

Treaty of Waitangi A Study

This essay is the companion piece to Treaty of Waitangi A Comparison. It is a private study that I first wrote in 2006 and have now revised and fully developed. The materials used are purposely limited and thereby focussed on the written text of the treaty versions and the conclusions have been formed almost entirely from context and logical deduction. The purpose is to demonstrate to the reader how wrong so many of the treaty industry assertions are and how these have falsified our understanding of the Treaty of Waitangi. This is not a history lesson but one of why you should read what is written instead of what you are told is there. The documents used in this work are; Tiriti O Waitangi, Lt. Gov Hobson's final draft, and the back translation TE Young dated 1869. I will use these documents to show you.

1. The guarantees of Article Two are granted to maori and all other people of New Zealand.
2. Tino Rangatiratanga cannot be realistically interpreted as autonomy and self-governance.
3. There is no partnership between the maori people and the British Crown.
4. There was no true Sovereignty in New Zealand prior to cession of Chief rule to Queen Victoria.

QUESTIONS FOR THE BEGINNER

To start thinking more critically about this entire issue of maori sovereignty try to answer these questions.

1. Why does so much of the controversy centre on the word Sovereignty when this same single word is not even attempted in the text of Te Tiriti O Waitangi?
2. Why do people when claiming the Chiefs at Waitangi and other meetings around the country did not fully comprehend that their ruling authority was to be given to the Queen, never quote the speeches these Chiefs made at Waitangi and other meetings, and their consistent support for the Government in the 1860's?
3. Is it plausible that the British Government would undertake to protect the maori people from both their own intertribal warfare and foreign invasion by providing British Sovereignty over the country, central government, law and order as well as all the rights and privileges of being British subjects and yet still allow for their independence from Government authority?
4. Would Lt. Gov Hobson, after being given explicit instructions to the contrary, then instigate such a plan himself?
5. Would the British government, when taking the extreme step of intervening with great reluctance in this far flung country for the sake of all the people, all settlers included, then ensure that the settlers alone would not be mentioned in the document authorising the founding of this new colony?

This essay will explain in detail what each part of the Te Tiriti O Waitangi actually says. For ease of reading each part of the treaty is worked separately. They are Preamble, Article One, Article Two and Article Three with the 'versions' in each part kept in the same order. Lt Gov Hobson's final draft, Te Tiriti O Waitangi and TE Yong's Back Translation.

Examine The Texts

PREAMBLE

Lt.Gov Hobson's final draft 4th February 1840

Her Majesty Victoria, Queen of England in Her gracious consideration for the chiefs and people of New Zealand, and her desire to preserve to them their land and to maintain peace and order amongst them, has been pleased to appoint an officer to treat with them for the cession of the Sovereignty of their country and of the islands adjacent to the Queen. Seeing that many of Her Majesty's subjects have already settled in the country and are constantly arriving; And that it is desirable for their protection as well as the protection of the natives to establish a government amongst them. Her Majesty has accordingly been pleased to appoint me William Hobson a captain in the Royal Navy to be Governor of such parts of New Zealand as may now or hereafter be ceded to her Majesty and proposes to the chiefs

of the Confederation of the United Tribes of New Zealand and the other chiefs to agree to the following articles.

Tiriti o Waitangi 6th February 1840

Ko Wikitoria te Kuini o Ingarani i tana mahara atawai ki nga Rangatira me nga Hapu o Nu Tirani i tana hiahia hoki kia **tohungia ki a ratou o ratou rangatiratanga me to ratou wenua**, a kia mau tonu hoki te Rongo ki a ratou me te Atanoho hoki kua wakaaro ia he mea tika kia tukua mai tetahi Rangatira-hei kai wakarite ki nga Tangata Maori; o Nu Tirani-kia wakaetia e nga Rangatira Maori; te Kawanatanga o te Kuini ki nga wahikatoa o te Wenua nei me nga Motu-na te mea hoki he tokomaha ke **nga tangata o tona Iwi** Kua noho ki tenei wenua, a e haere mai nei. Na ko te Kuini e hiahia ana kia wakaritea te Kawanatanga kia kua ai nga kino e puta mai ki te tangata Maori ki te Pakeha e noho ture kore ana. Na, kua pai te Kuini kia tukua a hau a Wiremu Hopihona he Kapitana i te Roiara Nawi hei Kawana mo nga wahi katoa o Nu Tirani e tukua aiane, amoa atu ki te Kuini, e mea atu ana ia ki nga Rangatira o te wakaminenga o nga hapu o Nu Tirani me era Rangatira atu enei ture ka korerotia nei.

