

Waitangi: Treaty and Tribunal

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9.1 Introduction

This guide is designed to help students find material about the Treaty of Waitangi and the Waitangi Tribunal. It lists key items which appraise the process as a whole, gives relevant subject headings for searching the Library catalogue and Index New Zealand (INNZ), and lists a variety of other more specialized sources.

The Waitangi Tribunal was set up under the Treaty of Waitangi Act 1975 to investigate claims of Māori against the Crown for breaches of the Treaty of Waitangi. An amendment Act in 1985 empowered the Tribunal to investigate claims relating to Crown actions from 1840. In 1993 the Tribunal was prohibited from making recommendations involving privately owned land. By December 2002, approximately 2000 applications had been lodged.

9.2 The Waitangi Process - Key Books and Articles and Electronic Resources

Electronic Resources

The Treaty of Waitangi website is a comprehensive site offering links to a wide range of resources. The material on this website was prepared with the assistance of historians and other specialists, and with the help of key

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Government departments.

Books

Baraganath, Justice. *Treaty of Waitangi issues: the last decade and the next century*. 1997.
[NZ&P 342.0872 B22, also at Davis Law Library]
Contributors include Hekia Parata and Joe Williams.

Durie, Mason. *Te mana, te kāwanatanga: the politics of Māori self-determination*. 1998.
[NZ&P 323.1199442 D96, also in Short Loan]

Looks at Māori-Government relations over the past decade. Covers self-determination, commercial development, environmental issues, culture and language, fisheries, Treaty issues and Waitangi Tribunal claims.

Graham, Douglas. *Trick or treaty?*. 1997.
[NZ&P 995 W144g, also at Davis Law Library]

An overview of the Waitangi process by the minister in charge of Treaty negotiations. Includes a personal account of various events.

Honouring the treaty : an introduction for Pākehā to the Treaty of Waitangi. 1989.
[NZ&P 995 W144y, also at Short Loan, Davis Law and Engineering Libraries]
Essays.

Justice & identity : antipodean practices. 1995.
[NZ&P 301.451095 W75]

Includes essays on the Treaty, biculturalism and partnership and the Ka Awatea report.

Minogue, Kenneth R. *Waitangi : morality and reality*. 1998.
[NZ&P 995 W144mi]

An overview of the Treaty process.

Ngata, Apirana. *The Treaty of Waitangi, an explanation : Te Tiriti o Waitangi, he whakamarama*. 1963.
[MM 995.02 N57]

Sharp, Andrew. *Justice and the Māori : Māori claims in New Zealand political argument in the 1980s*. 1990.
[NZ&P 301.451095 S53, also at Short Loan and Davis Law Libraries]
The second edition of 1997 includes a chapter on events between 1990 and 1996. (pp.291-318)

Treaty settlements: the unfinished business. 1995.
[NZ&P 354 M16]

Papers from the Hirangi hui and the NZ Institute of Advanced Legal Studies conference.

Waitangi : Māori and Pakeha perspectives of the Treaty of Waitangi. 1989.
[NZ&P 995 W144k, also in Short Loan and other libraries]

Edited by Hugh Kawharu with contributions from F.M. Brookfield, P.G.HcHugh, David Williams, F.Hackshaw, B. Kingsbury, M.P.K. Sorrenson, Waerete Norman, Hugh Kawharu, Tipene O'Regan, Ranginui Walker, Mason Durie and Bruce Biggs.

Articles

Chapman, Guy. "The Treaty of Waitangi - fertile ground for judicial (and academic) myth-making." *New Zealand law journal*, Jul. 1991, pp.228-236
[NZ&P 349.95 N53, also at Davis Law Library]

Kawharu, Hugh. "The Treaty of Waitangi : a Māori point of view." *British Review of New Zealand studies*, v.5, Nov. 1992, pp.23-36
[NZ&P 995.005 B86]

Mikaere, A.L. "Māori issues." *New Zealand law review*. 1996. Vol. 2, pp.162-186.
[Davis Law Library Journal]

Reviews the Tribunal, recent settlements including the Fisheries claims and decisions under the Resource Management Act.

