

*Handwritten Māori text in a cursive script, overlaid on the top half of the image. The text is partially obscured by the wing and the dark bottom section.*

# the STORY of the TREATY

part 2

### Introduction

This is the second part of the story of our founding document, the Treaty of Waitangi. "The Story of the Treaty – Part 1" told of the events leading up to the Treaty, at a time when Māori, far outnumbering Pākehā, controlled New Zealand. It described the essential bargain that was struck between Māori and the British Crown and what both sides hoped to obtain by agreeing to it. This booklet continues the story through the nineteenth century, when the Treaty came to be ignored by successive settler-dominated governments, through to its renewed recognition in recent times.

At the outset it should be noted that history is essentially debate about interpretations of the past. While all history is contestable, this story of

the Treaty seeks to reflect the broadly accepted, current understandings of the Treaty and Crown-Māori relations. There is, however, simply no one correct interpretation of Treaty history.

"The Treaty came to be ignored by successive settler-dominated governments."

A Fernhill family group photographed outside their whare in 1929. In 1937, housing surveys indicated that 36 per cent of Māori housing was not fit to live in. Governments had been slow to take any remedial action. Photographer: Henry Whitehead. ATL: G-5639-1/1.



The Treaty of Waitangi is New Zealand's founding document. Over 500 Māori chiefs and representatives of the British Crown signed the Treaty in 1840. Like all treaties it is an exchange of promises; the promises that were exchanged in 1840 were the basis on which the British Crown acquired New Zealand. The Treaty of Waitangi agreed the terms on which New Zealand would become a British colony.

This is one of a series of booklets on the Treaty of Waitangi which are drawn from the Treaty of Waitangi Information Programme's website [www.treatyofwaitangi.govt.nz](http://www.treatyofwaitangi.govt.nz).

Many historians have contributed to the material in these booklets to ensure it is as accurate and balanced as possible. Their contribution is gratefully acknowledged.

Further copies of this booklet are available from:

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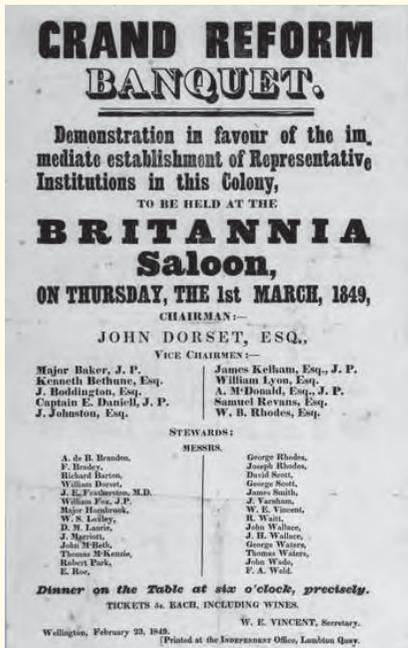
Archives = Archives New Zealand, Te Rua Mahara o te Kawanatanga.

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### Early Crown Policy

By the late 1830s British politicians and officials in London and Sydney could see that informal colonisation was occurring in New Zealand. Māori land was being acquired and Māori were involved in the spread of a world economy. The British government decided to negotiate for formal British sovereignty in New Zealand. In doing so it concluded that it was futile to attempt to repeat the previous policy (which had already failed elsewhere) of protecting indigenous people in reserves, largely apart from areas of white settlement. Officials sought to encourage Māori to “amalgamate” with the incoming settler society. They would share the rights and privileges of British subjects, under a common legal system. The terms of the Treaty and the early colonial laws embodied this aim, among others.

Grand Reform Banquet. Demonstration in favour of the immediate establishment of representative institutions in this colony, to be held at the Britannia Saloon, on Thursday, the 1st March, 1849. ATL: Eph-D-POLITICS-1849-01.



### From negotiation to enforcement

However, Māori would not be allowed or assisted to participate in the “amalgamation” in their own way. Rather, it would be set in place by the Crown and settlers; in essence, then, it was a process of assimilation.

In Britain it was already assumed that land would have to be found for the settlers and that those settlers would seek self-government sooner rather than later. From the outset it was questionable whether the Crown could be resolute in honouring the Treaty guarantees given to Māori, especially when in the 1860s “the Crown” was no longer represented solely by British officials but included the parliaments and governments elected by the settlers themselves.

At first, in the North Island at least, and outside the few small coastal pockets of European settlement, the extension of substantive Crown sovereignty involved negotiation and persuasion with Māori communities. Lieutenant-Governor Hobson had been provided with few finances and a tiny police and military force. When war broke out in the Bay of Islands in the mid-1840s (and subsequently elsewhere), the Crown needed to rely on the support of Māori allies to bring an end to the conflict. But after a series of intertribal conflicts in the Bay of Plenty, the Colonial Office ruled in 1843 that British law and the terms of the Treaty applied even to those chiefs and their tribes who had not signed the agreement.

View of the pā at Ruapekapeka from the lower stockade at the time it was entered and captured by the “allied force of friendly natives and troops”, under Lt Colonel Despard, 11 January 1846. Artist: Arthur David McCormick. ATL: A-004-037.



