

# Te Tiriti o Waitangi

## Questions & Answers



Network Waitangi  
2026



# **Te Tiriti o Waitangi**

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**Network Waitangi**  
**2026**

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Members of Network Waitangi Whangārei at Waitangi on Waitangi Day 2025.

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Flags from the Toitū te Tiriti hikoi, protesting the attempted rewrite of te Tiriti in the Treaty Principles Bill, arrive at Te Tiriti o Waitangi Marae on Waitangi Day 2025; photo by Denis Came-Friar. From left top: Te Kara, the 1834 flag of Te Wakaminenga o Nga Hapu o Nu Tireni, the Confederation of the Tribes of New Zealand; te Tino Rangatiratanga flag, from 1990; the Union flag of the UK, the official flag of the colonial government from 1840 to 1902; and the Niue flag, from 1975.

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**Haere mai e Te Tiriti o Waitangi  
Haere mai ki tēnei ao  
Haere mai me ngā huā kei roto i a koe**

**Tu mai ki tō mātou taha  
Noho mai ki tō mātou taha**

**Takiri a nuku**

**Takiri a rangi**

**Te Manawa tī**

**Te Manawa tā**

**Tenei te kare kau**

**Te kare a roto e.**

**Welcome Te Tiriti o Waitangi**

**Welcome to this world**

**Welcome with the fruits you have in you**

**Stand by our side**

**Sit by our side**

**Proceed along the land**

**Proceed along the heavens**

**'Tis the enduring breath**

**The breath of life**

**Here within are the ripples**

**The ripples of passion and emotions within.**

**Ngāmanu of Ngāti Hau, Ngāti Kaharau, Te Uri o Rorokai,  
when he signed te Tiriti in 1840.**



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*A crowd of visitors watch the arrival of the waka and the paddlers' haka on the shore at Waitangi on Waitangi Day, 2021. Photo: Denis Came-Friar.*

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**See *Te Tiriti o Waitangi Questions & Answers – A Deeper Dive* (ADD) for:**

- Further questions
- References
- Further reading
- Tiriti education groups.

# key terms

**CMS** is the Church Missionary Society.

**Hapū** are kin groups, tribes, nations. For the earlier sections of the book, we typically use hapū rather than Māori, to emphasise that hapū, represented by their rangatira, were the groups that signed te Tiriti.

**He Wakaputanga o te Rangatiratanga o Nu Tīreni** is A Declaration of Independence of New Zealand 1835, commonly referred to as **He Wakaputanga**, a Declaration. Some groups use the contemporary spelling, **He Whakaputanga**.

**Iwi** is a grouping of hapū, often with a common ancestor.

**Kāwanatanga** is a governance provision for tauīwi, and Māori who choose to participate in it, established by te Tiriti. The Crown has enforced its governing powers over tangata whenua as well as tauīwi, contrary to the meaning and intent of the term in te Tiriti.

**Mana motuhake** is self-determination and independence.

**Mana whenua** belongs to those whose authority and identity is derived from particular lands.

**Māori** means ordinary, or human. When capitalised, it refers to an Indigenous person or people of Aotearoa.

**New Zealander** referred only to Māori until the mid-1900s. It now signifies residence or citizenship, geographic nationality, and not necessarily any particular identity among the many cultures here now (*see FI*).

**Pākehā** originally implied paleness, or those of a different breath. In te Tiriti it was a respectful term for all non-Māori, who were largely of European descent. It now mostly refers to those who are commonly identified as White, or of British or European origin.

**Rangatira** is a leader who embodies the authority and mana of a hapū.

**Tagata moana** are peoples from Pasifika nations.

**Tangata Tiriti** or people of the Treaty, is a term with many meanings, used in different ways by hapū and tauīwi. We use it to mean tauīwi who recognise that their right to live in Aotearoa stems from te Tiriti o Waitangi, *and* who are actively committed to tino rangatiratanga and decolonisation. It refers to a political practice rather than an ethnic identity.

**Tangata whenua**, people of the land, and/or **Māori**, refers to those with a Māori ancestor who identify as Māori.

**Tauīwi** encompasses all non-Māori settled here. While it includes Pākehā, it is now often used by people of colour to differentiate themselves from New Zealanders of European origin. Many tauīwi carry their own communities' painful experience of colonisation from their country of origin. The word is also used by hapū to refer to other iwi Māori living within their rohe (territory).

**Te tino rangatiratanga** is ultimate, paramount authority originating from whenua (land) and whakapapa (genealogy).

**Te Tiriti** refers to the text in te reo Māori, te Tiriti o Waitangi, the authoritative text.

**Te Wakaminenga o Nga Hapu o Nu Tīreni** is the Confederation of the Tribes of New Zealand, commonly referred to as **Te Wakaminenga**, the Confederation. Some groups use the contemporary spelling, **Te Whakaminenga**. We do not use macrons, as the original title did not.

**The Crown** originally referred to the power and authority derived from the UK sovereign; this power is now exercised by the Parliamentary Executive, or Cabinet, made up of Government Ministers.

**The Crown's English-language version, the Treaty of Waitangi, and Hobson's draft**, all refer to the document in English received by the British Colonial Office in October 1840. Some cited sources, such as the Waitangi Tribunal, use 'the Treaty' to refer to both the Crown's version and te Tiriti o Waitangi. We have left such usages unchanged in quotes.

**Tikanga** are laws and values of hapū.

**Treaty 'settlements'** - We use quote marks around this word because government 'settlements' are colonial, token, unfair, and will have to be revisited.