Walker, Ranginui. "The genesis and transformation of the Waitangi Tribunal." *Man and a half : essays in Pacific anthropology...* 1991.
[MM, NZ&P 572.99 B93]

Ward, Alan. "Historical claims under the Treaty of Waitangi : avenue of reconciliation or source of new divisions?" *Journal of Pacific history*, v.28, no.2, Dec. 1993, pp.181-203

Searching VOYAGER

Books held in the University of Auckland Library can be found using VOYAGER, the on-line catalogue.

Some frequently used subject headings, for subject searches, are:

treaty of waitangi 1840
new zealand waitangi tribunal
maori new zealand people claims
maori new zealand people government relations
maori new zealand people fishing
maori new zealand people land tenure
maori new zealand people government policy
maori new zealand people mass media
maori new zealand people politics and government
maori new zealand people legal status laws
sovereignty
indigenous peoples legal status laws etc
cultural property protection law and legislation
intellectual property
new zealand resource management act 1991

Guided keyword searches on VOYAGER may also be useful:


eg **waitangi principles**


[Main Search List](#)


[Guided Keyword Search](#)

[Course Material Search](#)

Search for:



Search in: 



maori sovereignty
indigenous intellectual property
waitangi fisheries commission
waitangi resource management

See the guides available at each [Library Website](#) workstation for more information. You may also sign up for a Voyager [Library workshop](#), or do an online [Voyager tutorial](#).

Finding Journal and Newspaper Articles

Individual articles in journals and newspapers are not listed separately on VOYAGER, the on-line catalogue. You must search various special indexes, or full-text databases, or look at bibliographies in other published works on the subject. The sources listed below are the most useful for finding sources in this field. Databases can be found on [Library Website](#) by clicking on [Subject Guides > Māori Studies > Databases](#)

[Index New Zealand \(INNZ\) 1987-](#) [[Library Website](#)]

Look for recent journal and newspaper articles in *Index New Zealand (INNZ)*. It is updated daily. The first search screen is a relevance keyword search. The question mark ? is the truncation symbol. The plus symbol + indicates that the term is required. Speech marks "... " around a term indicate a phrase search. Try the searches:

"waitangi tribunal"
"treaty of waitangi"
"maori land rights"
+waitangi +principles
+waitangi +law +constitutional
+waitangi +law +administrative
+waitangi +fisheries
+waitangi +health
"resource management" +waitangi
"maori custom? law"
+maori +independence

"tino rangatiratanga"
"fiscal envelope"
"indigenous people?"
"intellectual property" +maori
etc.

Research (academic) level material can be sorted out from general interest material by adding the words **and tara research** to the **Command** search option, as in the example below:

Simple Search

Advanced Search

Search for

Quick limits

Using

Index to New Zealand periodicals 1941-1986

The precursor of INNZ, the *Index to New Zealand periodicals*, indexes only journals, including the Māori Affairs Department publication, *Te Ao hou*. It covers the years 1941-1986 and is kept on the NZ&P Quick Reference shelves. Look under Māoris.

Newztext 1995- [[Library Website](#) > **Subject Guides** > **Māori Studies**]

Provides full text of articles from newspapers owned by INL (Independent Newspapers Ltd) for which INL has the copyright (1995 to present). Covers the *New Zealand Herald* from November 1998 to the present.

Newzindex. 1985- [[Library Website](#) > **Subject Guides** > **NZ&P**]

Provides references to articles in journals, magazines and newspapers. Coverage includes business and trade journals. Main emphasis is on business subjects.

LexisNexis. [[Library Website](#) > **Databases and Article** > **B** > **Butterworths Online**]

Via Butterworths Online. Indexes articles in all the major New Zealand law journals and some overseas ones. *Linxplus* includes headnotes for a very wide range of New Zealand case law (coverage varies for particular courts and dates). Updated daily.

See also the journals

Māori law review [Davis Law Library] Monthly. Covers decisions of the Waitangi Tribunal and the Māori Land Court. Indexed by *Linxplus*.

Nga korero o te wa : a summary of decisions, events and plans throughout New Zealand. 1995- [NZ&P 079.95 N57]
A monthly summary of Māori news and views. Unindexed.