### Balancing sovereignty and rangatiratanga

The problem remained of how to reconcile Crown sovereignty with the Treaty promise to respect Māori authority over their own affairs. Hobson’s successor as governor, Robert FitzRoy, took some limited steps to recognise Māori custom within the legal system, although most aspects of Crown policy were directed at the assimilation of Māori into colonial society. Some Māori were familiar with the experience of Australian Aborigines under British rule, and worried that they would share a similar fate. A Protector of Aborigines had been appointed to guard Māori interests, but his role was compromised because, prior to 1842, he was also expected to negotiate purchases of land from Māori. Governor Grey took advantage of the unpopularity of the Protectorate with settlers to abolish the position altogether in 1846.

Public dinner on Thursday 15th April, 1841, at Barrett’s Hotel, Wellington to commemorate New Zealand’s independence from New South Wales and the “adjustment of differences” between the Government and the New Zealand Company. Chaired by Colonel Wakefield. ATL: Eph-B-Politics-1841-01.



### Criticism of the Treaty

Many settlers were scathing of the Treaty and what were considered to be the soft policies of FitzRoy towards Māori. The New Zealand Company argued that the recognition of Māori land rights contained in Article Two should be restricted to “a few patches of potato-ground, and rude dwelling places”. It dismissed the Treaty as “a praiseworthy device for amusing and pacifying savages for the moment”. In London there was some support for this perspective, although this was strongly disputed by missionaries and Crown officials in New Zealand.

In 1844 a parliamentary committee declared the Treaty “injudicious” and proposed a tax on all “uncultivated” Māori lands. Confiscation would be the penalty for non-payment. In 1846 such ideas were reflected in a new constitution and charter for the colony. The governor was to assume ownership of large areas of Māori land not occupied according to Pākehā norms. Missionaries had pointed out that a different standard of “occupation”, defined as the cultivation of crops, was being applied to Māori, than to landowners in England.

Robert FitzRoy, circa 1850. ATL: 1/1-001318.



### Grey's land-purchasing programme

Key parts of this constitution were not implemented, because in November 1845 Sir George Grey had replaced FitzRoy as Governor. Grey realised that such policies, which in effect seized land off Māori, threatened to provoke a mass uprising. He argued that Māori would willingly sell large areas of land to the Crown.

Once he was given adequate funds, Grey embarked on an ambitious programme of land-purchasing. This continued after his departure from New Zealand at the end of 1853, and saw nearly all of the South Island and about one-fifth of the North Island pass into Crown ownership by 1865.

More than 34 million acres of South Island land were purchased from Ngāi Tahu. The tribe later protested that reserves had not been set aside for them, boundaries of sold blocks were not where they ought to have been, prices paid for their lands had not been fair, and the promise of schools, hospitals and other benefits of European settlement had not been honoured. They found themselves poorly placed to take advantage of the new economic order. Instead, as large numbers of settlers flowed in, Ngāi Tahu became confined to just over 37,000 acres of reserves, much of it poor quality land. They were also denied access to their former food-gathering sites. Most seriously, they were left with inadequate arable and pastoral lands to enter the new economy as farmers.



The first Government House (built in 1842, burnt 1848), Auckland, showing the North Head of Waitematā Harbour.  
Artist: Edward Ashworth.  
ATL: E-216-f-015.

### Economic and social benefits: 1840s and 1850s

However many tribes prospered economically during the 1840s and 1850s. They played a crucial role in the fledgling European settlements, supplying produce and labour. They also provided a major part of New Zealand's agricultural exports to the Australian market, making a significant contribution to the government's Customs revenue.

Under Governor Grey, the Crown supported Māori economic endeavours. Critics of such developments sarcastically dubbed Grey's approach as a "flour and sugar" policy. Loans were made to Māori communities for items such as flour mills, agricultural implements and ships, as well as pensions and annuities to important chiefs.

Grey also promoted "amalgamation" through what was then a reasonably substantial investment in hospitals. Though open to all, they were to benefit Māori. Missionary schools also offered subsidised education. Despite mutual mistrust at first, by the early 1850s the Treaty relationship appeared a generally positive one in many areas.

### The slide to war

As part of the "amalgamation" policy, Grey enacted the Resident Magistrates Ordinance 1847. Māori rangatira (chiefs) would be appointed to the courts as "assessors". He also recruited Māori police. These steps helped bring the legal system into Māori communities and assisted the increasing commercial interaction between Māori and settler. Some concessions were made to Māori ideas of wrong-doing and appropriate punishments. These measures were well received by many Māori, but Grey (always anxious to promote his reputation in London) exaggerated the progress of "amalgamation". He reported that there was no need to declare "Native Districts", which would recognise Māori authority over their own affairs. These had been provided for under section 71 of the New Zealand Constitution Act 1852.

Portrait of Ngāti Haua leader, Wiremu Tamihana Tarapipipi Te Waharoa, around 1865, possibly taken during a visit to Wellington.  
ATL: F-53942-1/2.

Sir George Grey.  
Artist: Daniel Louis Mundy.  
ATL: G-623.



