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(Orange, C., 2004:  
74, 100–103)

AN ILLUSTRATED HISTORY OF  
THE TREATY OF  
WAITANGI  
CLAUDIA ORANGE



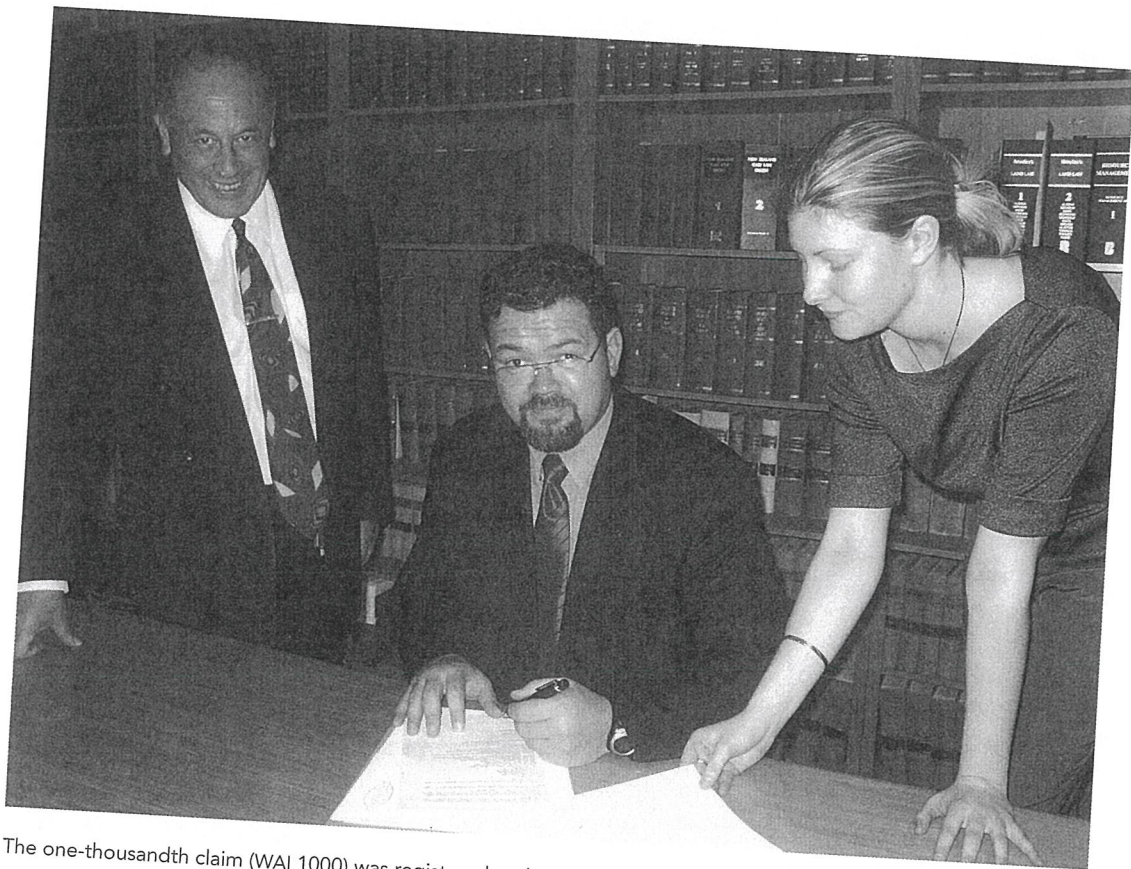


The Waitangi Tribunal at one of the hearings on the Hauraki claim in 2001: from left, John Kneebone, Te Wharehuia Milroy, Augusta Wallace (Presiding Officer), and Evelyn Stokes. A Tribunal sitting has a presiding officer and usually between two and four other members (at least one of them Maori). Members are chosen for their knowledge of the issues likely to come before the Tribunal, and have included business people, academics and legal experts. WAITANGI TRIBUNAL COLLECTION

documents that the Tribunal considered relevant. Hearings began when a casebook was ready, which could take eighteen to twenty-four months. For a major hearing involving a number of claims, a casebook might be thousands of pages in length. The first casebook to be completed was for the Mohaka-ki-Ahuriri claim in northern Hawke's Bay.

