



TIMELINE of the TREATY



THE TREATY OF FONTENAC
Information Programme



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.

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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An imaginative reconstruction of the capture of the ship Boyd in Whangaroa Harbour.
ATL: PUBL-0034-2-390.
Artist: Louis Auguste de Sainson.

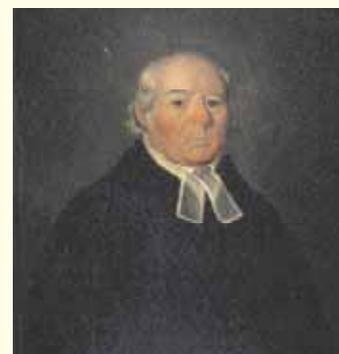
C1800 Early Māori and European contact

A pattern of contact was established between Māori and early whalers and sealers. Europeans (or Pākehā) numbered barely a handful in any one place, and they often lived as guests of the estimated 100,000 Māori in their distinct and independent tribal regions. Early interaction with ships visiting to trade or take trees (for ships' spars) sometimes led to misunderstandings and violence. Crewmen sometimes broke local tapu or mistreated Māori, and occasionally openly plundered, for which Māori sought utu (satisfaction) by attacking the ships. This occurred with the Fancy in 1795, the Royal Admiral in 1801, the Elizabeth, the Seringapatam and the Parramatta in 1808 and culminated with Her Majesty's Transport the Boyd in Whangaroa in 1809, where the ship was attacked and burnt. The subsequent massive retaliation, however, fell on the wrong village.

1814 Marsden's mission

The Revd. Samuel Marsden, the Anglican Chaplain to the British penal colony in New South Wales, was one of the first missionaries in New Zealand. Despite an earlier visit in 1807, a Church Missionary Society (CMS) mission was not established at Rangihoua until December 1814. Three lay missionaries, William Hall, Thomas Kendall and John King, accompanied Marsden, who preached a sermon to Māori on Christmas Day. This was interpreted for them by local chief Ruatara, who had earlier met Marsden in England. Marsden purchased a supply ship for the mission (the Active), and this was sent on a preliminary voyage in June 1814.

At the same time, offences committed against Māori, whether on land or on board ships, led to Thomas Kendall being appointed as Resident Magistrate in the Bay of Islands by New South Wales Governor Macquarie. This was New Zealand's first judicial appointment.



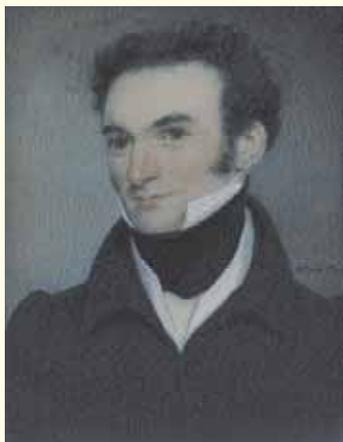
Revd. Samuel Marsden (1764-1838),
first missionary to New Zealand.
ATL: G-620.
Artist: Joseph Backler.

1831 Māori Chiefs petition British government

Lawlessness by sailors, escaped convicts and adventurers from New South Wales began to increase and there were growing fears of French annexation of New Zealand. Therefore, at the suggestion of New South Wales Governor Darling, missionary William Yate assisted 13 northern chiefs to prepare a letter to King William IV, asking for his protection and signed with their moko. The fear of unscrupulous sailors had increased after the Elizabeth affair, when her captain allowed the vessel to be used in a Ngāti Toa raid from Kapiti on Ngāi Tahu in Akaroa. The British Crown acknowledged the petition and promised protection.



Eruera Maihi Patuone, one of the chiefs
who signed the 1831 petition.
ATL: PA3-0197. Photographed by G W Redfern.



James Busby.
Private collection, courtesy ATL: NON-ATL-P-0065.
Artist: Richard Read.

1832 Busby appointed British Resident

In order to protect Māori, the growing number of British settlers and its own trade interest, the British Government appointed James Busby as its official Resident (a sort of junior consular representative, without effective powers because New Zealand was not within British jurisdiction). He arrived in May 1833 and built a house on land he bought at Waitangi. Described as a "man-o'-war [naval warship] without guns", he was unable to exert much control over British subjects beyond mere persuasion nor much influence over Māori.

1835 The Declaration of Independence

In response to a perceived threat of French annexation, Busby drew up, without authorisation from his superiors, a Declaration of Independence, which was signed by 34 northern chiefs. Additional signatures, including some from further south, were added over the next four years. This group referred to themselves in the Declaration as the Confederation of Chiefs of the United Tribes of New Zealand, although there is no evidence that the confederation was ever convened again, except at the time of the signing of the Treaty in 1840. It received a puzzled and rather lukewarm reception at the Colonial Office in England, which was well aware that New Zealand was not a British possession and did not want to take responsibility for it. The Colonial Office, advised by the missionary societies, was by no means convinced that there was a viable political authority in New Zealand with which it could form diplomatic relations. The Declaration was, however, acknowledged by the British Government. Some historians suggest it was not taken seriously until it proved to be an impediment to the annexation of New Zealand. It is thought that for this reason the document was used for calling up chiefs to sign the Treaty of Waitangi on 6 February 1840. Other experts view the Declaration as an embryonic expression of Māori nationhood which, in conjunction with other events in the 1820s and 1830s, shows that the Treaty of Waitangi was part of a negotiated relationship and not the beginning of European power and the end of Māori sovereignty.



Māori women working on a kumara plantation. In the background two Māori talk to French sailors.
ATL: PUBL-0034-2-387.
Artist: Louis Auguste de Sainson.



Church Missionary settlement at Kerikeri.
ATL: PUBL-0031-30.

1835-40 Concern over Māori welfare

In the late 1830s, following on from the report of the Select Committee on Aborigines (1836–1837) and the House of Lords inquiry into the "present state of the islands of New Zealand" (1838), many humanitarians became concerned about the harmful effects to Māori of exposure to the various groups of Europeans that arrived here. Missionaries intervened to discourage land sales, sometimes buying land themselves, at least partly in the role of trustees, to

enable Māori to retain access. They and others from New Zealand, Australia and England pressured the British Government to prevent the spread of immoral behaviour as well as the introduced diseases that were causing the population to markedly decline. Given Busby's inability to act, the preference was eventually for annexation and direct government.

1837 Britain to establish colony

From its experience in other parts of the world, the British Government had found that colonies involved great expense and difficulty. As a result it had initially tried to avoid assuming responsibility in New Zealand. Instead it had tried to influence the interaction of Māori and British settlers through the missionaries and by sending Busby to try to work with the rangatira (chiefs) in the north. Busby reported pessimistically on his efforts and on the increasing number of land transactions that British settlers and New South Wales speculators were making with local chiefs. British settlers at Kororāreka (now called Russell) petitioned King William IV in March 1837 for protection and expressed their disapproval of Busby's proceedings. Officials at the Colonial Office agreed that "the state of New Zealand is shewn (sic) to be lamentably bad, and Mr Busby has long been regarded as unfit for office". In December 1837, understanding that colonisation "to no small extent" was already happening in New Zealand, the British Government, led by Lord Melbourne and Lord Glenelg, decided that it had to intervene to ensure that colonisation was regulated and that land transactions that defrauded Māori were stopped. By mid-1839, the British Government had decided to annex at least part of New Zealand to New South Wales.