### A shift in power

This Act also granted self-government to the settlers. But because of a property qualification based on European land tenure, it effectively denied most Māori (as well as many Pākehā) the right to vote or participate in parliamentary processes. It revealed the underlying struggle for control between Māori and the settlers. Although the governor retained responsibility for Māori affairs, the new assembly became a vocal, and sometimes belligerent, voice for Pākehā interests. Māori saw a shift in power. It had moved from the governor – the Queen's representative, with whom they had signed the Treaty – to an often unsympathetic institution in which their interests were excluded or marginalised.

Influential chiefs such as Wiremu Tamihana Tarapipipi Te Waharoa called for a role in the governance of their own affairs, but such requests fell on increasingly unsympathetic ears. Legislation passed in 1858 (the Native Districts Regulations Act and Native Districts Circuit Courts Act) provided for meaningful Māori involvement in the administration of their affairs. But these laws did not take full effect until the early 1860s – too late to ease the anxiety of some Māori tribes.



### The King Movement

In the meantime, fearful for their lands and their declining influence, many tribes strengthened their own tribal runanga (councils). Some tribes, led by Waikato-Tainui, pressed for a Māori king to hold their lands and people together at a time of increasing uncertainty.

In 1858 Potatau Te Wherowhero was duly installed as the first Māori King. He and his son and successor in 1860, Tawhiao, both made it clear that they were not opposed to Pākehā settlement or to the Crown's sovereignty on the Crown's lands. They merely wished to administer the affairs of their own people under the protection of Queen Victoria, in much the same way that Parliament administered the affairs of the settlers.

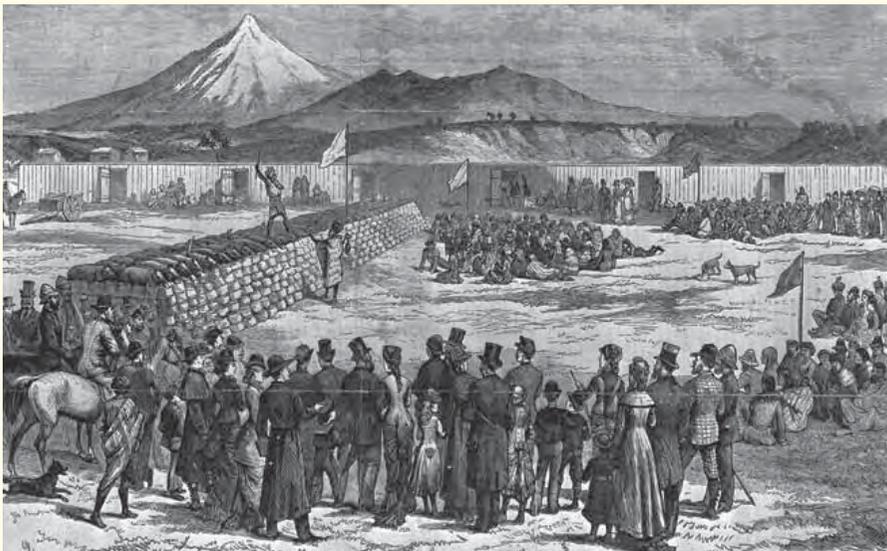
Some prominent settlers viewed the King Movement (Kingitanga) as a good opportunity to bring "law" to previously "ungovernable" Māori districts. Governors Sir George Grey, who was recalled after 1861, and Thomas Gore Brown, saw the movement as a treasonable "land league" – a direct challenge to the authority of the Crown and future British settlement in New Zealand. This was based in part on the claims of the more radical Kingitanga leaders, and came to dominate the Crown response to the Kingitanga.

### Opposition to land sales

Māori resistance to land sales hardened in the 1850s. Historians have described many examples of Crown purchase agents using increasingly underhand tactics, including purchasing blocks with only minority support from the owners. Crown purchase agents might also make deals with a few favoured chiefs in a town away from the lands and then inform the other owners that the land had been sold.

In 1859 Governor Browne agreed to purchase land at Waitara against the express wishes of superior chief Wiremu Kingi Te Rangitake and other claimants. When Browne ordered the army to support the survey of the block in March 1860, armed conflict broke out, and continued over the next year. Governor Grey later admitted the Crown had been at fault, and returned the block to its owners.

"Meeting of natives with the British authorities at Waitara".  
 Appeared in Harper's Weekly (New York) in 1878.  
 ATL: A-018-003.



### The Kohimārama conference, 1860

Meanwhile, in July 1860, Governor Browne convened a conference of chiefs considered "loyal" at Kohimārama, Auckland. He had hoped to gain their backing for the Crown's stance in Taranaki. He also wanted to further isolate the King Movement, which had supported the defenders of Waitara. Browne gained only lukewarm support. But more than 200 chiefs from throughout the country attended the conference, and it concluded with a strong endorsement of the Treaty of Waitangi.

Some tribes later dated their attachment to the Crown from the Kohimārama conference. The gathering, which lasted nearly a month, also allowed Crown officials to confirm their commitment to the Treaty of Waitangi at a time of great tension. The conference seemed to promise Māori a meaningful say in the governance of issues affecting them.

The chiefs at Kohimārama asked for the conference

to be a regular event, and Browne was happy to agree. The General Assembly, impressed by the chiefs' attachment to the Crown, voted the necessary funds to stage another conference. But Sir George Grey, who returned to the governorship in 1861, cancelled the plans, partly because he did not think it wise "to call a number of semi-barbarous Natives together to frame a Constitution for themselves".