The 2000 review identified some problems in the Tribunal's process: the hearings took too long, the reports were not completed promptly enough, and the overall time-lapse meant that the claimants' mandate to progress the claim through hearings might collapse. (The mandate is the authority given by a claimant group to its representatives.) The review laid the groundwork for a new approach that would streamline the research, inquiry and reporting processes so that claimants could move on to negotiation and settlement. The Tribunal wanted not only greater efficiency but also a process that would drive the Crown and Maori more purposefully toward settlement.



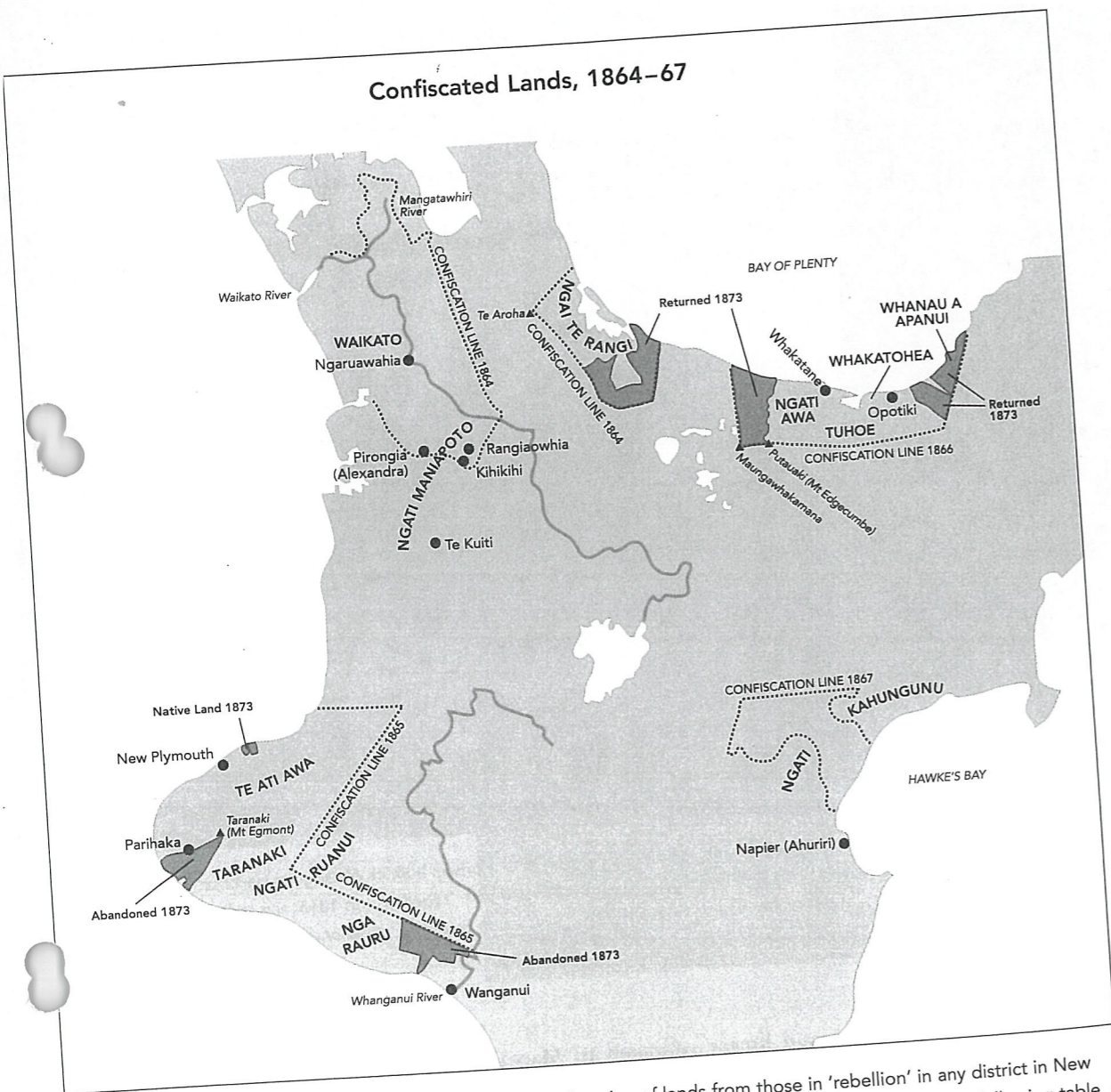


The one-thousandth claim (WAI 1000) was registered at the Waitangi Tribunal in August 2002: Chief Judge Joe Williams (Acting Chairperson) with Tribunal Director Morrie Love and Assistant Registrar Jacqui Lethbridge. Many claims are grouped into district inquiries for hearings. When the full process of negotiation, settlement and legislation has been taken into account, historical claims should be finalised by 2020. WAITANGI TRIBUNAL, TE MANUTUKUTUKU, OCTOBER 2002