1838-39 Landsharking peaks

Purchasers raced to buy as much land as they could. Apart from the few who wanted relatively small areas for their own settlement, large-scale speculators were putting pressure on Māori all over the country to enter into the flimsiest of deals, often for huge areas. Missionaries petitioned London to intervene to protect Māori. Some of the largest alleged purchases included: W.B. Rhodes, who claimed to have bought Kapiti, Banks Peninsula, Wellington and most of Hawke's Bay, the last for £150; Daniel Cooper, who claimed to have purchased 133,000 hectares of the Hawke's Bay, Cape Turnagain and Table Cape districts for £383; and especially the New Zealand Company, which claimed to have bought some 20 million acres, effectively the middle third of New Zealand from New Plymouth to Banks Peninsula, within only a few months.



The landing of New Zealand's first Governor, Captain Hobson, Bay of Islands, 1840.
ATL: A-109-018.
Artist: Arthur Herbert Messenger.



Settlement of Wellington by the New Zealand Company. Pioneer ships in Port Nicholson, 1840, as described by E.J. Wakefield.
ATL: C-033-005.
Artist: Matthew Thomas Clayton.



Captain William Hobson, R.N.,
first Governor of New Zealand.
ATL: A-044-002.
Artist: James Ingram McDonald.

1839 William Hobson appointed

With the New Zealand Company in the process of despatching colonists from London, the British Government decided to appoint naval officer Captain William Hobson as Consul. Hobson left England shortly after the New Zealand Company's first ship, the *Tory*. He was instructed to obtain sovereignty over all or part of New Zealand with the consent of a sufficient number of chiefs. New Zealand would come under the authority of Sir George Gipps, Governor of New South Wales, and Hobson himself would become Gipps's Lieutenant-Governor. Land-buying agents continued swarming over New Zealand in anticipation of purchasing opportunities being cut off by Hobson. It was later calculated that their combined claims amounted to more than New Zealand's total land area.

1840 Prohibition on land purchases

Hobson travelled first to New South Wales to confer with his new superior, Governor Gipps. As Hobson left Sydney on 18 January 1840, Gipps, relying on his authority over British subjects at least, proclaimed a prohibition on any further private land purchases from Māori and that no existing claims would be recognised until they had been investigated by the authorities. Hobson repeated the proclamation in the Bay of Islands on 30 January 1840, soon after his arrival there. William Colenso of the Church Missionary Society printed both proclamations for Hobson, as he was the only printer at the Bay.



Māori bargaining with a Pākehā, 1845 or 1846.
ATL: A-079-017.
Artist: John Williams.

1840 Treaty of Waitangi signed

As soon as Hobson arrived at the Bay of Islands he met with Busby on the *Herald*, and Busby organised an invitation to the chiefs of the "Confederation" (which had not actually met before) to meet Hobson, "a rangatira [chief] from the Queen of England". The meeting was to take place on Wednesday, 5 February. Meanwhile a draft of the Treaty was prepared in English and a copy of this text was provided to Henry Williams so that he could translate it for the meeting. At the meeting, the text, in both languages, was discussed before about 500 Māori and 200 Pākehā. Most of the speakers were suspicious of what was intended, but the speech of Tamati Waka Nene is thought to have swayed the chiefs towards acceptance. Hobson expected several days of discussion and lobbying by those in favour and those opposed, and discussion did continue overnight at what is now Te Tii Marae. On the following day, 6 February, the meeting was hurriedly reassembled, the text read again, and signing commenced with Hone Wiremu Hene Pokai (Hone Heke), one of the signatories to the 1835 Declaration.



The signing of the Treaty of Waitangi,
6 February 1840.
ATL: C-033-007.
Artist: Marcus King.

Some 40 chiefs signed on the first day. The *Herald* fired a 21-gun salute to mark the occasion. By September, more than 500 chiefs in different parts of the country had signed (including more than five women). Almost all of the chiefs signed copies of the Māori text of the Treaty. A number of districts were not approached and some notable chiefs refused to sign. For example, Te Heuheu from Ngāti Tūwharetoa (located around Taupō) refused "to consent to the mana of a woman [the Queen] resting on these islands".

1840 May Sovereignty proclaimed over New Zealand

In early March, while heading down the eastern coast to obtain further signatories for the Treaty, Hobson suffered a paralytic stroke and so he deputised a number of men (including seven missionaries) to collect more signatures from around the country on copies of the Treaty. Hobson wished to have signatures from the Cook Strait area (particularly that of Te Rauparaha) and so Henry Williams was despatched to get these, while other copies were sent to the Bay of Plenty, Waikato, Tauranga and Kaitiaki. Major Bunbury, on the *Herald*, was sent to get signatures from the South Island, Stewart Island and Hawke's Bay. On 21 May, while this was still under way, Hobson proclaimed sovereignty over all of New Zealand: over the North Island on the basis of cession by the Treaty and the southern islands by right of discovery. Some historians suggest that he wanted to declare the Crown's authority over the whole country because he had learned of possible moves by the New Zealand Company to set up its own administration around Cook Strait. His second-in-command, Major Bunbury, also made proclamations of sovereignty over Stewart Island by right of discovery on 5 June, as no Māori could be found to sign the Treaty, and over the South Island on 17 June by virtue of cession.



H.M.S. *Herald* in Sylvan Cove, Stewart Island, 1840.
The *Herald* was at Stewart Island to
obtain signatures on the Treaty of Waitangi.
ATL: A-083-005.
Artist: Edward Marsh Williams.

1841 Chief Protector of Aborigines appointed

In April 1840, while he was recuperating at Waimate, Hobson approached the CMS lay missionary George Clarke to take the position of Protector of Aborigines, initially a temporary position, which he accepted. When the new colony was established in 1841, Clarke filled the position as Chief Protector of Aborigines. Clarke and his staff were also given a second, conflicting, role as land purchasers for the Crown. Hobson was recorded in April 1840 as saying to Clarke: "It may be necessary to appraise you that, in the discharge of your duties, you may be called upon to make journies into the interior and to negotiate the purchase of lands from the natives." Although Clarke managed to persuade the Governor to free him of the land purchasing responsibilities, which clearly conflicted with his protective role, his sub-protectors still retained their dual



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

roles. Several sub-protectors worked actively for Māori interests, most prominently the very young George Clarke Jnr, who was an advocate for Māori before William Spain's Land Claims Commission and who investigated the Wairau Incident. In 1846, Governor George Grey, suspicious of anyone else who exercised influence over Māori, especially missionaries, disbanded the Native Protectorate and appointed a Native Secretary to implement his instructions.

