

Te Hītori o te Tiriti

History of the Treaty of Waitangi



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Te Tiriti o Waitangi | The Treaty of Waitangi ('the Treaty') is our country's founding document. It is an agreement between Māori and the Crown (The monarch of the British Commonwealth and the government of New Zealand). The Treaty recognises the unique and special place of Māori as tangata whenua (people of the land).

There were two versions of the Treaty, one in te reo Māori and one in English. In the English version, the interpretation was that Māori ceded sovereignty. In the te reo Māori version, Māori were guaranteed rangatiratanga. The guarantee of rangatiratanga requires the Crown to acknowledge Māori control over their tikanga, resources and people, as well as to allow Māori to manage their own affairs in a way that aligns with their customs and values.

To get a balance between the two versions, the Waitangi Tribunal was established. The Waitangi Tribunal is the arbiter between Māori and the Crown.

Key events in the history of the Treaty

1840 - On 6th February the Treaty of Waitangi was signed at Waitangi, Bay of Islands. Initially signed by approximately 43 Māori chiefs, the Treaty was then taken around the country to ultimately be signed by approximately 500.

1863 - The New Zealand Settlements Act, passed during the New Zealand Wars, authorised the taking of land from Māori. Its intention and effect was to punish so-called rebel Māori by allowing the confiscation of their lands and to assist European settlement.

The Native Land Act followed in 1865, designed to remove land from Māori ownership for purchase by settlers. The Act established the Native Land Court and individualised ownership interests in Māori land replacing customary communal ownership. This led to fragmentation of ownership, and along with other factors, ultimately resulted in less than 5% of Māori freehold land remaining.



1975 - A groundswell within Māori led to a land march from the Far North to Parliament in protest for the loss of Māori land. The 1000km hīkoi (march) from the far north to Parliament was led by Dame Whina Cooper. The marchers' demand was that 'Not one more acre of Māori land' should be alienated.

The Treaty of Waitangi Act referenced the Treaty in law for the first time in New Zealand. It also established the Waitangi Tribunal, a commission of inquiry, to hear Māori grievances against the Crown concerning breaches of the Treaty.

1988 – A small policy unit was set up in the Ministry of Justice to consider how to go about negotiating the settlement of Treaty claims. This became the Office of Treaty Settlements (early 1990s) and is now known as Te Arawhiti – Office for Māori Crown Relations.

1995 - First treaty settlement was finalised for Waikato-Tainui, in middle of North Island.

2017 – As a part of the redress, conversations continue with Māori and the Crown as to how to involve Māori in decision making processes. An example of this is in 2017, the Whanganui River became the first river in the world to be given the same legal rights as a human being.

To learn more, click this link.

[Te Arawhiti The Office for Māori Crown Relations - The Red Book](#)

Te Tiriti Ā Mohoa Nei
The Treaty Today



The Treaty Today

Contemporary Treaty

Since the 1980's much of the impact of the Treaty for the public service has focused on treaty settlements. As the historical Treaty of Waitangi settlement process concludes, conversations between Māori and the Crown around contemporary Treaty of Waitangi issues will become more frequent.

Contemporary claims are those that relate to matters that occurred on or after 21 September 1992 and how Māori seek to be included in the decision-making process.

Examples: [Contemporary claims | Waitangi Tribunal](#)

Check out the online treaty settlement portal – Te Haeta, [Nau mai haere mai ki Te Haeta | Te Haeta](#)

Te Arawhiti and their role

Te Arawhiti, established in December 2018, helps to oversee the Government's work with Māori in a post-Treaty settlement era. It brings together the previous Office of the Treaty Settlements.

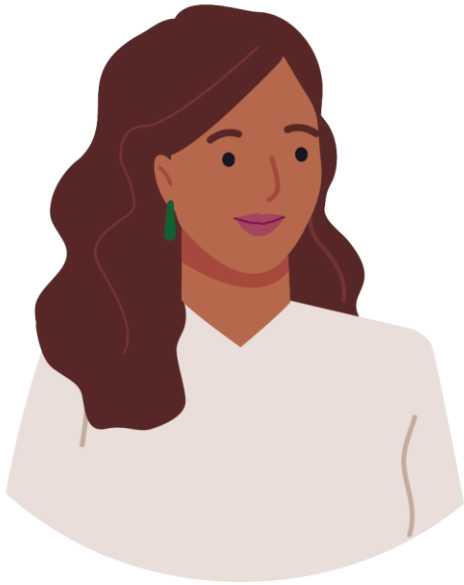
Te Arawhiti recognises the need to shift the relationship between Māori and the Crown from one based solely on historical settlements to one focused on the future.

Te Puni Kōkiri and their role

Te Puni Kōkiri is the government's principal policy advisor on Māori wellbeing and development. Te Puni Kōkiri is focused on outcomes for Māori. They have a critical role monitoring the adequacy of government services for Māori. They also have a regional on-the-ground presence managing contractual relationships and providing support for government agencies in the regions.

Find out more about the role of Te Puni Kōkiri

[Te Puni Kōkiri Our vision, purpose, role and values \(tpk.govt.nz\)](#)



Principles derived from the Treaty.