The new approach was implemented in 2001, in the Gisborne district inquiry under Judge Joe Williams, who became deputy chairperson of the Tribunal in 2000. Preparation for the Gisborne hearings included: conferences with all parties to identify and clarify the issues being contested; a clear mandate established, with full representation of the claimant groups; and deadlines set for all participants. Early in the hearings, the Crown was required to state its position on the claim's major issues, in order to focus the hearings on matters still in dispute (previously, the Crown had not been required to respond until it had heard all the evidence, and much time had been spent on aspects of the claim not in fact defended by the Crown). Reports were now to be drafted immediately after the hearings were completed; there was to be a smooth transition to negotiation, which could begin before the final report was released. The Tribunal estimated that the process from start of research to release of report should take three to four years for each group of claims.

The Tribunal aims to use this approach in all new district inquiries. It is an intensive process, requiring the active engagement of all parties – the claimants, the Tribunal and the Crown, as well as support agencies. The demands on resources are such that probably only two or three





The New Zealand Settlements Act 1863 authorised the confiscation of lands from those in 'rebellion' in any district in New Zealand. This map shows the confiscation lines. Some of the land was later returned and some paid for. The following table shows the amount of land confiscated. The areas are in acres (1 acre = 0.4 hectares).

Locality	Area originally confiscated	Area purchased	Area returned	Area finally confiscated
Taranaki	1,275,000	557,000	256,000	462,000
Waikato	1,202,172	—	314,264	887,908
Tauranga	290,000	240,250	—	49,750
Otago	448,000	6,340	230,600	211,060
				<u>1,610,718</u>

In Poverty Bay, some 50,000 acres were confiscated.

SOURCES: THE MAP (BASED ON INFORMATION IN THE APPENDIX TO THE JOURNALS OF THE LEGISLATIVE COUNCIL, 1875) IS FROM JUDITH BINNEY, JUDITH BASSETT, AND ERIK OLSEN, *THE PEOPLE AND THE LAND: TE TANGATA ME TE WHENUA*, WELLINGTON, 1990. THE FIGURES IN THE TABLE ARE DERIVED FROM 'THE ROYAL COMMISSION ON CONFISCATED LANDS', AJHR, 1928, G-7, PP.6-22, AND 'REPORT OF THE NATIVE LAND CLAIMS COMMISSION', AJHR, 1921-22, G-5, PP.14-20.



Mete Kingi of Wanganui, who attended the Kohimarama Conference, was the first Member for Western Maori in the House of Representatives, 1868-70. This photograph was taken in Christchurch by A. C. Barker in 1869. CANTERBURY MUSEUM, BARKER ALBUM 2, 420F

### British withdrawal

As the war dragged on, many British troops and their officers came to the conclusion that they were simply fighting for land on behalf of the settlers, against an enemy they respected. Many settlers, too, were deeply disturbed that two peoples who had aimed to make a new nation together had ended up in violent conflict. New Zealand's resources were being stretched to the limit, and by the end of the decade there was a widespread yearning for peace.

The fighting was drawing to an untidy conclusion as the last British troops left towards the end of the 1860s; the British government determined to pour no more money into New Zealand. The colonial government, now fully responsible for the Maori people, was more prepared to state openly that Maori had signed away their control of the country in 1840. But it was sensitive to criticism from abroad of its policies and actions. Comments in the British Parliament and British press on the New Zealand government's treatment of Maori had often been hostile and scathing through the 1860s. *The Times* – at first guarded in its criticism – had increasingly questioned the actions of the settler government.