1842 Commission investigates early land purchases

Following Lord Normanby's instructions, and as proclaimed by Governor Gipps in Sydney and Hobson when he arrived in New Zealand, three Land Claims Commissioners (M. Richmond, E. L. Godfrey and W. Spain) were appointed to investigate all pre-Treaty land purchases made by Europeans. If the Commissioners concluded that a purchase was made in good faith, they could validate it and award a Crown Grant limited to 2560 acres (4 square miles). If the purchase was invalid or exceeded that size, the excess land in question was not returned to the original Māori owners but became Crown land. One Land Claims Commissioner, English lawyer William Spain, was appointed especially to investigate the huge purchases claimed by the New Zealand Company. Over several years, Spain determined that most of the New Zealand Company purchases in Wellington and elsewhere were invalid but not all his recommendations were acted upon. There was subsequently a shift from investigating the validity of the Company's land claims to arbitrating agreements with Māori to allow settlement in Wellington to go ahead.



Major Mathew Richmond.
ATL: 1/2-005393.

1842 Māori deemed under Crown authority

In 1842, a long-standing struggle between the Māori of Hauraki and Tauranga broke out in a fresh wave of violence. The Government could do little about it, and the Attorney-General advanced the argument that the chiefs who had not signed the Treaty (as was the case with Taraia, one of the leaders in the fighting) were perhaps not bound by the Crown's authority anyway. This argument was immediately rejected in London. Since Hobson's declaration of the Queen's sovereignty in May 1840 (or at least since his proclamation was gazetted in London in October 1840) all of New Zealand and all of its inhabitants were considered to be under British sovereignty. This did not mean, however, that British law had to be imposed immediately upon Māori. Some matters, such as warfare, cannibalism and slavery, were supposed to be suppressed as soon as practicable, but other customs could be left to the influence of missionaries and increasing contact with white settlement.



Taraia Ngakuti Te Tumuhua.
ATL: PA2-2820.

1843 The Wairau Incident

The settlers in the New Zealand Company town of Nelson were keen to expand their lands into the Wairau Valley, ahead of the Land Commissioner's inquiry into the area. The local Māori, particularly Ngāti Toa, rejected any claim that they had already sold that area to the Company. One group, led by Te Rauparaha and Te Rangihaeata, disrupted a survey party and burned their huts. In response, a party led by local magistrate Thompson and company representative Captain Arthur Wakefield set out to arrest the chiefs. When they met at Tuamarina, Te Rauparaha denied destroying anything that was not his own property. Thompson became enraged, and when he called his men forward a musket went off, killing Te Rangihaeata's wife. In the ensuing battle, 22 Europeans were killed, including those who surrendered, in utu (satisfaction) for the Māori deaths. The settlers were outraged and there was widespread hysteria that Ngāti Toa would attack elsewhere, especially in Wellington. But incoming Governor Robert FitzRoy took the view that the settler posse had brought it on themselves by foolish and provocative actions and inflicted no punishment upon Ngāti Toa.



Te Rangihaeata, Ngāti Toa chief.
ATL: PUBL-0032-1.
Artist: Richard Aldworth Oliver.

1844 War in the north

Many chiefs had suffered economically when customs duties were levied on ships calling at the Bay of Islands, raising the cost of goods and reducing the flow of trade. They were further disadvantaged in 1841 with the relocation of the colonial capital to Auckland. The new Governor, Robert FitzRoy (1844-45), waived Crown pre-emption (the Crown's exclusive right of land purchase), partly to appease Heke and other northern chiefs who wanted no constraint on whom they could deal with. Heke was incensed that the Union Jack, a symbol of British government, flew over Kororāreka (the town now called Russell), without the former "New Zealand Standard" of 1834 beside it. As a result, he had the flagpole chopped down four times in 1844-1845. Some considered this a truly patriotic gesture on Heke's part. On the last occasion, the township of Kororāreka was sacked and pillaged, and most buildings, except the church buildings, were burned. The townsfolk were evacuated to Auckland. Fighting between British troops (aided by some Māori such as Nene) and the forces under Heke and Kawiti broke out, and on 15 January 1845 a proclamation was issued in both languages offering a reward for Heke's arrest. FitzRoy was recalled, to be replaced at the end of 1845 by the military governor George Grey. Māori fortifications and tactics enabled the forces under Heke and Kawiti to defeat the British troops, and when they gave Governor Grey an empty victory at Ruapekapeka by simply withdrawing, the tactic led to stalemate.



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.
ATL: A-079-007.
Artist: Cyprian Bridge.

1846 "Surplus" land taken



Ruined raupo whare by a stream in New Zealand bush, Wellington region, between 1848 and 1860. ATL: A-288-003. Artist: Charles Emilius Gold.

In 1846, the British Government issued a self-governing charter to the colony and instructed that all Māori land ownership be registered. Any lands deemed to be unused were to become Crown land. The preemption clause in Article 2 of the Treaty requiring Māori to sell only to the Crown or its agent, was reinstated by Governor Grey after being waived two years earlier by his predecessor, FitzRoy. Crown pre-emption meant exclusive right of purchase, not first option. Crown agents developed a range of frequently dubious practices to persuade Māori to sell, and the Crown monopoly meant that they could offer whatever the Government was prepared to pay, not a market rate. Governor Grey embarked on wholesale land purchases in the South Island, the Wairarapa and Hawke's Bay. As complaints increased, the Government itself was the arbiter as well as the defendant. Māori criticised a system that did not allow them to lease out their own land or receive market prices, while many Pākehā wished to purchase directly.

1852 First NZ Parliament excludes Māori



An 1853 list of representatives and their electoral districts. ATL: Eph-D-POLITICS-1853-01.

The Constitution Act 1852, which set up New Zealand's parliamentary system, suggested some form of temporary local self-government for Māori. Section 71 provided that "Native districts could be declared wherein the laws, customs and usages of the aboriginal or native inhabitants ... should for the present be maintained for the Government of themselves, in all their relations to and dealings with each other...". Grey did not, however, declare any Native Districts, arguing that the "amalgamation of races" was proceeding well through trade and through the mission schools. In the administration of justice, Grey did provide for the appointment of chiefs as salaried Māori "assessors" and police to assist the Resident Magistrates, and in practice, the joint administration did allow for a measure of practical recognition of Māori values and customs. However, since the right to vote was based on individual property ownership, Māori who possessed their land communally were almost entirely excluded from voting for parliament. "Amalgamation" with settler society was still believed to be the only future for a race thought otherwise to be doomed. But in many important respects, notably in the national parliament and in the provincial assemblies which were also established at this time, Māori were not included in the new governing institutions. Well aware of the settlers' hunger for land, they became increasingly anxious for their future.

1858 First Māori king



Te Wherowhero in 1847. ATL: PUBL-0014-44. Artist: George French Angas.

In the first year that the Pākehā population exceeded that of Māori in New Zealand, the first Māori king was chosen. A decade previously this concept had been suggested then, in 1854, Ngāti Ruanui hosted the first of many joint talks among North Island Māori to halt the advance of Pākehā settlement and stem the decay perceived in traditional Māori society. Now a unified Māori response was believed possible in the movement, soon to be called Kingitanga. The aged but very highranking Waikato chief Te Wherowhero (who had not signed the Treaty) became the first king, taking the name Potatau. Around him grew the Kingite movement, supported by Māori from Hauraki to Horowhenua. The Kingitanga was not universally welcomed among Māori, though, with many chiefs refusing to put their mana under that of someone else. The northern tribes of Tai Tokerau had no involvement because they were strongly associated with the Treaty, which was viewed by some as being in opposition to the King movement. They and others reacted against the strongly Tainui tribal connections of the Kingitanga's leadership. It should be noted that the Kingitanga regarded the Queen as complementary to the Māori king, not as a competitor, but the colonial government took a different view. Under the second king, Tawhiao (who ruled for 34 years from 1860), the movement gave strong direction and cohesion in many of the armed campaigns that followed.