### Runanga: tribal assemblies

Instead Grey proposed that Māori districts would be administered through runanga (tribal assemblies), supervised by the Crown. The move was based on the 1858 legislation giving Māori a greater role in their affairs. The "New Institutions", as the runanga were dubbed, were reasonably successful in some more settled areas. However, they could do little to overcome huge distrust of the Crown in many disaffected Māori communities.

The site of the Kohimārama conference, the Melanesian Mission buildings at Mission Bay, Auckland, 1860. Two waka and a group of whare are visible in the foreground  
 Photographer: John Nicol Crombie.  
 ATL: Urquart album, PA1-q-250-17.



### The New Zealand Wars

In July 1863 the Waikato War began. Imperial troops invaded the heartland of the Kingitanga, ostensibly because of an imminent King party attack on Auckland. However, despite support from some leading chiefs, this had already been rejected by the moderate Kingitanga leadership.

In 1864, 15 months later, the conflict in the Waikato ended. The King Movement was weakened, but not destroyed, and much of the district was devastated.

According to a later Royal Commission, the invasion was based on an ultimatum issued to Waikato Māori after they had been fired on by Crown forces.

The New Zealand Settlements Act of 1863 proposed that the lands of the “rebels” be confiscated – usually without due inquiry or the legal protections given to other British subjects (and despite some formal compensation procedures being available).

As the war spread to other parts of the central North Island, vast areas of land in the Waikato, Taranaki, Bay of Plenty and Hawke’s Bay districts were said to be confiscated (or, in some cases, such as Poverty Bay, “ceded” to the Crown under pressure).

Although the experience of confiscation was markedly different from one region to the next, in general it prolonged Māori resistance, partly as many so-called Crown loyalists found their own lands included.

Altogether more than four million acres of Māori land was confiscated. Although about half of this was subsequently paid for or returned to Māori, it was often not returned to its original owners. Moreover it was never returned to tribal ownership under customary title, but always to individuals under Crown grant.

The wars continued until 1872. During this time, settlers’ attitudes towards Māori hardened. Ironically, this was at the same time as the Crown was becoming increasingly dependent on Māori military support. Troop numbers had dropped when many British Imperial troops left under the settler government’s “self-reliant” policy after 1864. The policy was based on the New Zealand ministry (and not the governor) assuming full responsibility for decision-making when it came to Māori affairs. From this point on “the Crown” was in practice the New Zealand government. However, Māori continued to look to the Queen and the British Parliament for their promised protection.



A group of prisoners captured at Weraroa Pa at Waitotara, Taranaki, on a prison ship in Wellington Harbour. ATL: 1/2-103605.

### The Native Land Court

In 1862 the New Zealand Parliament passed a Native Lands Act. Settlers would be able to directly purchase Māori land themselves. Until then, apart from a brief exception in the mid-1840s, they had been prevented from doing this. The 1862 Act allowed Māori a large role in deciding land ownership. Eleven Māori were made judges of the localised court system, which was trialled with some success in the north.

But this was replaced with a new regime in 1865. This was a centralised, Pākehā-controlled Native Land Court, based more on the settlers’ legal system than Māori custom. The Māori judges were demoted to the position of assessors and no longer had a decisive role in matters of Māori custom. It was not until 1923 that a judge of even part-Māori descent was appointed again.

Meanwhile, Pākehā judges convened courts in towns. They were often far from the lands under investigation, and the hearings could stretch on for months, making it very expensive for Māori who had to attend. Any individual, whether a rightful owner or not, could apply for investigation of title. This forced whole communities into court, because

it only considered evidence presented to it on the day. If customary owners boycotted proceedings, or were simply unaware their lands were under investigation, the land could be awarded to others.

Even successful claimants often found that it was so expensive to secure title (including court fees and payments to lawyers, interpreters, surveyors, hoteliers and the like) that they had to sell some of the interest in the land they had been awarded. Debt entrapment became a standard technique of unscrupulous land speculators, and historians have identified many fraudulent dealings.

Complex Māori customs relating to land ownership and succession were ignored by the court in favour of a simplified set of rules. There was little recognition of tribal variations in custom, or of the way in which resource rights to the same lands could be spread among several different groups. This often increased tensions among tribes appearing in court, forcing them to compete for exclusive rights to lands they might once have shared.

Judge F.E. Manning’s courthouse, the first Native Land Court, Onoke, Hokianga. ATL: PAColl-7081-36.



**The Native Land Court:  
undermining tribal ownership**

As most historians now agree, the crux of the matter was that the court was intended not merely to convert customary Māori title into lands held under grant from the Crown, but primarily to remove “communalism” and encourage the sale of Māori lands to the settlers – factors which would also undermine tribal authority. Both goals were reflected in the way the land titles were issued.

Under the 1865 Act the titles were, in practice, limited to ten owners for each parcel of land. Parliament attempted to clarify that the ten named owners were trustees for the rest of their tribe. However this was simply ignored by the first Chief Judge, Francis Dart Fenton. He believed this kind of “communal ownership” was not the aim of the Act. As a result, large numbers of Māori were dispossessed of their lands.

