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Treaty FAQs

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What is the Treaty of Waitangi?

The Treaty of Waitangi is the founding document of New Zealand. It is an agreement entered into by representatives of the Crown and of Māori iwi (tribes) and hapū (sub-tribes). It is named after the place in the Bay of Islands where the Treaty was first signed, on 6 February 1840. The Treaty was not drafted as a constitution or a statute. It was a broad statement of principles upon which the British officials and Māori chiefs made a political compact or covenant to found a nation state and build a government in New Zealand to deal with pressing new circumstances. Like many treaties, it is an exchange of promises between the parties to it.

What does the Treaty say?

The Treaty has three articles. In the English version, Māori cede the sovereignty of New Zealand to Britain; Māori give the Crown an exclusive right to buy lands they wish to sell and, in return, are guaranteed full rights of ownership of their lands, forests, fisheries and other possessions; and Māori are given the rights and privileges of British subjects. The Treaty in Māori was deemed to convey the meaning of the English version, but there are important differences. Most significantly, in the Māori version the word 'sovereignty' was translated as 'kawanatanga' (governance). Some Māori believed that the governor would have authority over the settlers alone; others thought that were giving up the government over their lands but retaining the right to manage their own affairs. The English version guaranteed 'undisturbed possession' of all properties, but the Māori version guaranteed 'tino rangatiratanga' (full authority) over 'taonga' (treasures, which can be intangible). The precise nature of the exchange within the Treaty of Waitangi is a matter of debate.

Where can I see the Treaty?

The original Treaty can be seen [online](#) and on permanent public display at Archives New Zealand in Wellington. From 2007, a special exhibition about the Treaty – [Treaty 2U](#) – toured New Zealand.

Who signed the Treaty of Waitangi, where and when?

More than 40 chiefs signed the Māori copy of the Treaty at Waitangi on 6 February 1840. Copies were then taken all around the country, and chiefs from many places signed. There were about 50 signing meetings between February and September 1840 and about 540 chiefs gave their agreement. All but 39 chiefs signed a Māori-language copy of the Treaty.

How many copies are there of the Treaty, and which one is used?

There are nine copies of the Treaty at Archives New Zealand, including the Treaty in Māori signed on 6 February 1840. All but one of these copies is written in longhand, and only one is in English. The structure of each follows a similar pattern, but the wording differs. The Treaty of Waitangi Act 1975 includes a text of the Treaty in English. The Waitangi Tribunal has exclusive authority to determine the meaning of the Treaty as embodied in the English and Māori texts.

Why was the Treaty entered into?

New Zealand was changing quickly in the late 1830s. British subjects and other Europeans were acquiring land from Māori and had set up valuable commercial operations. Large groups of settlers had set out for New Zealand in 1839. Crime, violence and general lawlessness was rife, and the British Resident from 1833, James Busby, could do little to control it. Foreign powers, notably the French, were also taking an interest in New Zealand. The British government appointed Captain William Hobson as consul and provided him with instructions to negotiate for the sovereignty of New Zealand and for the setting up of a British colony.

What happened after the Treaty was signed?

Shortly after the Treaty was signed, Lieutenant-Governor William Hobson proclaimed British sovereignty over the whole of New Zealand. His proclamations were ratified by the British government in October 1840. Under British law, New Zealand became technically a part of the colony of New South Wales. Further constitutional changes in late 1840 and early 1841 made New Zealand a Crown colony in its own right.

Is the Treaty still valid today?

The status of the Treaty has evolved over time. Unlike many other countries, New Zealand does not have a constitution in the form of a single document. It has a collection of common laws, customs and legislation that establish the framework of government. The Treaty was the initial agreement that established British authority. This authority was later transferred to the New Zealand Parliament. Māori leaders and people have stressed the Treaty's importance ever since. In recent history, successive governments have recognised the significance of the Treaty in the life of the nation.

Why are there Treaty of Waitangi claims?