1860 War in Taranaki



The 57th Regiment taking a Māori redoubt on the Katikara River, Taranaki. ATL: PUBL-0033-1863-212. Illustrated London News, 29 August 1863, Page 212.

Warfare directly linked to land issues broke out in Taranaki in March 1860. The Government, wishing to show its freedom to act, insisted on dealing with a minor chief over a small block at Waitara against the direct opposition of a senior chief, Wiremu Kingi, and most of the local people who were actually living on the block. Those Māori who resisted the alienation of their land were immediately branded as being in rebellion against the authority of the Crown, in defiance of Article 1 of the Treaty which provided for the Queen's sovereignty. The New Plymouth military commander sent troops to enforce the purchase, and a land dispute became open warfare lasting a year. Many Māori came to Taranaki to fight alongside Wiremu Kingi in defence of his land, and many others throughout the country were sympathetic to his stand.



Sir Thomas Gore Browne.
ATL: PA2-0740.

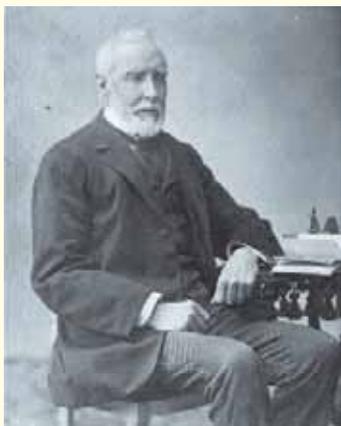
Photographed by the Freeman Brothers of Sydney.

1860 Kohimārama Covenant

Governor Thomas Gore Browne (Governor 1855-61) convened the first of many large meetings on the Treaty, partly in an attempt to draw attention away from the King movement and the fighting. It should also be noted that the idea of the Treaty as a holy covenant between Māori and the Crown had been present since 1840, when the missionaries appear to have used the term to encourage Māori chiefs to sign. The term was further developed at the Kohimārama meeting in Auckland. Over four weeks at Kohimārama, a wide range of Māori from outside those groups fighting the Government discussed the Treaty and their concerns over land. The Kohimārama Covenant proposed a Native Council and other ideas, some of which were embodied in the first Native Land Act two years later. The Native Council, however, was never set up. The Government continued to face unremitting political pressure to provide land for waves of new migrants.

1862 Māori Affairs shifts to government

George Grey was appointed to New Zealand for a second term as governor, commencing in late 1861. Up to this point, "Native Affairs" had been the responsibility of the Governor because of concerns in England that the elected settler governments would inevitably put their interests ahead of those of Māori. In 1862, however, the British Government instructed Grey to accept the advice of his ministers in Native Affairs. However, as commander-in-chief of British forces in New Zealand, he retained a great deal of control, and responsibility for Native Affairs did not fully pass to the New Zealand Government until 1865. In the light of the disastrous Waitara purchase, and as part of its new-found responsibilities, the settler government and Grey together shaped the Native Land Act 1862, which set up the Native Land Court to adjudicate upon competing customary claims to land. It created a court of Māori chiefs chaired by a Pākehā magistrate. The Act also allowed Māori to deal directly with settlers over land. Because it contravened the Treaty, it had to be approved in London. Given the time this took, and the warfare taking place around the North Island, this Act was hardly ever implemented before it was replaced by the very different 1865 Act.

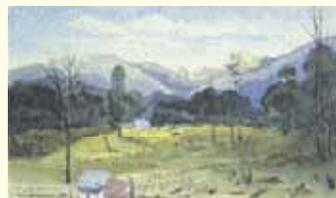


Sir George Grey, around 1880.
ATL: 1/2-092109.

Photographed by Wrigglesworth and Binns.

1863 New Zealand Settlements Act

Parliament passed the Suppression of Rebellion Act which allowed for the introduction of martial law, and the New Zealand Settlements Act which authorised the taking of land from Māori. The intention of the Act was to punish "rebel" Māori by allowing the confiscation of their lands. However, the Act's title disguised this by portraying it



Two settlers' cottages in a bush clearing at Ahaura, around 1865.
ATL: WC-085.
Artist: William Fox.



The Alexander Redoubt at Tuakau, on the Waikato River.
ATL: PUBL-0033-1863-573.
Illustrated London News.

as a measure to assist European settlement, particularly by placing military settlers on lands as a type of buffer between Māori and European settlements. Māori considered to be in rebellion were not entitled to compensation, and even "loyal" Māori were first offered monetary compensation rather than the return of their land. Later, the law was amended to allow awards of land, including small areas to surrendered "rebels".

1863-65 War in Waikato, Bay of Plenty and East Coast

The war dominated this period. Fighting flared up again in Taranaki in May 1863. In July 1863, Governor Grey ordered Lieutenant-General Duncan Cameron to cross the Mangatāwhiri River (the accepted boundary to the Waikato) with his mixed imperial and colonial army. His stated justification for this action was a belief that the Kingitanga was the fount of Māori resistance to British authority and his fear of an attack on Auckland. The Waikato campaign lasted until the Māori defeat at the battle of Ōrākau in April 1864. The fighting then spread immediately to Tauranga, with the Māori victory at Gate Pā and their defeat at Te Ranga, where East Coast Māori, trying to help, were driven off by government forces. Historians have much debated the causes of the wars. Some suggest that the wars can be seen as an attempt by the British to impose "real" as opposed to "nominal" sovereignty over Māori. More specific factors such as a hunger for land or the desire to impose British administration, law and civilization on Māori, can be seen as aspects of this over-arching cause. Other historians argue that land was the critical factor that led to the outbreak of war.

1864 Colonial "self-reliance"

As the imperial government was losing enthusiasm for paying for the thousands of men fighting in New Zealand, the Weld Ministry pushed a policy of colonial "self-reliance" in dealing with Māori so that the settlers could handle matters as they saw fit. Despite many reservations about this the point was largely conceded by the imperial authorities, and in a rapid series of steps in 1864-65, the Governor lost the power to control Māori affairs. Grey managed to retain some imperial troops for several years, but after mid-1865 they were restricted to garrison duties.



Frederick Weld, around 1860.
ATL: MNZ-0439-1/4.



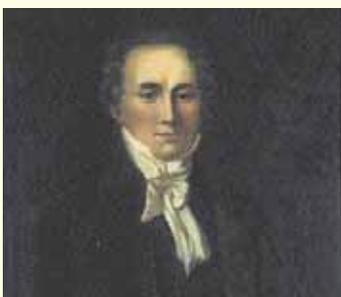
Tuakau, Waikato.
ATL: WC-017.
Artist: William Fox.

1864 Land confiscations

The first proclamation confiscating land under the New Zealand Settlements Act was made in December 1864. In all, five districts were proclaimed to be under the Act over the next three years: Taranaki, Waikato, Tauranga, Eastern Bay of Plenty, and Mōhaka-Waikare. The area affected was about 1.5 million acres. A "Compensation Court" (mostly comprising judges of the Native Land Court) was set up to hear claims by "loyal" Māori for monetary compensation or to recover their land.