A new Native Land Act in 1873 stipulated that every owner was to be listed on the titles, but title could no longer be awarded to hapū (subtribe) or iwi (tribe), as was theoretically possible under the 1865 Act. The new law therefore took individual ownership even further. Each named owner was free to sell their interests without reference to other owners. There was no legal basis for multiple Māori owners to act as a group until 1894. In effect, the tribal ownership which Wiremu Kingi had defended at Waitara in 1860 was deliberately and grievously undermined.

Many communities found that their land was now a series of paper titles owned by unaccountable individuals. The only thing they could effectively do with their land was to sell it.

**Land-purchasing programme:  
1870s onwards**

The Crown embarked on a further round of aggressive land-purchasing from the early 1870s. This was driven by the ambitious immigration and public works policies of Sir Julius Vogel. There was continued and extensive Crown purchase of Māori land during the early twentieth century. This largely stopped around the end of World War I. By the early twentieth century nearly three-quarters of the North Island had passed out of Māori ownership. In the South Island, where most land had been acquired by the Crown before 1865, Māori retained less than 1 per cent.

Not all of this land had been sold. Under the Public Works Act of 1864 and subsequent laws, Māori (and European) lands could be acquired for roads, railways and other public works, sometimes without compensation. It appears that in many instances Māori land was especially targeted for compulsory acquisition in preference to nearby Pākehā land. Roads were sometimes circuitously routed through Māori reserves. Māori also complained that land taken for schools was neither used for such purposes nor returned to them if it was not used. They also claimed that later they had to pay rates to local bodies, on which they were not represented, for services they did not receive.



Portrait of F.E. Manning, a judge of the Native Land Court.  
ATL: G-331.

**Māori action in Parliament**

Consultation with Māori about land and related legislation was sporadic at best, even though such measures went to the heart of the Treaty relationship between Māori and the Crown. In 1867 four Māori seats in Parliament were established on a temporary basis – partly out of fears that the new individualised land titles would otherwise enable Māori men to swamp Pākehā electorates. Māori themselves later complained that they would have been entitled to more than 20 seats if a population basis were used.

The Māori members introduced a long string of bills seeking to give effect to the Treaty, and to gain more Māori control over their own affairs. These were voted down by the Pākehā members. Many Māori communities set up their own tribal komiti (committees) as an alternative to the Native Land Court, but the Crown failed to recognise these except as advisory bodies to the court.

**“Amalgamation” Policies and  
Māori Responses**

The worst effects of settler self-government were lessened by an ongoing commitment to the “amalgamation” of Māori into colonial society. The Native Rights Act of 1865 deemed all Māori to be natural-born subjects of the Crown. This confirmed in law the Treaty promise that Māori were to be accorded the same rights and privileges as other British subjects. The Resident Magistrates Act of 1867 allowed local officials to mediate English laws within Māori communities, with the assistance of the assessors.

**The Māori Schools: 1867–1969**

In 1867 the General Assembly also passed the Native Schools Act. State-subsidised schools would be provided, subject to Māori support. Many Māori communities, anxious to give their children the opportunities this measure seemed to offer, enthusiastically embraced the Native Schools. The system survived over a century. The Māori Schools as they became known, were abolished only in 1969.

It has been suggested by some historians that the schools actually defeated their official purpose of assimilating Māori into Pākehā society. Certainly after 1867 many notable Māori leaders who promoted the survival of Māori culture received their education through this system.

Māori MPs in the early 1900s: middle row left, Peter Buck (Te Rangi Hiroa); front row, second from left, James Carroll; second from right Apirana Ngata; far right, Tame Haereroa Parata. Sitting as part of the Native Lands Committee.  
ATL: F-90445-1/2.



**The growth of united protest: 1870s–1890s**

In the post-New Zealand Wars period, tribes from around the country increasingly recognised that their grievances were shared by other Māori. A feeling grew that they could be redressed through greater unity under the terms of the Treaty of Waitangi. The Hawke’s Bay-based Repudiation movement organised a series of widely attended hui (gatherings) throughout the 1870s, and in 1879 Paora Tuhaere staged a “parliament” at Ōrākei where these matters were fully debated.

In November 1881 the Taranaki settlement of Parihaka was invaded, and subsequently its pacifist leaders Te Whiti o Rongomai and Tohu Kakahi were detained without trial. Māori the length of the country united in indignation – shared by some settlers.

From 1882 the first of several Māori representatives travelled to England to present petitions before their Treaty partner: all were referred back to the New Zealand government, which rejected their pleas. After one such deputation King Tawhiao wrote to the governor in exasperation that “no matter how you may be addressed you will not regard nor reciprocate”. It was a sentiment shared by many chiefs at this time.

Frustrated, King Tawhiao set up the Kauhanganui, or King’s Council, with its own constitution and governance structures. Tribes outside the Kingitanga developed similar initiatives, especially the Kotahitanga (Unity) Movement. In 1892 its first Māori Parliament was held – Te Kotahitanga o Te Tiriti o Waitangi. This continued to meet annually for a decade. All its efforts to obtain recognition from the official New Zealand Parliament had been met with contempt by settler politicians, many of whom walked out of the debating chamber rather than consider the issue.