TE Young Back Translation 1869

Victoria, Queen of England, in her kind thoughtfulness to the **Chiefs and Hapus of New Zealand**, and her desire to **preserve to them their chieftainship and their land**, and that peace may always be kept with them and quietness, she has thought it a right thing that a Chief should be sent here as a negotiator with the Maoris of New Zealand - that the Maoris of New Zealand may consent to the Government of the Queen of all parts of this land and the islands, because there are many **people of her tribe** that have settled on this land and are coming hither. Now the Queen is desirous to establish the Government, that evil may not come to the Maoris and the Europeans who are living without law. Now the Queen has been pleased to send me, William Hobson, a Captain in the Royal Navy, to be Governor to all the places of New Zealand which may be given up now or hereafter to the Queen; and he give forth to the Chiefs of the Assembly of the Hapus of New Zealand and other Chiefs the laws spoken here.

1. *The Preamble gives to the maori population a message of the Queen's intent toward them. The laws are given to the Chiefs and hapus only. This is the portion of the population asked to consider this proposal. The only people in possession of lands that will by this contract have the government over them given up to the Queen. Therefore no other people are addressed in this Preamble.*
2. *The Chiefs and the Hapus of New Zealand. These two words in the preamble (back translation is used here) identify the entire maori population. Hapu is used here as in other documents of the era to mean tribe.*
3. *In Article Two 'tangata katoa o Nu Tirani,' all the people of New Zealand, covers all persons not included in 'Chiefs and Hapus'. There is no evidence to show that it refers to those maori without tribal affiliation. There is nothing in this phrase that directly identifies these people or excludes the settlers.*
4. *To all parts' means the rule is over a land area not a people. That is, Her Majesty's laws apply here to whoever is residing in or visiting this area. Her Majesty's law as stated in this treaty is that all persons will be treated equally.*

Preamble Final Draft. The phrase 'the Chiefs and people of New Zealand' identifies a group that is exclusively maori as they are being asked to cede their 'sovereignty'. The settlers are identified by the phrase 'Her Majesty's subjects' in the next sentence. The *maori are* 'Chiefs and the people of New Zealand' with the settlers separate. But Williams* translates this into the **Tiriti** preamble as **nga Rangatira me nga Hapu o Nu Tirani** (the Chiefs and Tribes' of New Zealand) and the English settlers are **nga tangata o tona Iwi** (people of her* tribe).

But this phrase **nga tangata o tona Iwi** (people of her* tribe) is not used in Te Tiriti Article Two because it would exclude all other nationalities primarily American, already residing in the country. The English settlers and any other nationalities are instead identified by the inclusive phrase **ki nga tangata katoa o Nu Tirani**, all the people of New Zealand.

The entire population is then, (Article Two) **ki nga Rangatira ki nga Hapu ki nga tangata katoa o Nu Tirani**.

The Final Draft Article Three has 'the people of New Zealand,' but the people in question are obviously the maori population as they are being asked to agree to the Sovereignty of the Queen. Again Williams makes the distinction by inserting the word *maori* into the description so it now reads, **nga tangata Maori; katoa o Nu Tirani** 'all the maori people of New Zealand.'

Not a back translation. Although the different people groups in the English wording of Hobson final draft are easy to understand, had the same phrasing been used in the translation into maori, confusion would have resulted. Henry and Edward took this draft and very carefully clarified the people groups. As these distinctions, and a fair approximation of sovereignty (See Article One) were written only in the Tiriti text, and the back-translation from the maori language of Te Tiriti has the same meaning but not exact phrasing as the English, Hobson's final draft could not be a mere back translation. This should have been obvious to the 'historians' who denounced it as such.

This is in addition to the already proven aspects of the date, paper, handwriting and events, which leave no room for doubt over the Hobson final draft authenticity. (See TreatyofWaitangi.net)

What does this rangatiratanga mean?