1865 Native Land Court established

Following the Native Land Act 1865, a new Europeanised Native Land Court replaced the court established under the 1862 Act. In determining ownership, the court was required to name no more than 10 owners, regardless of block size, thus effectively dispossessing all other tribal members who may have been owners. The newly-designated owners held their lands individually, not communally as part of (or as trustees for) a tribal group, and could deal with it, including selling it, as individuals and for their own benefit. Many then did that, either willingly or as prospective purchasers picked them off one by one, often by getting them into a debt that could be paid off only by selling land.



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

1865-1867 Legislation to secure peace

In 1865, the Kingitanga leaders effected a ceasefire in the Waikato and the British Government announced that it would begin to withdraw its forces from New Zealand. In an effort to try to secure peace, successive settler governments passed laws that were intended to give practical effect to some of the promises implied in the Treaty. These included:

- The Native Rights Act 1865, which gave Māori the rights of natural-born British subjects and allowed them to sue and be sued in the Supreme Court;
- The Māori Representation Act 1867, which created the four Māori seats based on adult (male) voting;
- The Native Schools Act 1867, which provided funds for schools in Māori villages teaching in English, and many Māori communities were to embrace the programme eagerly in the 1870s and gift land for schools; and
- The Resident Magistrates Act 1867, which continued the system of salaried Māori Assessors and police and allowed some bicultural application of law in rural areas (a system that was wound down in the 1880s and abolished in 1893).

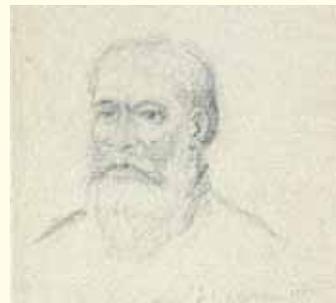


Ngāti Haua chief Wiremu Tamihana Tarapipipi Te Waharoa, negotiating with Brigadier-General Carey.
ATL: PUBL-0033-1865-228-1.
Illustrated London News.

But the Government persisted with the land confiscations (or forced "cessions") which gave rise to resistance by Te Kooti and Titokowaru.

1865 Te Kooti imprisoned without trial

Until 1865, the government tended to treat Māori who were captured in battle as prisoners of war. In 1865, with the rise of the Pai Mārire movement, it also arrested people whom it thought were aiding the "rebels". Te Kooti of Poverty Bay was one of these. He was sent with some 300 others to the Chatham Islands. Te Kooti's pleas for a trial were ignored. On 4 July 1868, Te Kooti and many followers escaped from the Chathams and were pursued on the East Coast and in the Urewera and the Taupō districts. He founded the Ringatū church and provided it with rituals and structures that last to this day. From 1868, the government began to charge particular individuals with crimes such as murder or treason, but Te Kooti escaped the pursuing forces (over some four years) and was eventually pardoned in 1883.



Te Kooti Arikirangi Te Turuki.
ATL: A-114-004-2.
Artist: Unknown.

1868 Titokowaru resists land confiscation

In 1868, Ngāti Ruanui leader Titokowaru led a strong resistance to land confiscation in south Taranaki. His force, persuading and coercing neighbouring tribes to join in, swept south from the Hāwera district, inflicting several heavy defeats on the colonial forces and finally threatening Wanganui itself. In November, for some reason now unclear, Titokowaru's army then largely deserted him, literally overnight, and he became a fugitive, hunted back into the inaccessible upper Waitara area. He was later involved in the Parihaka passive resistance movement.



Titokowaru (left) and Te Whiti at the trial of Te Whiti, Wellington, 1886.
ATL: B-034-015.
Artist: Walter Jefferson Leslie.

1868 First Māori members of parliament

Following the Māori Representation Act 1867, and while Titokowaru and Te Kooti still led violent resistance, the first four Māori members were elected to parliament. Under this statute, adult Māori men were given universal suffrage (voting rights) 11 years before Pākehā men, who still faced property qualifications. However, there were only four Māori seats at a time when Māori should have had many more based on their population. Only in the 1890s did Māori begin to achieve significant influence in parliament, first through James Carroll (member for Eastern Māori and then Gisborne), then through younger activists such as Apirana Ngata, Hone Heke Ngapua, Peter Buck and Maui Pomare. The number of Māori seats remained constant at four until the first MMP election in 1996. Since then they have increased by one seat per election (reflecting the increasing numbers of voters on the Māori roll).



Mete Kingi Te Rangi Paetahi, the first Member of Parliament for Western Māori, around 1869.
ATL: PA2-2241.



Members of the Repudiation movement, probably in Napier, February 1876. ATL: 1/2-038687.



James Prendergast, New Zealand's third chief justice. ATL: 1/2-031752.



Waitangi marae at Te Tii, on the banks of the Waitangi River, showing the hall Te Tiriti o Waitangi and the Waitangi Treaty Memorial, 1880. ATL: 1/2-077503. Photographed by Josiah Martin.

1873 Fragmentation of Māori land ownership

The Native Land Act 1873 allowed the Native Land Court to fragment land ownership among Māori. Instead of having 10 names listed as owners and the rest of the tribal group missing out, everyone with an ownership interest was now to be put on the title. Conceived as a way of recognising tribal ownership, it did not individualise land ownership but fragmented it. Individual Māori were not given blocks large enough to support themselves in the way Pākehā farmers could, but instead they received shares in blocks that were then partitioned and repartitioned into uneconomic segments at great time and expense, especially given the cost of surveyors and lawyers. This, and the ordinary costs of living, pressured many into selling their interests. Although intended to slow land selling, purchasers (both Crown and private) resorted to secretive methods such as paying advances to numerous individuals, sometimes for years, before appearing before the Court and claiming the percentage of the block corresponding to their proportion of the shares. The effect upon Māori was disastrous. This fragmentation has bedevilled Māori land ownership ever since, making it extremely difficult to borrow development funding or utilise much Māori freehold land productively. A Repudiation movement at this time, driven by a resurgence in runanga (council) or tribal management, aimed to repudiate or obtain compensation for bad land deals.

1877 Treaty of Waitangi judged legal "nullity"

At its lowest point, the Treaty of Waitangi was described by Chief Justice James Prendergast in the *Wi Parata v Bishop of Wellington* case as "worthless", having been signed "between a civilised nation and a group of savages". This extreme view denied that the Treaty had any judicial or constitutional role in government because Māori were not a nation capable of signing a treaty. Since it had not been incorporated into domestic law, it was a legal "nullity". Although many of his conclusions were overturned by the Privy Council by the beginning of the twentieth century, his attitude largely prevailed from the 1870s to the 1970s.

1879 Major meetings on the Treaty

A resurgence of big Treaty meetings, at Kohimārama (Ōrākei) in 1879 and Te Tii, Waitangi in 1881 and at various centres on the east and west coasts, brought the Treaty back into prominence. Over 3000 people attended the Te Tii meeting, at which a monument to the Treaty was dedicated at Te Tii Marae and demands for a Māori parliament were put to the government.



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



King Tawhiao in the 1880s. ATL: 1/2-050875.