**The Early Twentieth Century**

By the turn of the century many Māori were in dire circumstances. Even the Premier, Richard Seddon, publicly admitted his fears that a large landless body of Māori would become “a burden on the State”. Meanwhile, Māori Councils had been set up in 1900 to address self-governance and improve Māori health and sanitation. They had few resources and limited authority to perform the huge tasks they faced. Many failed within a few years, though some struggled on.

Armed constabulary awaiting orders to advance on Parihaka Pā in 1881. ATL: 10x8-1081.



**New leaders**

At this time a new generation of Māori leadership emerged, seeking to ensure the survival of Māori culture through modernisation. Educated, articulate and moving confidently between two worlds, the Young Māori Party played a key role in efforts to improve the plight of Māori. Their approach was based firmly within the mainstream, rather than the “separatist” strategies that had seemingly failed in the 1890s.

James Carroll of Ngāti Kahungunu was the first Māori to be elected to a general (European) seat in Parliament (1893), the first Māori to be appointed Minister of Native (later Māori) Affairs (1899) and briefly, for a time in 1909 and again in 1911, Acting Prime Minister.

Although Carroll was not directly involved himself, in many respects he pointed the way for the Young Māori Party. Carroll’s bicultural heritage was reflected in his philosophy. He firmly believed that Māori could succeed within European society provided they received a “fair go”. His own successful career as a Liberal Party politician seemed proof of his belief.

Maui Pomare and Peter Buck were both members of the Young Māori Party who had looked up to Carroll as their mentor. In the early 1900s they played pivotal roles in improving Māori health and housing.

Like them, Apirana Ngata, the MP for Eastern Māori between 1905 and 1943 (and the first Māori to graduate from a New Zealand university) received a knighthood for his unceasing efforts to improve the position of the Māori people within the mainstream of New Zealand society.

From the 1920s Ngata, with support from Native Minister Gordon Coates, helped set up schemes to develop Māori lands into workable farming units. When he became Minister himself, Ngata presided over large-scale Māori land development schemes. There was some government funding to assist Māori development, and settlement of ownership claims over Lake Taupō and the Rotorua Lakes.

**Addressing grievances: 1920s–1940s**

In 1921 a Native Land Claims Commission upheld Ngāi Tahu’s grievances about their land claims. In 1927 another enquiry (the Sim Commission) looked into the grievances of iwi whose lands had been confiscated following the wars of the 1860s: many were found to be valid. But in both cases it was not until the 1940s that settlements, based on modest annual payments to trust boards, were arranged with some iwi.

These settlements have subsequently been seen as inadequate in terms of the involvement of tribal members and their amounts. Iwi did not agree that these were full settlement of their claims. At least, however, there had now been efforts to develop what little land remained to Māori, and (in some cases) to offer compensation where the Crown had unfairly acquired lands and other resources. A more positive future, and improved relations with the Crown’s representatives, looked possible.

Even in the Waikato district, where “Princess” Te Puea Herangi had led a determined campaign against conscription of Māori men during World War I, relations with the Crown gradually improved. The government was willing to consider the long-standing grievances of the Waikato-Tainui people about the invasion and confiscation of their lands in the 1860s. Te Puea, with the support of Apirana Ngata, successfully re-established the Kingitanga base at Ngāruawāhia. She played a critical role in ensuring that its cause remained at the forefront of the nation’s awareness.



Princess Te Puea Herangi. Image: Special Collections, Auckland City Libraries (NZ) A11967.

### Growing Interest in the Treaty

From the 1930s New Zealanders showed a renewed interest in the Treaty of Waitangi as a founding document. In 1932 Governor-General Lord Bledisloe and his wife gifted the Treaty grounds to the nation. It was hoped that the site would commemorate the unique relationship between Māori and the Crown, signified by the Waitangi agreement of 1840. A trust board of both Māori and Pākehā was appointed to administer the site. Two years later the anniversary of the signing of the Treaty was attended by up to 10,000 Māori – the first of many mass gatherings at Waitangi on 6 February each year.

### The Treaty: rhetoric and reality

Centennial celebrations in 1940 were partly overshadowed by New Zealand being once more at war. But the government used the Waitangi anniversary to make a great show of unity and national pride. A new whare runanga (“the upper marae” on the Treaty grounds), specially carved and constructed under Ngata’s supervision, was opened. Newspapers highlighted the Treaty’s central place in New Zealand history as the founding document of the nation.

But Ngata noted candidly that the government still needed to settle old grievances so that Māori “could close their eyes to the past”. The Treaty might have

District nurse weighing a baby, Waihara gumfields, Northland, in the 1940s. In 1945 communicable diseases (such as typhoid, tuberculosis, influenza, measles and bronchitis) caused 50 per cent of Maori deaths, compared to only 12-13 per cent of Pākehā deaths. ATL: F-6308-1/1.



been of growing historical significance to many Pākehā, but the gap between the worthy sentiments expressed in the Treaty document and the actual experience of many Māori tribes in the 100 years since its signing remained a sore point for some Māori leaders.

Already the 6 February anniversary had become an opportunity for Māori to compare the reality with the rhetoric. But it was not until 1960 that Waitangi Day itself was officially established as “a national day of thanksgiving”. In 1973 the day finally became a public holiday. After some debate the name was changed to New Zealand Day in 1974, before returning to its original Waitangi Day title in 1976.