It is not part of the final draft preamble, appearing first in the Tiriti text and back translated as chieftainship even though it is in the verb form and would ordinarily mean peacefulness and quietude. (Williams 1852) It is not capitalised although every other instance throughout the text when a Chief and his/her function is the subject it is naturally given a capital. It is granted to both Chiefs and the tribe members so it cannot be the actual leadership of a tribe. This rangatiratanga is not a Chief's autocratic authority 'Rangatiratanga' of a tribe and a land area. It is one of two items, the other being land. The loss of tribal lands was of course one of the principle concerns and the remedying of unfair dealings was part of Hobson's orders. The conjunction in the sentence is 'and', not 'of'. It is their rangatiratanga and their lands, but not of their lands. It is something that is currently exercised by the maori people because it is to be preserved along with their lands but is unlikely to be some form of tribal autonomy as Articles One and Three take all law making as well as autonomy from the maori. It is a peculiar usage of this word and for a while I did consider this a mistranslation but this implied too great an error on the part of so many translators. So I offer one plausible interpretation. This 'chieftainship' (purposely lower case in every copy of Te Tiriti including those scribed by Henry Williams) is **the way of life**, living as a tribe under a **chieftainship** system. This would allow the maori people to have the form of social structure they were accustomed to and would allow the Chiefs to retain control over their people who chose to remain in the tribe, while still being subservient to the Government and Queen. Writing the preamble and articles in this fashion made the authority of the Chiefs qualified but still existing. This **chieftainship** was the only addition made after the Final Draft prior to scribing the Treaty parchment. Nothing else was touched. This despite the immense affront all the other clauses presented to the Chiefs. There is no moderation of these terms so this rangatiratanga has to be something within the tolerance of the three articles. This excludes any form of autonomy from the Government. It is not known if this addition was part of the translation that Henry Williams read at Waitangi or made after consultation with the Chiefs after the reading. It is most likely to be before as Williams was, as were other missionaries determined that the Chiefs retain some of authority.

ARTICLE ONE

Lt.Gov Hobson's final draft.

The chiefs of the Confederation of the United Tribes and the other chiefs, who have not joined the confederation, cede to the Queen of England for ever the entire Sovereignty of their country.

Tiriti O Waitangi

Ko nga Rangatira o te wakaminenga me nga Rangatira katoa hoki ki hai i uru ki taua wakaminenga ka tuku rawa atu ki te Kuini o Ingarani ake tonu atu-te Kawanatanga katoa o ratou wenua.

TE Young

The Chiefs of the Assembly, and all Chiefs also who have not joined the Assembly, give up entirely to the Queen of England for ever all the Government of their lands.

1. All (katoa) the chiefs (therefore all of the individual governments) cede (tuku rawa atu) to the Queen all of the governing (Kawantanga katoa) of their individual tribal lands.
2. Forever (ake tonu atu) prevents any plan to retake government in future. Such an act will be considered treason.
3. All the government, means the Chiefs' own right to set laws over their land and any people therein is now given to the Queen. You cannot have any amount of government yourself, while simultaneously all the government residing with another person. Article One therefore does not allow equality with the Queen or any level of self-government for the maori.
4. The Chiefs are asked to collectively grant to the Queen that which not one Chief alone possesses, all the government of all the lands. This is not an equal rank with the Chiefs but something that exceeds this. The Queen is not called a Rangatira and no Rangatira other than Hobson has the rank and function of a Kawana. Kawanatanga is the only authority over the

collective lands of the signatories. Compared to the tino Rangatiratanga of Article Two that is only given over the physical property of both maori and settler populations.