Queen Victoria, taken in the late 19th century. ATL: 1/4-016542.

1881 Parihaka occupied by force

After two years of tension and Māori non-violent resistance to land alienation in southern Taranaki, the Government occupied the town of Parihaka by force. From 1879, the prophet Te Whiti o Rongomai had encouraged his followers to uproot survey pegs and plough up roads and fences erected on land they still considered to be theirs, thus asserting that they did not recognise the Taranaki confiscation. These "ploughmen" were arrested and detained without trial. As roadmaking advanced up the Waimate plain, often across Māori settlements and cultivations, Māori erected fences across the routes and more were arrested. Still Te Whiti resisted settlement, so the government sent a large armed force into Parihaka on 5-8 November 1881, commanded by Native Minister John Bryce. Although there was no resistance at all, he read the Riot Act, imprisoned Te Whiti and fellow prophet Tohu and dispersed his followers. At Te Whiti's trial for sedition, even officials had to admit that the 10,125 hectares reserved for Māori had never been properly set aside for them to occupy and plant. Te Whiti and Tohu were exiled to the South Island to serve their prison sentences. Parihaka has been a symbol of Māori resistance ever since.

1882 King Tawhiao makes peace (End of the New Zealand Wars)

A formal act of peace was made by the King movement in 1882 when King Tawhiao appeared before Resident Magistrate Major William Mair at Alexandra (now Pirongia). His appearance was seen as a conciliatory gesture of reconciliation between Māori and Pākehā.

1882 Māori deputations to the Queen

The first of several deputations was sent to England to seek redress from the Crown. Māori felt they had a special relationship with their Treaty partner, Queen Victoria, in person, but in this and each subsequent case taken to England they were referred back to the New Zealand Government on the ground that the imperial government no longer had the responsibility for such matters.



Whare at Helpipi, Whakatane, in the late 19th or early 20th century. ATL: PAColl-6208-33.

1891 Investigation of Māori land

A Royal Commission investigated the state of the laws controlling the administration of Māori land. It found that the situation could hardly have been more unworkable had governments over the years deliberately tried to make it so. Fragmentation of ownership and the complex and contradictory nature of the laws meant that almost nothing could be done. By now, only 50 years after the Treaty's signing, Māori had virtually no land in the South Island and less than 40 percent of the North Island. What they did still have was largely of poor quality and hard to develop; the areas that the settlers had not wanted. The Commission made many recommendations to improve the situation but few were implemented, largely because they were inconsistent with government policy.

1892 Establishment of Māori parliaments

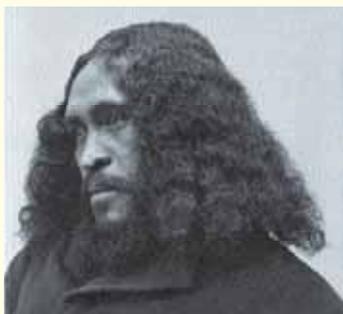
Frustrated at the lack of success in securing a remedy for their grievances, Māori in different parts of the country convened large meetings which were called parliaments. Following meetings at Waitangi and Ōrākei, a Māori congress or parliament (called "Kotahitanga": unity) met for the first time at Waipawa in Hawke's Bay. This Kotahitanga then moved to several other locations and developed a more permanent base at Pāpāwai, Greytown. The King movement's own parliament was called Kauhanganui. Both aimed to unify Māori, but neither wholly succeeded. Māori MPs such as Wi Pere and Hone Heke Ngapua drafted bills and introduced them to Parliament in Wellington, seeking recognition of the Kotahitanga. They were not successful, but in 1900 Carroll and Ngata persuaded the Liberal government of Richard Seddon to set up a system of regional and local Māori councils. The councils had some success in dealing with matters such as health and alcohol sales and in slowing the sale of land. But from 1905 their powers began to be weakened again when the Reform government, which took office in 1911, resumed a vigorous programme of land purchase. The Kotahitanga faded rapidly after the turn of the century.

1916 Rua Kenana arrested

At about the time of Te Whiti's death at Parihaka, another community sprang up at Maungapōhatu in the Ureweras comprising followers of the Tūhoe prophet Rua Kenana. As a result of Rua's alleged pro-German sympathies (he had discouraged recruitment for the First World War) and his sale of alcohol without a permit, a large expedition, commanded by the Commissioner of Police himself, made its way into the Ureweras to Maungapōhatu. In the grievously bungled raid that followed there was a shoot-out in which Rua's son died, and the prophet was arrested. Justice Chapman, in an excessive



The opening of the meeting house at Pāpāwai, Greytown, centre of the Kotahitanga; including Richard John Seddon, to the left of the group. ATL: PAColl-1892-77.



Rua Kenana in 1908. ATL: 1/2-019618. Photographed by James Ingram McDonald.



Tahupotiki Wiremu Ratana publicising the Ratana movement in Taupo in the 1920s. ATL: 1/2-089569.

statement perhaps fuelled by war hysteria, firmly expressed society's displeasure with dissidents at Rua's trial for sedition, saying his 18-month sentence "is the lesson your people should learn from this trial". Some historians claim that the last instance of armed Māori resistance occurred at Maungapōhatu, because Rua's people were armed, and resisted when the police tried to arrest their leadership. However another view disputes this, noting that Rua had planned to meet the police with food and peaceful dialogue, and argues that Rua was no doubt determined to apply the laws of his own tikanga (custom) within his territory.

1918 Ratana movement

In 1918, as the following of its leader T.W. Ratana grew, the Ratana religious movement opened an office near Wanganui. The Ratana movement picked up aspects of the defiant spirit of the Parihaka community, but softened its separatist stance and had a strong focus on largely Christian religion and healing. Its leaders also had economic and modernising goals. In the 1920s, Ratana formed a political arm, and from the mid-1930s it entered into an alliance with the Labour party in an arrangement whereby Labour nominated Ratana leaders as its candidates in the Māori electorates. By 1943, Ratana/Labour candidates had won all four Māori seats, thus gaining a much stronger voice in governing circles. The new members also brought into the Labour caucus the long-standing Ratana demand that the Treaty be "ratified".



Wooden carved door displaying the coat of arms for the Maori Kings (Te Paki o Matariki) at the Māori meeting house Te Mahinarangi, Turangawaewae Marae, Ngāruawāhia. ATL: 1/2-025440.

1921 Tūrangawaewae home of the Māori king

Tūrangawaewae Marae in Ngāruawāhia was adopted as the traditional home of the Māori King movement, on land regained in the aftermath of the wars and confiscation of the 1860s.

1926 Royal Commission on land confiscations

The rise of the Ratana vote boosted the determination of another politician, Sir Maui Pomare, for an inquiry into the 1860s confiscations. Pomare encouraged Māori dairy farmers to donate money for an inquiry and convinced Prime Minister Gordon Coates of its value. The Royal Commission, set up with limitations on resourcing, its time frame and terms of reference, recommended compensation for some confiscations which it found to have been excessive. Taranaki Māori accepted an annual payment of £5,000 from 1931, but negotiations for the other settlements were delayed until 1944. A political movement called Muru Raupatu, seeking more compensation for lost land, grew in the wake of Sir Maui's work.



