups took part in GVT celebrations protesting about the treaty through oratory, Haka and Waiata – Pakeha people were none the wiser...

Less talk – more action

Nga Tamaoa boycott Waitangi

Honoured more in breach than observance

In this period as well protest was expressed in different ways by Nga Tamaoa, He Taka, and the 1975 Land March etc.
The Pakeha response was to portray the March as disorganised, discourteous and disunited—a mob that kept the Governor waiting for hours...

A year later, the government moved its celebrations to its powerbase at the Beehive where musicians, politicians celebrated in a multi-cultural way—

One People on the water—One People on the Sea...

In 1984 Maori people united in a massive Hikoi—Ki—Waikato.
Because of our efforts, the Labour Government set up the Waitangi Tribunal in 1975.

What is the Tribunal's job?

The Tribunal was given the right to decide what the Treaty meant and whether governments had breached the Treaty principles. It could recommend what should be done to remedy past breaches.

Good One!

Yes, but it could only make recommendations. It was left up to the Pakeha government to decide whether to act on them. And it could only look at what government did after 1975.

Bit of a toothless TANWHA!!
The good thing about the Tribunal was the way it influenced public thinking. Its first big report was on the Te Atiawa claim over sewage pollution at Motunui in 1983.

"I remember that! Muldoon said he wouldn't take any notice of the Tribunal..."

But our people, and even the news media, made him back down.

Ok, ok - I give in (I'll find another way around it!!)

The Waitangi Tribunal started off as just another Pakeha Court, in 1975.

Then for a while it changed direction...

The Tribunal's report on Motunui, Kaituna Manukau, and Te Reo Maori - said that Maori would never have ceded sovereignty. Instead the Treaty of Waitangi guaranteed Rangatiratanga - control, authority and sovereignty of their lands. So it looked really hopeful in 1985 when the Tribunal was allowed to look back to 1840. But that was before the Court of Appeal got involved.
I remember, that's when Labour said it would honour the principles of the Treaty...

Then we found out the principles mean different things to Maori and Pakeha!

Hi, my name's Whetere. I was a missionary and I suggested talking about the principles to get around the Treaty. Years 1840 - 1845 in fact.

Now government always talks about the 'principles of the Treaty', never the Treaty. 'Cos the Treaty doesn't set out its 'principles', people like the Pakeha courts have to 'find' them... make them up!

They did this first in the 1987 Maori Council case. Government had said it would honour the principles when it sold land, etc off to new corporations, and then ignored them.

Our people tried to make them deliver their promise. But the court said the Treaty was a "partnership" between Maori and the Crown which reflects today's realities - meaning Pakeha with all the power and Maori with none! The government was told to negotiate with the Maori Council but kept the final say because the Treaty gave it sovereignty, and we still haven't got any land back!

And they had the cheek to call this a victory for Maori people!
So what is the Government's version of the "Principles?"

The gut uses the Court of Appeals decision all the time. It said the gut's duty as a treaty partner is only to make informed decisions about how its policies and laws affect the treaty. So it only has to consult with Maori if it thinks it needs more info—and then, doesn't have to take any notice of what Maori say. In return, Maori have to be loyal to the Queen and the Pakeha Government and co-operate.

They've turned the Treaty upside down to deny rangatiratanga yet again. Really, they've rewritten the Treaty to protect Pakeha power. And this is the stuff they base the devolution green paper on!!!

But what about the Tribunal saying we kept our rangatiratanga and the Crown didn't get sovereignty?

That's sad. Since the Court's decision, the Tribunal has caved in and started talking about a cession of sovereignty—so government uses that to back up its new "principles" too.
Maori people have woken up to what's happening. What do they take us for? We refuse to talk about the principles, only of the Treaty itself, and te tino rangatiratanga.

So the Labour Government's turned out to be the same as all the others...

Pakeha majority-rule governments and Pakeha law have raped our land and culture and kept us powerless since 1840. They aren't going to just give up their claims to sovereignty and return our rangatiratanga. They've got too much to lose. These principles just show they've got much more subtle.
During the 1980s, we've become the scapegoats for the failings of the Pakeha's economic system—when we've been its main victims. They've even accused us of dispossessing Pakehas of their land and fisheries. We were willing to share—but greedy Pakehas took it all and now they wonder why we want it back!

We know who are really ripping off the fisheries, lands, forests and minerals—the giant NZ and overseas companies...*see Chapter One: Papahuaunu*

Just like in Canada, Brazil, Chile and Australia.
We haven't taken this without a fight—corporatisation, fisheries, devolution. But what looked like victories at first still haven't got us far.

Some people have looked to the United Nations and overseas for support.

Others are seeking out new ways that don't accept the rights of Pakeha governments and courts to have the final say—ways that are built on Tino Rangatiratanga.

Next: Chapter 3—Te Ao Wairua
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