From the New Zealand History online <http://www.nzhistory.net.nz/politics/treaty/read-the-Treaty/differences-between-the-texts>

In the English text, Maori leaders gave the Queen 'all the rights and powers of *sovereignty*' over their land. In the Maori text, Maori leaders gave the Queen 'te kawanatanga katoa' or the complete *government* over their land. The word 'sovereignty' had no direct translation in Maori. Chiefs had authority over their own areas, but there was no central ruler over the country. The translators of the English text used the Maori word 'kawanatanga', a transliteration of the word 'governance', which was in current use. Maori knew this word from the Bible and from the 'kawana' or governor of New South Wales. Maori believe that they kept their authority to manage their own affairs and ceded a right of governance to the Queen in return for the promise of protection. It is widely accepted that the use of the words 'kawanatanga' and 'tino rangatiratanga' (in Article 2) contributed to later differences of view between the Crown and Maori over how much authority the chiefs would retain and how much the governor would have. There can be little doubt that the chiefs who signed the Treaty expected to enter into some kind of partnership and power sharing in the new system

In the preceding extract there is an objection to the word Sovereignty as there could not have been any equivalent of sovereignty in New Zealand prior to this event. This is true. There was in fact *no sovereignty at all* before Queen Victoria, as the only system of rule preceding this after the failure of the United Tribes, was the separate and divided Chiefly rule and impermanent tribal occupation of separate land areas without clearly demarcated or recognised boundaries. Even if this had survived the United Tribes only included a minority of Chiefs and the territory was limited to the 'Northern Parts of New Zealand'. Although as a legal technicality, Hobson still needed the majority of the Federation members to also sign the treaty. The Chiefs are asked for the **only** authority that did exist in New Zealand, ***the right of governance each Chief held over his tribe and lands***. It is not a centralised rule being asked of each Chief but the governance of the individual chiefdoms. If you then read Williams's translation into maori which ***is*** the only actual treaty text or even the 1869 back translation there is no one word for sovereignty but there is the collective weight of all the chiefs' governments now permanently given up to the Queen that has created the first ever true and effective sovereignty of the country.

The translators Henry and Edward Williams also knew it is pointless and dangerous attempting to use one word to approximate the status of a sovereign ruler as this was unknown to the maori. The explanation of the impact of sovereignty is carried not by one word but again by the proposed action, taking all the *government* of all the current chiefs and giving all of this, forever, to this one person and her successors. This does effectively describe as near as possible to the maori people just what this Queen's position will be.

The argument is put that the maori of the day would have heard and understood the two words Kawantanga and tino Rangatiratanga as providing a sharing of power. This is false on two counts. The tino Rangatiratanga as used in Te Tiriti is a term with no connection at all to governance. Then contrary to this latter day claim of misunderstanding, Kawantanga was well understood by the Chiefs at Waitangi to be their own power to govern and to make laws. They were also certain that this power when given to the Queen would be exercised over them. The principle objection to the contract when Henry Williams read it at Waitangi was the affront and fear these Chiefs felt at being asked to surrender this power. The contract is not just in what was written but also in what was understood. So please take the time to read exactly what these Chiefs believed the Tiriti (Kawanatanga and tino Rangatiratanga included) would mean to them. See Chiefs Speeches.

To follow this is the Kohimarama Conference of July 1860. Wiremu King had declared his own *sovereignty* and his intention to force other tribes to submit to this 'authority'. Governor Brown asked the 112 Chiefs present to state their position. This conference is 20 years after the signing and there is a plain understanding of what this treaty had given them and their people. Their loyalty is overwhelmingly with the Queen and Governor. See Kohimarama Conference.

You may wish to read the Treaty in your own bias but the Chiefs did not hear it your way and made quite a different agreement. It is not your agreement but theirs, expressed very clearly in their own words both at the signing and after, that is Te Tiriti O Waitangi.

ARTICLE TWO

Lt.Gov Hobson's final draft.

The Queen of England confirms and guarantees to the chiefs & tribes and to all the people of New Zealand the possession of their lands, dwellings and all their property. But the chiefs of the Confederation and the other chiefs, grant to the chiefs Queen, the exclusive right of purchasing such land as the proprietors thereof may

Tiriti O Waitangi

Ko te Kuini o Ingarani ka wakarite ka wakaae **ki nga Rangitira ki nga hapu – ki nga tangata katoa o Nu Tirani** te **tino Rangatiratanga*** o o ratou wenua o ratou kainga me o ratou taonga katoa. Otiia ko nga Rangatira o te wakaminenga me nga Rangatira katoa atu ka tuku ki te Kuini te hokonga o era wahi wenua e pai ai te tangata nona te Wenua – ki te ritenga o te utu e wakaritea ai e ratou ko te kai hoko e meatia nei e te Kuini hei kai hoko mona.