Te Manutukutuku 1989- [NZ&P 301.451095 M29] Also at Davis Law Library. Newsletter of the Waitangi Tribunal. Includes lists of new claims and progress on earlier claims

9.3 Waitangi Tribunal Claims

Guides

A general guide to the meaning of the Treaty, the claims process and membership of the Tribunal is:

New Zealand. Waitangi Tribunal. *Te Roopu Whakamana i te Tiriti o Waitangi : a guide to the Waitangi Tribunal*. 2nd. ed. 1993 [NZ&P 354.95 W14r]

Guides for claimants with information about researching and presenting claims and practical information on planning and budgeting are:

Tucker, Jane. *Māori claims: how to research and write a report*. 1994 [NZ&P 354.95 W144o 1994/1]

Te Ara tirohanga : a guide for researchers into Māori claims. Rev. ed. 1993 [NZ&P 354.95 W144o 3]

The Waitangi Tribunal web pages, which can be accessed via the [Library Website](#) network, include similar material.

Lists of claims

Lists of claims heard and pending to 1991, membership etc. can be found in

Claim Lists [Click here to view the Waitangi Tribunal 1991-1995 NZ&P 354.95 W144o](#) [Click here to view the Waitangi Tribunal 1996-1999 NZ&P 354.95 W144o](#)

Oliver, W.H. *Claims to the Waitangi Tribunal*. 1991 [NZ&P 354.95 W1401 - copies are also available from the Short Loan Collection].

Lists of new claims and progress on earlier claims are published in the newsletter of the Tribunal *Te Manutukutuku* [MM 301.451095 M29].

9.4 Law

Acts of Parliament

New Zealand Statutes are held at NZ&P 346.3 N56s.

The Treaty of Waitangi Act 1975 including all subsequent amendments is reprinted in RS 33. The earlier version with amendments to 1993 is in RS 8. See 1975 No.114 for original Act, 1985 No.148, 1988 No.233, 1993 No.92 for major Amendment Acts. See also Treaty of Waitangi (Fisheries Claims) Settlement Act 1992 No.121 and Treaty of Waitangi (State Enterprises) Act, 1988 RS 33

Butterworths Online is a database that allows you to keyword search current legislation. Select NZ Legislation in the menu screen. Gives full text of all New Zealand Principal Acts currently in force, including repealed sections and schedules. An historical summary at the end of each Act outlines the effect of each later amending Act. Also gives full text of selected repealed Acts (mainly 1960 on). The Status Regulations database, also within Butterworths Online, covers statutory regulations.

Case law

The following databases are on Library Website:

BRIEFCASE indexes New Zealand reported and unreported cases. It includes citations for older and overseas cases mentioned in recent New Zealand case law. Published in New Zealand by Law Library Management. Coverage is from 1986 to the present. Updated fortnightly.

LexisNexis. [Library Website > **Databases and Article Searching** > **B** > **Butterworths Online**] Via Butterworths Online. Indexes articles in all the major New Zealand law journals and some overseas ones. *Linxplus* includes headnotes for a very wide range of New Zealand case law (coverage varies for particular courts and dates). Updated daily.

9.5 Waitangi Tribunal Reports

Copies of all published reports are held in the NZ&Pacific Collection. Most are at NZ&P 354.95 W14. There are also copies in the Davis Law Library. They can be retrieved on VOYAGER with the author search *new zealand waitangi tribunal*

The **full text** of the published Waitangi Tribunal reports can be accessed on-line via the Library Website. Click on **Subject Guides** and on **Māori Studies**. Click on **Databases**. The Waitangi Tribunal Reports are listed halfway down the screen. It is possible to keyword search all the reports at once and download and print the pages on which the sought names, words or phrases occur. The database is also freely available on the Internet at <http://www.waitangi-tribunal.govt.nz/reports/>

Submissions and evidence

The Microtexts Room holds a microfiche copy of evidence presented for the earlier major claims. (Wai 4,8-11,17,22,26,27,32-33 and 150)

New Zealand. Waitangi Tribunal. *Waitangi Tribunal records of documents and submissions published on microfiche*. [Microfiche 95-113]

Some submissions for Wai 45 and Wai 46 are held in printed form at MM 354.95 W14

9.6 Māori Land History

The Waitangi Tribunal has recently published a series of general reports on the history of Māori land. One 3 volume work gives an overview of the legislative history of Māori land from 1840.