### Increasing equality: 1930s–1940s

The economic circumstances of most Māori was improving from the late 1930s. T.W. Ratana, an influential Māori prophet appealing directly to the morehu – the poor and dispossessed – embarked on a significant political campaign from 1928. In alliance with the First Labour Government after 1935, this resulted in some significant gains for Māori under the new welfare state.

During the Second World War more than 27,000 Māori men and women (nearly a third of the Māori population) were mobilised by the Māori War Effort Organisation. After the 1914–1918 war, returning Māori soldiers had protested that they did not receive the assistance available to their Pākehā comrades, although this may have been informal rather than official policy. There was no outright discrimination against Māori returned servicemen following the Second World War. The “peace dividend” was shared more fairly this time. And in 1947 the term “Native” – considered by some to be offensive – was officially replaced by “Māori”. In 1948 Tipi Ropiha became the first Māori to head the Māori Affairs Department.

It seemed that equal opportunities had at last been won. The alarming disparities in Māori infant mortality and other indicators of social well-being

were beginning to lessen markedly. However, some Māori remained disappointed that the brief autonomy they enjoyed in wartime did not last. All they had were less powerful tribal and executive committees established under 1945 legislation.

### Urbanisation and Renewal

Following the Second World War large numbers of Māori moved to the cities and towns, posing new challenges. As the two races came to live side by side, the introduction of unfamiliar customs to urban areas led to tensions and some renewed racism.

### Race relations: 1950s and 1960s

Instances of racial prejudice against Māori, though less common, continued to be occasionally reported. In one notorious incident in 1959 the brother of decorated war veteran and New Zealand high commissioner to Malaysia, Charles Bennett of Te Arawa, was denied service in an Auckland hotel. This prompted a public outcry. Significant numbers of Pākehā began to oppose racially elected All Black teams, from which Māori were excluded, touring apartheid South Africa. Although the 1960 “No Maoris, No Tour” campaign was unsuccessful, massive opposition to the exclusion of Māori later succeeded in ending this policy. And as the anti-apartheid movement in New Zealand began to oppose any sporting contacts with a racist regime, the spotlight was also turned on racial policies in New Zealand.

Common Pākehā perceptions of generally harmonious race relations were not always shared by Māori. The official Hunn Report of 1960, with its endorsement of the “integration” of Māori into Pākehā society, seemed to many Māori to support old-style assimilation by another name. On the positive side, this ensured that the wider community frowned on blatant racial discrimination, and continued to support intermarriage.

**Social and cultural advances**

Māori were very gradually catching up in the professional workforce, and in secondary and tertiary education. At the same time, Māori medical services and housing conditions improved. Māori rugby stars such as Waka Nathan and the Going brothers from Northland and others were embraced by the entire community. Their experience was mirrored in countless rugby club rooms, where Māori and Pākehā packed down side by side, as they had through two world wars.

Yet a framework of assimilation made it more difficult to accept Māori aspirations for rangatiratanga, as promised in Article Two of the Treaty, and the survival of Māoritanga. The migration to the cities also threatened the social fabric of Māori society. However, Māori responded by establishing the Māori Women's Welfare League, introducing Māori wardens into urban areas, and building urban, and often pan-tribal, marae. Such developments softened the impact of urbanisation. New ties and social networks compensated for the loss of traditional, mostly rural-based iwi networks.

These changes highlighted the need to revive Māori language and culture. By the 1960s te reo Māori (the Māori language) was widely considered under threat

of extinction. Pre-school kohanga reo (language nests) appeared from the early 1980s, followed by kura kaupapa (total Māori-language immersion) schools. They played a critical part in ensuring the dire predictions did not come true. Under the Māori Language Act of 1987 te reo Māori was declared an official language of New Zealand and Te Taura Whiri i te Reo Māori (the Māori Language Commission) was established to foster and encourage the use of te reo Māori.

**Land issues**

Land grievances remained a sore point, however, and not only for historical reasons. The Maori Affairs Amendment Act of 1967 caused particular discontent. It brought in compulsory "improvement" of Māori lands, including the extension of provisions first introduced in 1953 for the compulsory acquisition of "uneconomic interests" in land. This ignored the fact that such lands were often the last fragments connecting their owners to their turangawaewae (place to stand, or homeland). Such policies might have been well-intentioned, but to many Māori they were outdated and paternalistic, making no allowance for cultural and spiritual links to the land.

Some of the delegates at the Māori Women's Welfare League annual conference, at the Wellington Town Hall, April 1953. Photographer: T Ransfield. ATL: Archives New Zealand: National Publicity Studios Collection F-40544-1/2.



**The Treaty Debated**

Māori had made significant economic advances through the boom years of the 1950s and 1960s. However, this turned to bust in the 1970s. During the oil crises the largely unskilled Māori workforce was often the first to be laid off.

**Māori activism: 1970s**

A new generation of urban and often well-educated Māori activists – the sons and daughters of the old Māori leadership—emerged. They challenged what they saw as the failure of successive governments to honour the Treaty (though some denounced it as a "fraud").