Sir Maui Wiremu Pomare, 1923. ATL: 1/1-019098. Photographed by S P Andrew.



Apirana Turupa Ngata, around 1905.
ATL: 35mm-00181-f.

1929 Māori land development schemes set up

The first Māori land development scheme was set up by Native Minister Sir Apirana Ngata. The Government provided funds for the development of Māori land and sometimes contributed small areas of Crown land to the schemes. The tenure of the farmers on the schemes, though commonly chosen from among the landowners, was not always satisfactory. Inadequate Crown management of at least some schemes resulted in large accumulating debts, which had to be borne solely by iwi. In some instances, for example the Ngāti Manawa Development Scheme, the debt has only recently been paid off. Māori started to move off the land in the 1930s, an urbanisation greatly accelerated by the Second World War.

1934 First celebration of Waitangi Day

Two years after James Busby's former residence at Waitangi was gifted to the nation by the Governor General, Lord Bledisloe, Waitangi Day was formally celebrated for the first time, on the site where the Treaty was signed. Busby's home became known as the Treaty House and construction of a whare rūnunga began beside it. This Māori meeting house was finished in time for the 1940 Centennial, which celebrated the signing of the Treaty as the nation's founding moment.



Sir Apirana Ngata taking the lead in a haka on Waitangi Day, 1940.
ATL: 1/2-029794.
Photographed by B Snowdon.

1944 Three settlements

Arising out of the 1926 Royal Commission and other formal investigations, Settlement Acts provided compensation to several major iwi for land taken in the nineteenth century. The three major settlements were: Ngāi Tahu (£10,000 per annum for 30 years), Waikato-Maniapoto (£6,000 per annum) and Taranaki (£6,000 per annum for 50 years and £5,000 thereafter). These were negotiated by Sir Eruera Tirikatene MP, Princess Te Puea and Sir Maui Pomare respectively. 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 (in some cases) to offer compensation where the crown had unfairly acquired lands and other resources. Copies of the Treaty of Waitangi were hung in every school and marae in 1945.



Eruera Tihema Te Aika Tirikatene around October 1949.
ATL: PAColl-6388-26.



Sidney George Holland,
Prime Minister in 1953.
ATL: 1/2-038341.
Photographed by Gordon Burt.

1953 Māori Affairs Act focuses on "unproductive" land

A measure designed to force unproductive Māori land into use was introduced by the Government in the Māori Affairs Act. Anyone who could now show the Māori Land Court (renamed from the Native Land Court in 1947) that a piece of good land was not being used could then apply to have it vested in trustees. This Act, allowing some flexibility in land management such as trusts, remained the governing legislation for Māori land for 40 years. For the first time, a reigning monarch, Queen Elizabeth II, visited Waitangi.

1962 NZ Māori Council established

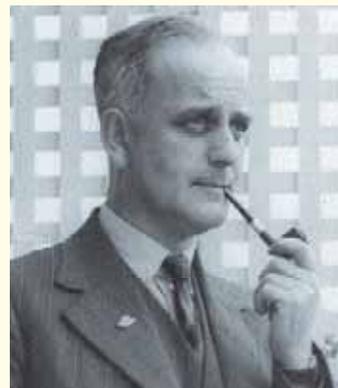
This national body was set up as the pinnacle of a hierarchy of village and district councils, dating from 1900, though revived under the 1945 Māori Social and Economic Advancement Act. Largely because of the huge movement of Māori from country to town, the rural organisations declined in significance while the New Zealand Māori Council gained increasing authority.



Alfred Thomas (Turi) Carroll, founding president of the New Zealand Māori Council.
Print from ATL: 1/2-040109.
Archives: AAO 6401 A31019.
Photographed by T Ransfield.

1967 Protest over Māori Affairs Amendment Act

Māori were becoming increasingly concerned at the continued alienation of their remaining land by paternalistic legislation, and by a lack of understanding of how the confusion of laws since 1862 had mostly hindered rather than assisted the development of Māori land by its owners. The Amendment Act in 1967 introduced compulsory conversion of "Māori freehold" land with four or fewer owners into "general land", and increased the powers of the Māori Trustee to compulsorily acquire and sell "uneconomic interests" in Māori land. The Amendment Act led to growing Māori concerns that the law would result in further alienation of what land remained, and also led to strong protests by organisations such as the New Zealand Māori Council and the Māori Graduates Association, street demonstrations and angry meetings throughout the country. The law was modified in 1974 and work subsequently began on the drafting of a completely new act.



Josiah Ralph Hanan, Minister of Māori Affairs and author of the Māori Affairs Amendment Act.
Photographed in around 1946.
ATL: PAColl-6303-27.

1974 Waitangi Day

Waitangi Day had been a holiday since 1963 for Auckland and Northland only (replacing the provincial anniversary holiday). The Māori protest movements took up the long-standing Ratana demand for ratification of the Treaty, that is, having it formally recognised in legislation. In 1974, three years after Ngā Tamatoa staged the first big protest at Waitangi, 6 February became a national holiday and the Queen attended her first Waitangi Day ceremony. It was, for two years, briefly renamed New Zealand Day.



Norman Kirk, around 1971. Prime Minister Norman Kirk announced in 1974 that Waitangi Day would be a national holiday.

ATL: 35mm-18291-21. Photographed by Morrie Hill.

1975 Māori land march/hikoi

From 14 September, Whina Cooper's Māori land hikoi marched from the tail of the "fish", Te Ika-a-Māui (North Island) at Cape Reinga, to the head (Wellington) to publicise concerns over unceasing disposal of Māori land in Crown hands. Gathering support at about 25 stops along the way, the hikoi reached the capital on 13 October. Five thousand people walked onto Parliament grounds and presented a petition bearing 60,000 signatures. By the time a tent embassy was dismantled two months later, the hikoi had raised public awareness of Māori concerns. Responding to the pressure of the hikoi and other lobbying, the government passed the first legislative recognition of the Treaty (although there had been recognition of aspects of it in the legislation of the 1860s).

1975 Waitangi Tribunal established

The Treaty of Waitangi Act established a tribunal, the Waitangi Tribunal, as a formal, ongoing commission of inquiry to hear grievances against the Crown. But it limited such grievances to those occurring after the passing of the Act in 1975 and allowed the Tribunal the power to make findings of fact and recommendations only, not binding determinations. The Waitangi Tribunal first began hearings two years later, but, particularly because of that limitation, few claims were investigated.



Whina Cooper addressing a crowd during the 1975 land march. Print from ATL: PA7-15-18. C.F. Heinegg Collection. Photographed by Christian F. Heinegg.

1977 Bastion Point occupation

Protesters occupied Bastion Point in Auckland in January 1977 after the government announced a high-value housing development on former Ngāti Whātua reserve land overlooking the Waitematā Harbour. Over time the once-large reserve, designated "inalienable", had been reduced in size by compulsory acquisition, leaving the Ngāti Whātua o Ōrākei tribal group holding less than one hectare. After 506 days the occupiers were evicted by police (in May 1978), by which time Bastion Point had become a household term for land rights protest. The film *Bastion Point – Day 507* was released three years later. Since then, at the recommendation of the Waitangi Tribunal, much of the land has been returned to or vested with Ngāti Whātua.