Principles have been developed, including through jurisprudence, to help us interpret and apply the Treaty. There is a broader set of principles that provides a framework for public servants. Of this set of principles partnership, equity and protection are commonly referred to in the public sector.

Partnership – Active strategies to work together, to engage and consult with Māori, hapu and iwi, to consider all perspectives and have meaningful representation from Māori.

Equity – Requires the Crown to commit to achieving equitable outcomes for Māori.

Protection – Ensuring that decisions made are tika (right) and follow kawa (protocol), ensuring implementation of uara Māori – Māori values. This is ensuring that the treasures of Māori are treated accordingly, e.g., language is protected, whenua (land) is protected, fisheries are protected.

To learn more, click this link.

[The Treaty of Waitangi – Archives New Zealand](#)

**Te Tiriti, ko au he Tūmau a te
Rāngai Tūmatanui
The Treaty and me as a Public
Servant**



The Treaty and me as a public servant

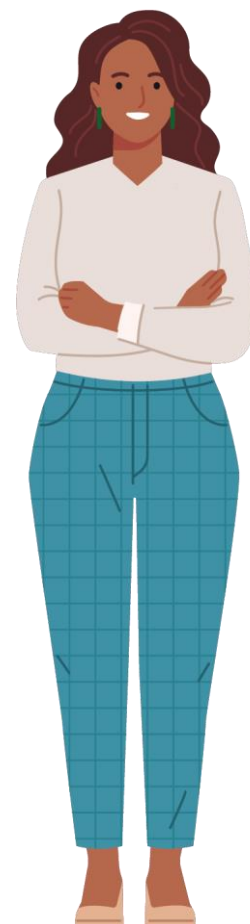
Te Tiriti o Waitangi | The Treaty of Waitangi is an ongoing commitment – as relevant now as when it was signed. Honouring the Treaty is a central role of government.

As public servants we all have a role to play in supporting the Crown in their relationship with Māori.

In 2020, when the Public Service Act was reformed, there was a specific aim to clarify that the Public Service has an important role in supporting the Crown in their relationships with Māori under the Treaty.

What this means for public servants

The Public Service Act sets out a responsibility to develop and maintain the capability of the public service to engage with Māori and understand Māori perspectives to support the Crown in its relationships with Māori.



In practice this means...

- Chief executives must ensure they build capability across the Public Service.
- Individual public servants are expected to have a minimum level of knowledge and understanding, or willingness to learn. Certain roles will require deeper expertise and specialist skills in these areas.
- Te Arawhiti issued the Whāinga Amorangi framework which sets out competency areas for individuals and organisations to meet its responsibilities. Every agency has an internal capability plan aligned to this framework.
- The six core competency areas are understanding racial equity and institutional racism; Aotearoa New Zealand history and Te Tiriti o Waitangi/Treaty of Waitangi; worldview knowledge; tikanga/kawa; te reo Māori; and engagement with Māori.

What are the actions we should take as public servants?

- We understand and help the Crown uphold its commitments to Māori.
- We learn about The Treaty and our agency's specific treaty settlement obligations.
- We provide advice regarding how we can improve outcomes for Māori.
- We engage meaningfully with Māori.
- We provide advice on options for how Māori can engage with decision making processes.

To learn more, click this link.

[The Treaty of Waitangi – Archives New Zealand](#)

**Te Tiriti me te whakahonohono
ki te Māori
The Treaty and engagement
with Māori**



The Treaty and engagement with Māori

All agencies must support the government of the day with its responsibilities under the Treaty. Additionally, several agencies have specific statutory and treaty settlement obligations.

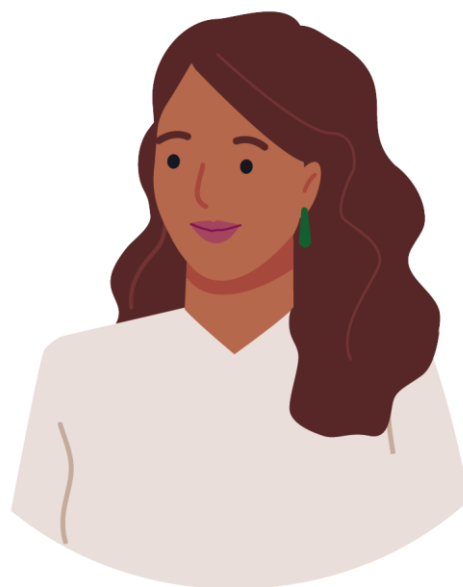
Some things to consider when engaging with Māori:

- That it is intentional and purposeful.

Be clear about who you are engaging with and have a clear purpose for the engagement. Ensure that there is a reasonable opportunity for Māori to influence your kaupapa (work) and/or the parameters for the engagement. Most matters involving engagement with Treaty partners, on behalf of the Crown, will require a clear mandate from Government (why you are engaging, what is being proposed, who you engage with and how).

- That it is considered and well prepared for.

Think about the policy and services that impact Māori the most. What interests might Māori have in this particular public function? Check out what you can find about Māori perspectives and priorities before engaging.



Reflection

Reflect on:

- What does this mean for my role?
- How does our agency engage with Māori?

To learn more, click this link.

[Te Arawhiti The Office for Māori Crown Relations - Engagement](#)