Some more conservative Māori elders disagreed with the confrontational tactics of groups such as Nga Tamatoa. This Auckland-based student movement took its lead from other "liberation" struggles around the world and organised protests at Waitangi each February. Yet even those who advocated a more dignified and conciliatory approach to the issues confronting Māoridom agreed that there were serious grievances to be addressed.

In 1975 a wide range of Māori came together under the leadership of respected Northland kuia (female elder)

Whina Cooper. In a 30,000-strong land march they travelled the length of the North Island to Parliament, to protest against the ongoing loss of Māori land.

**Re-examining the Treaty**

In many respects the hikoi (land march) and other developments in the 1970s stunned and surprised a large number of Pākehā, used to reading and hearing of New Zealand's superior race relations. Many now learned that, from a Māori perspective, all was not well. They also learned that the Treaty of Waitangi – which many regarded as an historical curiosity – signified to Māori the cornerstone of their relationship with the Crown.

Increasing numbers of Pākehā began to attend Treaty-awareness workshops. A new generation of historians, anthropologists and other scholars challenged the accepted view of New Zealand's race relations history. By the 1980s books on the Treaty and related subjects appeared on best-seller lists. Some rejected these developments, but increasing numbers of liberal Pākehā supported Māori calls for the Treaty to be "honoured".



Mrs Hine Tahana talks with Ian Campbell who with his wife Clare and son Duncan came to offer support to this group of Māori land marchers camped out on the Ngāti Poneke Marae, Wellington, 30 December 1975. Dominion Post Collection. ATL: EP/1975/5513/14.

### The Waitangi Tribunal

The Treaty of Waitangi Act of 1975, which set up the Waitangi Tribunal to investigate Māori grievances, seemed to offer some hope. But the Tribunal was restricted to bringing down recommendations only, and to investigating events that occurred after 1975.

In the 1980s the Tribunal issued a series of important reports on the environmental desecration of culturally and spiritually significant Māori lands and waterways. However, it was not until 1985 that an amendment allowed the Tribunal to investigate claims dating back to 1840. It could then report fully on historical Māori grievances.

Between 1977 and 1978 members of Ngāti Whātua occupied land at Bastion Point, Ōrākei, for 506 days. The much-publicised occupation ended in a dramatic eviction by the police. The Crown later admitted the land had been unfairly acquired from the tribe. This event highlighted the ongoing depth of historical grievances, as did other protests relating to lands at Raglan and elsewhere at this time.

### The growing role of the Treaty: 1980s

The Treaty of Waitangi has never had any legal standing in New Zealand unless specifically referred to in legislation. From the mid-1980s the Treaty's "principles" were mentioned in several Acts, including the State Owned Enterprises Act of 1986.

In 1987 the New Zealand Māori Council won a landmark judgment in the Court of Appeal protecting Māori interests in former Crown assets. This was viewed by many as a watershed legal judgment. Certainly it was a long way from the notorious ruling of Chief Justice James Prendergast back in 1877 that the Treaty was "a simple nullity".

Since the 1980s successive governments have accepted the need to resolve historical Māori grievances in accordance with the terms of the Treaty of Waitangi. The Crown came to permit direct negotiations that bypassed the Waitangi Tribunal. In 1988 the Treaty of Waitangi Policy Unit (later the Office of Treaty Settlements) was established within

Bastion Point, 25 May 1978.  
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### The nation takes stock

the Department of Justice. It was to advise on policy and assist in negotiations and litigation involving a wide range of Māori claims, through the courts and Waitangi Tribunal, to lands, forest, fisheries and other resources. Pioneering settlements were negotiated with Waikato-Tainui (direct negotiations) and Ngai Tahu (following a Waitangi Tribunal inquiry).

Further litigation and negotiation, this time relating to the sale of Crown commercial forests, led in 1989 to the Crown Forest Assets Act. This would protect Māori interests in former Crown-owned forest land. Claim to such land would be funded out of interest generated by the rental income paid by private forestry companies for the land they had planted. The hearing and settlement of historical claims would become a major focus of Māori energies in the following decade.

Meanwhile in 1990, on the 150th anniversary of the signing of the Treaty, New Zealanders reflected on the place of the Treaty in their history. Some believed that the new emphasis on the Treaty since the 1970s had caused divisions in a nation once famous for its positive race relations. Others, including many Māori, argued that it was precisely because the Treaty had been ignored in the past that a sometimes angry dialogue had emerged.

Yet others noted that there was hope for the future because of the dialogue and generally non-violent protest and confrontation, combined with the fair-mindedness and decency of the average New Zealander, whether Māori or Pākehā. If the two groups had at times talked past one another, they were now at least confronting the issues, and we should only worry if the talking ended.

Queen Elizabeth II was present at Waitangi for the 150th anniversary. She no doubt expressed the hopes of many New Zealanders (and perhaps some of the original intentions of those who signed the Treaty) in declaring that: "Working together, the people of New Zealand can make a country which is strong and united, and unique among the nations of the earth".

Charles Crofts of Ngai Tahu, and Doug Graham, Minister in Charge of Treaty of Waitangi Negotiations, exchange a hongi at the settlement of the Ngai Tahu claim, September 1997.  
The Dominion Post, 24 September 1997.



### Further Reading

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