Bastion Point, 25 May 1978. Copyright New Zealand Herald.

1981 Raglan Golf Course protest

Land taken during the Second World War for a military airfield at Raglan was returned to Tainui Awhiro people, but only after a long dispute and protest. Instead of being handed back to its former owners when not required for its designated public purpose, part of the land had been turned into a golf course in 1969. This led Eva Rickard to initiate protest action in the 1970s.



Eva Rickard on the old Raglan golf course. Copyright New Zealand Herald. Photographed by Yanse Martin.

1985 Crown allows claims back to 1840

The Treaty of Waitangi Act was amended, with the Waitangi Tribunal having its powers extended to allow investigation of Crown actions and omissions that could be in breach of Treaty principles dating back to 1840. There were unexpected implications of going back to 1840, opening up the whole history of the terms and modes of colonisation. Researching claims has proved an enormous and specialised task, given the paucity of pre-existing historical work and the level of detail required. The presentation of the claims to the Tribunal and subsequent settlement negotiations with the Crown has also necessitated the involvement of many lawyers and other experts on behalf of both the Crown and the claimants.



Koro Wetere, Minister of Māori Affairs, and David Lange, Prime Minister, at Waitangi in 1985. Copyright New Zealand Herald. Photographed by Paul Estcourt.



Ian Shearer, Acting Director of the Waitangi Tribunal, hands over the Tribunal's Taranaki report Wai 143 to Ngāti Mutunga representative Hamiora Raumati and Ngāti Ruanui representative Mate Carr. ATL: EP/1996/1710/25A. Dominion Post Collection. Photographed by Phil Read, Evening Post.



The Treaty of Waitangi - The Waitangi Sheet. IA 9/9. Copyright Archives New Zealand.



Lord Cooke, President of the Court of Appeal in 1987. Copyright New Zealand Herald. Photographed by Robert Paterson in 2003.

1985 Waitangi Tribunal issues reports

An enlarged Waitangi Tribunal issued reports on Treaty claims, often on a regional basis. More than 30 reports have now been issued, among them the Ōrākei Report, the Te Reo Māori Report, the Taranaki Report: Kaupapa Tuatahi, the Ngāi Tahu Report, the Muriwhenua Lands Report, the Whanganui River Report and Te Whanganui a Tara me ōna Takiwā: the Report on the Wellington District.

1986 Treaty principles in legislation

The State Owned Enterprises Act was a key piece of legislation to incorporate a reference to the Treaty. Since then, more than 40 statutes have referred (with varying degrees of emphasis) to the principles of the Treaty, in relation to the purpose of the legislation. (Treaty principles are the core concepts that underpin both the Māori and English texts of the Treaty; they reflect the intention of the Treaty as a whole.) From this the Courts have been able to determine whether the principles are being appropriately applied. This has given the Treaty far-reaching recognition in national and local government. Supported by a Waitangi Tribunal report on te reo Māori, the Māori language has also gained greater authority and usage.

1987 Landmark court case

A landmark Court of Appeal case (Māori Council v Attorney-General) established that the Crown must pay heed to previous Māori ownership in disposal of surplus Crown assets such as land. This followed the break-up of old land-holding departments and the establishment of new state-owned enterprises under the 1986 State Owned Enterprises Act. That Act declared that the Crown might do nothing "that is inconsistent with the principles of the Treaty of Waitangi". The Court set out a number of principles it saw encapsulated in or derived from the Treaty. Perhaps the key principle was that of partnership, since the Treaty had been signed by two partners. Another was that the Crown, as the more powerful partner, has a duty of active protection of the interests of the weaker partner, Māori.



The re-enactment of the arrival of the Te Arawa canoe, 1990. Copyright New Zealand Herald. Photographed by Glenn Jeffrey.



Prime Minister Jim Bolger and Dame Te Atairangikaahu at the signing of the Tainui settlement 1995. Copyright Taipu Moana. Photographed by Taipu Moana.



Te Āti Awa kaumātua Richard Luke greeting people attending a hui on Te Ture Whenua Māori, at Waiwhetu Marae. ATL: EP/1993/1784/5A. Dominion Post Collection.

1990 The Sesquicentenary

In the mid-1980s, in response to rising protests, the official role in celebrating 6 February at Waitangi had been minimised, and in 1988, it was suspended altogether. For the sesquicentennial year since the Treaty signing, official participation returned to Waitangi. Public focus and awareness was on issues surrounding ownership and control of Māori resources as well as partnership between the tangata whenua (Māori) and tāngata tiriti (Pākehā, the people of the Treaty).

1992 Treaty settlements signed

A comprehensive Treaty settlement on commercial fisheries was signed, vesting \$170 million with the Waitangi Fisheries Commission to enable it to buy 50 percent of Sealord Products Ltd, a large, Nelson-based fishing company. But the allocation of the fishery resource and proceeds caused much disagreement among Māori, particularly between coastal and inland tribes, traditional iwi and newer urban authorities, and the allocation issue was only resolved in 2004, with the passage of the Māori Fisheries Act. Major settlements were subsequently signed with Tainui in 1995 and Ngāi Tahu in 1998, each at an estimated total value of \$170 million.

1993 Te Ture Whenua Māori enacted

After a great deal of discussion, led largely by the New Zealand Māori Council, a completely new act regulating Māori land was passed. Under Te Ture Whenua Māori it is now very difficult to purchase remaining Māori land. The Act also seeks to overcome the problems of fragmentation of titles among multiple owners by providing for various kinds of trust under which the land can be managed.



Maori activists on the Treaty grounds on Waitangi day, 2000. Copyright New Zealand Herald. Photographed by Peter Meecham.

1995 Rising protest on land and Treaty issues

A series of protests in the mid-1990s denoted a new phase of activism on land and Treaty issues. Many were generated in response to the government's proposal to limit the monetary value of Treaty settlements to one billion dollars over ten years, the so-called "fiscal envelope". A series of hui around the country graphically illustrated the breadth and depth of Māori rejection of such a limitation in advance of the extent of claims being fully known, and much of the policy package, especially the fiscal cap, was subsequently dropped. These protests included occupation of Wanganui's Moutoa Gardens (twice) and the Takahue school in Northland (leading to its destruction by fire). Symbolic acts included attacking Victorian statuary, the America's Cup and the lone pine on One Tree Hill and removing a Colin McCahon painting (subsequently returned) from the Lake Waikaremoana Visitor Centre. Rising protests at the Waitangi Day celebrations led the government to move the official observance to Government House in Wellington.

1995 Office of Treaty Settlements established

The Office of Treaty Settlements (OTS) was formed from the previous Treaty of Waitangi Policy Unit (TOWPU). OTS conducts negotiations with Māori claimants on levels of remedy for past breaches of the Treaty of Waitangi. Treaty breaches need to be proven but not necessarily through a Waitangi Tribunal hearing.



Associate Minister in Charge of Treaty of Waitangi Negotiations, Georgina te Heuheu, Minister in Charge of Treaty of Waitangi Negotiations, Doug Graham and Arapeta Tahana signing papers beginning negotiation for the Rotorua Lakes claim, 1999. Copyright New Zealand Herald. Photographed by Nicola Topping.