TE Young

The Queen of England arranges and agrees to give to the **Chiefs, the Hapus and all the people of New Zealand, the full Chieftainship*** of their lands, their settlements and their property. But the Chiefs of the Assembly, and all the other Chiefs, gives to the Queen the purchase of those pieces of land which the proprietors may wish, for such payment as may be agreed upon by them and the purchaser who is appointed by the Queen to be her purchaser.

- 1. The issue of recognition of authority now dealt with, the next order of business is logically just who will own what. There are two parts in this article. First a promise made to all the people of New Zealand; second a condition given only to the Chiefs. The word 'but' between the two parts indicates the subject is continuing and it continues with the right of pre-emption clause over land. This article only addresses physical property law.*
- 2..but the chiefs give to the queen.. Only the Chiefs give the pre-emption to the Queen because they are the only persons with authority over the lands that may well be sought.*
- 3. In Article One all government was taken from the signatories and given to the Queen entirely and forever. It would be a nonsense to suggest Article Two gives any part back. Hobson's orders were simple, full cession over those parts given up to the Queen now or hereafter. There was no suggestion at all of power sharing in Normandy's instructions. (See Normandy's Brief)*
- 4. In Article Two the interpretation of tino Rangatiratanga comes from how this term is used. Because tino Rangatiratanga is granted to everyone in the country the context does not support any condition applying only to the maori people. The context does not fit literal Chieftainship (acting as a Chief of a tribe) either, because tino Rangatiratanga is granted to persons who are not the leaders of a tribe, those people of the tribe and all other peoples in New Zealand. The tino Rangatiratanga is applied to property but to actually think of this as someone having the 'leadership' over his or her possessions and dwelling is nonsensical. Also if a people were declaring their national sovereignty is it credible that their dwellings would be included in the same sentence? The condition that does fit contextually is ownership. Everyone, Chiefs and their tribes and all the other peoples; could have ownership of their land houses and property.*
- 5. The conjunction is 'of'. The tino Rangatiratanga of something. That something does not include any population or territories. If separate rule were intended, the term would be followed by; a defined land area or a population and mention made of laws, language, customs, beliefs commerce and trade. This is the major difference between this treaty and the Declaration of Independence.*

This is the fairest interpretation that can be made. Williams took Rangatiratanga o (Chieftainship of) and adding the term tino (*Full or Very*. Williams 1852,71, Lee 1820.) as an exemplifier applied it to property. The Queen...confirms and guarantees everyone will have the 'full Chieftainship of ' their lands, homes and personal property. Everyone, an ordinary person included has their personal 'tino Rangatiratanga ' of all that is currently theirs. Rangatiratanga is the exercising of authority. Here this authority is exercised over physical property only and not law, government or people. It is the *Full* Authority over the physical property. This is an, 'as close as possible' interpretation into Maori of the English understanding of lawfully recognised private ownership. 'Everyone's full authority over their lands, houses and property will be both respected and protected by the Queen.'

'The Maori Nation?' The independence maori nationalists like to imagine, is derived from deliberately contorted interpretations. The phrase tino Rangatiratanga as written in the text of Tiriti O Waitangi does not imply self-determination or autonomy except in the loose sense of guaranteed ownership of property. Not one of the treaty articles provide of the requirements of independence. Ki nga Rangatira ki nga hapu ki nga tangata katoa o nu tirani. is the entire population of the country, settlers included. Everybody is granted te tino Rangatiratanga. If this is independence of the government and co sovereignty with the Queen you have an utterly ridiculous situation.

ARTICLE THREE

Lt.Gov Hobson

In return for the cession of the Sovereignty to the Queen, the people of New Zealand shall be protected by the Queen of England and the rights and privileges of British subjects will be granted to them.- Signed, William Hobson Consul & Lieut. Governor.