Since 1840 governments have taken actions that have resulted in the alienation of Māori land, waters and other resources from their owners, generally without proper consent or compensation. Māori have tried to have their grievances addressed, and some early governments attempted to settle their claims. Only some of those claims were addressed, and these attempts are now considered to have been inadequate. Recent governments have recognised that the way some land transactions took place was unjust and left a strong sense of grievance with the original owners and their descendants. In 1975 the Waitangi Tribunal was established to consider claims by Māori against the Crown regarding breaches of principles of the Treaty and to make recommendations to government to remove the prejudice and provide recompense. Since 1985 the tribunal has been able to consider Crown acts and

omissions dating back to 1840. This has provided Māori with an important means to have their grievances against the actions of past governments investigated.

Where can I learn more about Treaty claims and settlements?

The [Waitangi Tribunal](#) and the [Office of Treaty Settlements](#) provide full information about the Treaty claims and settlement process. The Waitangi Tribunal considers claims by individuals, usually on behalf of groups, issues a report about each claim and the evidence provided in the inquiry, and may make recommendations. If the government decides to settle a claim, the Office of Treaty Settlements negotiates with the claimants on behalf of the Crown. Once claimants and the Crown agree on the terms of a settlement, they sign a deed and the Crown passes legislation to give effect to it and to remove the tribunal's ability to inquire further into this claim. Settlement redress is then transferred to the claimants.

How many claims are there, and how many have been settled?

More than 2000 claims have been lodged with the tribunal. By 2010 legislation had been passed for settlements with a total value of about \$950 million. Three early settlements – Commercial Fisheries (\$170 million), Waikato-Tainui raupatu (\$170 million) and Ngāi Tahu (\$170 million) – and the 2008 Central North Island Forests agreement (\$161 million) make up the bulk of this amount. Claims may be historical or contemporary, and they may relate to either specific pieces of land or a generic government policy. Any Māori can make a claim at the tribunal, so many claims relate to the same group of people or events. The tribunal groups overlapping claims into district inquiries, which are then researched until a casebook of evidence is completed. Hearings are held at which claimants and the Crown give evidence. The tribunal then writes a report on whether the claims are well founded. The Crown negotiates [Treaty Settlements](#) at the 'large natural group' level. Historical hapū (sub-tribe) and whānau (extended family) claims within a larger group are commonly addressed in one set of negotiations. Usually, when a settlement is negotiated, all the existing and potential historical claims made by that claimant group are settled. Once settlement legislation is passed, the Tribunal has no further power to hear historical claims from that group.

Where can I read reports and deeds of settlement?

All the [Waitangi Tribunal's](#) reports are online. The [Office of Treaty Settlements](#) provides online versions of deeds of settlement.

What was the Declaration of Independence?

He Wakaputanga o te Rangatiratanga o Nu Tirene (the Declaration of Independence of New Zealand) was signed in 1835. It has 52 signatures of Māori chiefs: 34 northern chiefs signed on 28 October 1835, and 18 others from around the country signed by 1839. The declaration has four articles: New Zealand is declared to be an independent state; all sovereign power and authority in the land ('Ko te Kingitanga ko te mana i te w[h]enua') resides with the chiefs 'in their collective capacity', expressed as the United Tribes of New Zealand; the chiefs will meet annually at Waitangi to make laws; in return for the friendship and protection that Māori will give British subjects in New Zealand, the chiefs invite King William IV to protect the 'infant state' from attempts on its independence. Māori have seen the declaration as British recognition of an independent Māori nation. They have also used it as the foundation for their assertion of autonomous rights or mana motuhake. The declaration is on display in the [Constitution Room](#) at Archives New Zealand in Wellington.

Where can I obtain booklets, CDs and posters about the Treaty?

A series of booklets about the Treaty and a children's book, *The tree house Treaty*, were published by the State Services Commission, along with an educational CD-Rom and posters. Unfortunately these are now out of print and are no longer available.

Below are links to pdfs of the booklets, which you are free to use:

- [All about the Treaty \(pdf, 1.1mb\)](#)
- [Journey of the Treaty \(pdf, 700k\)](#)
- [The Story of the Treaty Part 1 \(pdf, 1.1mb\)](#)
- [The Story of the Treaty Part 2 \(pdf, 870k\)](#)
- [Treaty timeline \(pdf, 820k\)](#)

You can also find resources related to the TREATY 2 U exhibition online at www.treaty2u.govt.nz.

You can obtain copies of the treaty as high resolution digital files from [Archives New Zealand](#). You can also order posters of the Treaty by emailing reference@archives.govt.nz.

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