Ward, Alan. *National overview*. 1997. [MM 354.95 W144ro Also Short Loan]

Further publications concentrate on particular periods and facets of the land legislation; others cover the country region by region. They are called the *Rangahaua whānui* series and are held at [MM 354.95 W144]

A full list can be found with the guided keyword search on VOYAGER, the Library online catalogue:

rangahaua whanui

See the Maori Studies guide *Maori Land* for more information

9.7 Government Policy

Crown proposals for the settlement of Treaty of Waitangi claims: detailed proposals. 1994 [NZ&P 354.95 W14c]
(There is also a summary in English and Māori at MM 354.95 W14cs)

Policy papers and cabinet minutes released under the Official Information Act and covering a range of government policies relevant to Treaty settlements have been published in book form as: *New Zealand Policy papers for Crown proposals for the settlement of Treaty of Waitangi claims.* 1995 [MM 354.95 W14cp]

See also:

New Zealand Office of Treaty Settlements. *Briefing to the incoming Government.* [1996] [MM 352.885 N53] for the general framework and an area by area analysis.

9.8 Principles of the Treaty

The principles have been referred to in numerous Acts but their development has been left to case law. See the following sources:

New Zealand. Department of Justice. *The Crown and the Treaty of Waitangi: a short statement of the principles on which the Crown proposes to act.* 1989 [NZ Pamphlets 89-2] Also at Davis Law Library and Geography Library.

New Zealand. Department of Justice. *Principles for Crown action on the Treaty of Waitangi.* 1989 [NZ Pamphlets 89-1] Also at Davis Law and Architecture.

New Zealand. Court of Appeal. *The Treaty of Waitangi in the Court of Appeal: the full judgments of the Court in the New Zealand Māori Council's case.* 1987. [NZ&P 333.0995 N53c]

Further references can be found on [VOYAGER](#), [Lexis Nexis](#) and [Index New Zealand](#) with a keyword search for waitangi AND principles

Land Bank

[Land Information New Zealand](#) maintain a list of blocks of Crown land which have been put aside for settlement of Waitangi Tribunal claims.

9.9 Treaty of Waitangi (1840) -- History and Texts

The standard account which has also been published in condensed and pictorial formats and is widely available around the University Library system is
Orange, Claudia. *The Treaty of Waitangi.* 1987 [NZ&P 995 W144o]

For an earlier view see

Buick, T. Lindsay. *The Treaty of Waitangi: how New Zealand became a British colony.* 1933 [NZ&P 995.02 B93]

The most easily accessible eyewitness account first published in 1890 is

Colenso, William. *The authentic and genuine history of the signing of the Treaty of Waitangi...* [New ed.] 1971. [MM 995 C69 1971] Also at NZ Glass Case, and Architecture Library.

Facsimiles of the Treaty

Facsimiles of the Declaration of Independence and the Treaty of Waitangi. 1960. [MM 995 W144 1960] Also NZGlass Case

New Zealand. *Ngā whārangi o te Tiriti: a facsimile of the Treaty of Waitangi.* 1990. [NZ Glass Case 995 W144w]

Treaty Principles

As outlined by the Waitangi Tribunal.

Text of the treaty

The official English and Māori texts and an English translation of the Māori text can be accessed via the [New Zealand Government website](#). The [Archives New Zealand](#) site contains a short history.

Signatories

Simpson, Miria. *Nga tohu o te Tiriti: making a mark*. 1990
[NZ&P 995 W144s] Lists and identifies all signatories. Photos.

9.10 Key to Library Locations

VOYAGER (the on-line catalogue)

Can be accessed from workstations in all University of Auckland libraries and via the University of Auckland Library home page on the Internet.

Library Website

Library Electronic Academic Resources Network. Available on public access workstations in the Library.

General Library

5 Alfred St, Auckland City

MM Mātauranga Māori Collection

At the north-side of Level G, following the wooden display shelving on the right.

Microfilm

Held in the Microtext Reading Room, Level G, to the left of the glass staircase.

NZ Glass Case

A restricted access collection in Special Collections. Ask at the Special Collections reception desk.

NZ&P

Books with these letters preceding the call number are held on the open shelves in the NZ&Pacific Collection, Level G of the General Library Building.

NZ&P Quick Reference

Level G, General Library, on the wooden display shelving at the entrance to the Mātauranga Māori area.

Short Loan Collection

Level 1, Kate Edger Information Commons

Special Collections

To the south-side of Level G of the General Library, left of the glass staircase.

Thesis General Library

Ask for items with this location at the Lending Services Desk, Level G, General Library.

Contact: Māori and Pasifika Services