Also vocal was the humanitarian lobby that had been so active in the years before 1840, encouraging the Colonial Office to believe that settlement and the protection of Maori could be reconciled and made to work in New Zealand. In 1840, the same voices had promoted the idea of amalgamation, of the Maori inhabitants and British settlers eventually making 'one people' – a goal that survived even in the midst of war and outrage. The idealism persisted:



1882  
1884  
1914  
1924  
Treaty  
S. Nelson

consider the Treaty before returning to Busby's I  
Governor visited the north in 1876, the main welcome was held at Te Tii.

The first of the Nga Puhi parliaments opened at Te Tii in March 1881, with over three thousand people attending. A meeting house, called Te Tiriti o Waitangi, had been specially built. A stone monument inscribed with the words of the Treaty in Maori had been placed in front of the house, where it still stands. The Union Jack flew over the grounds. The organisers included the Nga Puhi chief Aperahama Taonui, who had signed the Treaty, and sons of others who had signed. The discussion embraced Maori rights over foreshores, the return of confiscated lands, and the dog tax; but the main call of northern leaders was for a Maori parliament to weld the people into a united body to fight for Treaty rights. They wanted to be associated with the colonial government, but on Maori terms; they were not looking for separation.

William Rolleston, the Native Minister, attended. He was conciliatory but firm: there could be only one parliament; land confiscations were a 'fait accompli'; and the foreshores were for the use of all New Zealanders. To politicians such as Rolleston, a Maori population of around fifty thousand did not justify the formation of separate political bodies. At most, the government was prepared to accept the existence of runanga (especially when Maori support was needed), but would not encourage any Maori political organisation outside its control. With only half-hearted commitment, the government passed a Native Committees Act in 1883. This was a response to the longstanding request for the Maori committees operating in various districts throughout the country to have official recognition.

Maori had hoped that the Native Land Court would be supplanted by the committees, which would determine customary title to land. But the Native Committees Act simply authorised committees to advise the courts on customary title; the legislation fell far short of Maori requests for self-government, and even the limited opportunities it offered for local management by committees were deliberately frustrated by the government. Not surprisingly, Maori continued to press for greater control of their affairs. Nga Puhi established independent committees in the mid 1880s, and parliaments were held at Waitangi each year throughout the 1880s.

### Petitions

In the 1880s, Maori turned to the colonial government, presenting hundreds of petitions to Parliament, many featuring the Treaty. Maori were using their rights as British subjects to petition and to claim justice, but the government and the courts found many reasons why these pleas could remain unheard, their requests unmet.

Determined to explore other avenues for influencing government policy, Maori leaders turned to Queen Victoria, with whom the Treaty had been made. She was the 'great mother' who had offered her protection in 1840. The idea of sending a Maori deputation to Britain had long been promoted by sympathetic Pakeha, and had been encouraged by the Aborigines Protection Society in Britain.

Two separate deputations took petitions to London: a group from Nga Puhi in 1882, and a Waikato party led by King Tawhiao in 1884. Both groups claimed to represent the interests of

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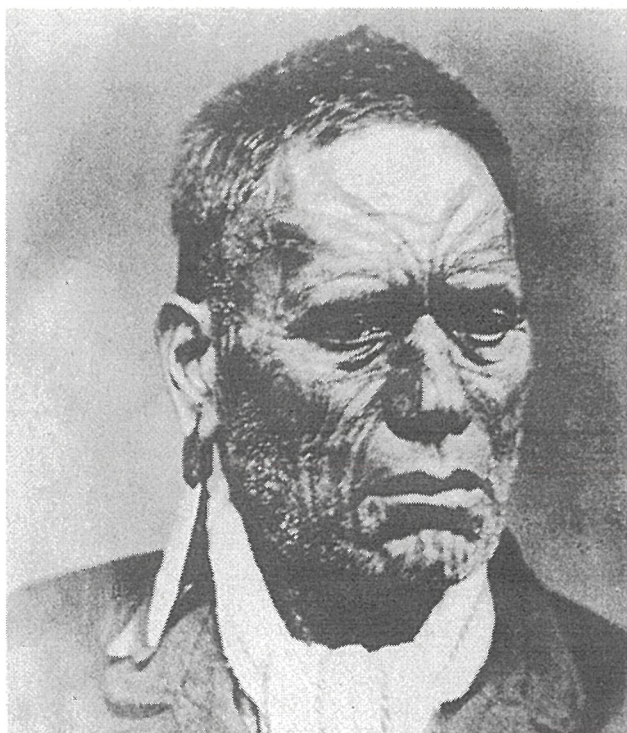
Governor William Jervois holding a meeting with Waikato chiefs at Kawhia in 1884. The government wanted the King Country opened for settlement and Kawhia Harbour opened for shipping. At the time of the meeting, Tawhiao and his party were in Britain appealing against this sort of pressure being exerted on the Waikato people. ALEXANDER TURNBULL LIBRARY, 257497/2