Tiriti O Waitangi

Hei wakaritenga mai hoki tenei mo te wakaetanga ki te Kawanatanga o te Kuini-Ka tiakina e te Kuini o Ingarani nga tangata Maori; katoa o Nu Tirani ka tukua ki a ratou nga tikanga katoa rite tahi ki ana mea ki nga tangata o Ingarani. Signed William Hobson Consul & Lieutenant Governor

TE Young

This is an arrangement for the consent to the Government of the Queen. The Queen of England will protect all the Maoris of New Zealand. All the rights will be given to them the same as her doings to the people of England. William Hobson Consul and Lieutenant Governor

Williams identifies the maori as the Maori's of New Zealand. This article purposely addresses only maori because they are the only people being asked to exchange their existing government for another. It iterates the main issues for the maori. The protection they had asked for, to cease all the warfare between the tribes and attacks on the settlers, prevent any possible invasion by other nations as end ill treatment and unfair dealings by a few of the Europeans. All of this and a guarantee of equality and only equality will be given **if** they agree to the Government of the Queen. The maori cannot have the rights of the people of England unless they agree to Queen's government (Which is subject to the Queen) and to be treated the same as the people of England. There is no room here for dual citizenship. To be treated the 'same as her doings to the people of England' made the Queen's rank and their respective position clear to the maori of 1840 if nothing else had. Nowhere in this article or anywhere else in te Tiriti are the maori given a special relationship or partnership with the Queen of England and her heirs.

This is the treaty that ended all recognition of independence of the maori people and yet we have all been told and many believe that it provided the maori with exclusive resource rights, self-governance and co sovereignty with the Queen. These assertions are completely baseless. The founding document of this country; did very simply and unambiguously cede all ruling authority to the Queen, as this was the only practical solution for the immense difficulties of the time. It gave all the people of New Zealand the same law, same rights and obligations and a future together as **one people**. There is no recognition in this treaty of separate rights as a maori people. The only **rights** protected are those that are the same as the people of England that maori would not have were they not equally subject to the Queen.

There are those who read their own selfish interest into Te Tiriti o Waitangi as if they had the authority by birth to reorder the very meaning of words spoken over a century before them. This is a gross insult to the people who carefully composed the contract and those that signed it in the full understanding of what it meant for their futures.

Michaela Allen 17 June 2010 Copyright claimed

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This Treaty Of Waitangi A Study is the first of several related topics that will follow. This study is entirely my own original work although I have incorporated and developed some suggestions made by R Baker and M Doutré that backed my own points. The views expressed here should not be taken as the opinion of the One New Zealand Foundation. All persons reading this article; are encouraged to either confirm or refute any part they wish, providing they can show their work and reasoning. This can be done through the One New Zealand Foundation forum.

RESOURCES

All these documents and the historic dictionaries used are equally available to all readers by searching online collections. **The links are supplied below.** In this study only the early dictionaries and other publications are utilised because they predate the political era of today. The dictionaries are by Rev William Williams and his descendants.

REFERENCE

GOOGLE BOOKS OPEN LIBRARY

A Dictionary of the Language of New Zealand. Williams
[1852 W Williams](#) [1871 W Williams](#)

NZETC

[The Early Journals of Henry Williams.](#)

ENZB

From An Authentic and Genuine History... William Colenso 1890
[The Chief's Speeches](#)
Hobson vs. Colenso will be the subject of another article.

NZETC

Professor Samuel Lee 1820
[A Grammar and Vocabulary of the Language of New Zealand](#)

TREATYOFWAITANGI.NET

[Lord Normandy's Brief](#)

NZETC

[Kohimarama Conference](#)

NZ HISTORY ONLINE

Te Tiriti O Waitangi Sheet 1 Waitangi.

[Treaty of Waitangi](#)

The translators of the treaty are Rev Henry Williams who had worked as missionary and translator since 1823 and his son Edward who was bilingual having been raised in a maori community.

- Williams: The translation of the final draft into the maori language treaty was completed by Henry Williams and his son Edward. Whenever the name Williams is written it should be taken to mean both Reverend Williams and Edward.
- Tona: This is generally thought to be the male pronoun. I suspect there are variant uses.
- Tangata Used for the word people but means literally, men.
- tino Rangatiratanga and full Chieftainship. Rangatiratanga is capitalised in every parchment including those scribed by Henry Williams except the Waitangi parchment scribed by Rev Richard Taylor where it is written tino rangatiratanga without a capital.