Maori people as a whole, and both based their petitions on the Treaty. They were not successful, but the idea of securing redress for grievances sparked a tremendous amount of interest, contributing to a groundswell of agitation that was to lead many Maori towards organised, united political action.

The 1882 deputation was endorsed by several major chiefs connected with the Treaty of Waitangi movement, as it was called at the time. Led by Hirini Taiwhanga, who was fluent in English and experienced in government business, three petitioners travelled to London to ask the Queen to appoint a 'Royal English Commission' to investigate and rectify laws that contravened the Treaty. They also sought permission to establish a Maori parliament that would restrain the New Zealand government in its endeavours to set aside the Treaty.

The petition recounted at length Maori concerns about the confiscations, the Native Land Court, local body taxes, and the government's ill-treatment of Te Whiti. It listed legislative Acts and Ordinances that were said to be 'against the principles contained in the treaty', and outlined the history of Pakeha–Maori strife over land. The establishment of the King movement was described as a legitimate act to protect Maori lands in accordance with the Treaty's provisions.





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[1] Maihi Paraone Kawiti was one of the main organisers of the meetings at Waitangi in the 1880s. The son of the chief Kawiti who had challenged British sovereignty in the 1840s, he had re-erected the flagstaff on the hill at Russell in 1858 with a group of warriors. ALEXANDER TURNBULL LIBRARY, 7521476

[2] Hirini Taiwhanga took a petition to England in 1882 with two other northern chiefs. He was the Member of the House of Representatives for Northern Maori, 1887–90. ALEXANDER TURNBULL LIBRARY, F35MM-00098

The petitioners were refused an audience with the Queen, and referred back to the New Zealand government. Supported in London by the Aborigines Protection Society and by a number of well-meaning British politicians, they departed with some hope that the trip had not been entirely in vain. It was a pattern that would be repeated by the next group of petitioners.

King Tawhiao's 1884 deputation expressed the same concerns as the Nga Puhi group and asked for a Maori parliament. They asked the Queen to 'confirm her words given in that treaty', and also pointed out that clause 71 of the 1852 Constitution could be interpreted as making provision for Maori custom and self-government. The Waikato document was a more coherent and fully fledged proposal for separate Maori self-government.

As in 1882, the British government blocked the group's approach to the Queen. Again, the Colonial Office consulted with the New Zealand government, and insisted that only that government could handle Maori matters. The failure of this second appeal was a bitter disappointment to the many tribes throughout New Zealand who had placed great hopes on the success of petitions to the British Crown. Maori leaders hoped that attitudes might change when the governments changed, as they did from time to time in both Britain and New Zealand.

Two further deputations went to England. In 1914, Te Rata Mahuta Potatau Te Wherowhero and a Waikato group were given an audience with King George V – on condition that grievances





The Maori mission to Britain in 1914. The King movement had established its own parliament, the Kauhanganui, in the 1890s. Here, the King's premier, Tupu Taingakawa, is seated; behind him are, from left, Mita Karaka, Te Rata Mahuta Potatau Te Wherowhero (who would become the fourth King) and Hori Tiro Paora.

RICKLAND MUSEUM/TAMAKI PAENGA HIRA, 98278

were not discussed. This defeated the aim of the appeal, which was to seek justice, especially over the confiscation of Waikato land. In 1924, Tahupotiki Wiremu Ratana, the leader of a new Maori religious and political movement that based its rights on the Treaty, also took a petition to England, again without success.

The failure of these appeals was tangible proof of the extent to which officialdom could set the Treaty aside. And official attitudes were unlikely to change unless the colonial government took a different view or the Maori people could find an effective strategy to influence public opinion in favour of their rights. Maori protest and the search for change would continue nonetheless, and take on new shape over the following century.