**Tuku whenua** is when a hapū allows a person or group to use land, with the understanding that its mana (and ultimate control) remains with the hapū.

## Place names

Kirikiriroa – Hamilton

Kororāreka – Russell

Ōtautahi – Christchurch

Takaparawhau – Bastion Point

Tāmaki Makaurau – Auckland

Te Ika a Māui – the North Island

Te Pēwhairangi – Bay of Islands

Te Tai Tokerau – Northland

Te Waipounamu – the South Island

Te Whanganui-a-Tara – Wellington

**T**HE Tiriti o Waitangi is foundational to our identity as New Zealanders.

It was, and remains, a political agreement between sovereign nations – the British Crown and hapū – to ensure peace, goodwill and prosperity for different peoples within one country. This book upholds the original vision of unity, built on respectful relationships between hapū and non-Māori communities.

We emphasise the primacy of the reo Māori text, te Tiriti o Waitangi, which is the internationally recognised text.

It differs slightly from the Crown's English-language version, and the differences have been the focus of dispute for many decades. However, new research has shown how similar in intention the texts actually were, and this 2026 edition includes that understanding.

Te Tiriti encompasses all who call this place home. It provides a basis for people from tauwi cultures to be here, and it is one of the things that makes non-Māori different from our cultures of origin.

## Who we are

*The original authors were part of Project Waitangi, which tauwi initiated in 1985 in response to Māori challenges to raise awareness of te Tiriti among tauwi communities, leading up to the 1990 commemoration of its 150th anniversary.*

*When the project funding ended, regional tauwi groups formed an alliance under the banner of Network Waitangi to continue collaborating on this work, and this publication.*

*There are now many diverse, independent, tauwi anti-racism and Tiriti educators, working alongside Māori educators.*

*Through workshops and in public fora, educators assist people to understand the contract that is te Tiriti. We also study the effects of ongoing colonisation and institutional monoculturalism; support organisations to build creative, practical and mutually beneficial relationships with hapū and Māori communities; and work towards decolonisation.*

# introduction

As we acknowledge our ancestors' languages and ways of being from other countries, our Tiriti relationship with hapū affirms us as citizens of a Pacific nation. Embracing our role as tangata Tiriti supports this identity. We write from this perspective.

He Wakaputanga o te Rangatiratanga o Nu Tirenī – A Declaration of Independence 1835 – and te Tiriti are widely seen by Māori as sacred covenants preserving to them their culture, language, leadership and decision-making rights and importantly, their land.

That this did not eventuate is not the fault of te Tiriti itself, which was a progressive document for its time. It affirmed existing Indigenous rights that were first acknowledged internationally in the Declaration. These foundational documents codify two different sets of rights for those with a Māori ancestor – collective rights as hapū, and individual rights from Article 3 of te Tiriti.

Since 1840, Māori leaders have repeatedly resisted, objected and legally appealed the Crown's breaches of te Tiriti – its acts of war, confiscations, legislation, and many other aggressive colonial actions. Māori

groups have taken many appeals to international jurisdictions, to uphold their ancestors' understanding of the agreement.

The focus on te Tiriti in the tauīwi public arena, after the 1975 Land March and the establishment of the Waitangi Tribunal, has led to greater awareness of this

history of violence and discrimination against Māori as a people.

Many tauīwi have benefited from unjust decisions made by our elected leaders over time. The cultural bias – the racism – of blatant land theft and discriminatory policies by successive governments, and the intergenerational impacts of this, are the root cause of relative Pākehā economic advantage.

We invite readers to discover the intentions of peace and prosperity for all, found in the preamble of te Tiriti. Tangata Tiriti have much to gain and nothing to fear from acknowledging, as the Waitangi Tribunal has, the text in te reo Māori – which clearly shows hapū would retain their autonomy and land while allowing the Crown to exercise jurisdiction over its own citizens here.

Our country has led much progressive change on other human rights issues internationally – we can also lead in implementing Indigenous rights, to benefit all of us.

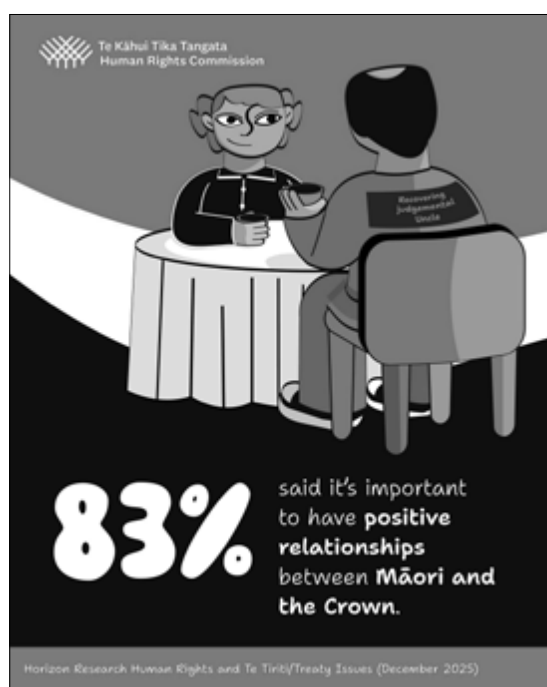
As non-Māori we can help to co-create with Māori, a Tiriti-based, inclusive, values and consensus-based constitution to remedy the injustices of colonisation, protect everyone's rights, and the country's future.

We are greatly encouraged by a Human Rights Commission survey finding (Te Kāhui Tika Tangata, 2026) that 83 percent of those surveyed think it is important to have positive relationships between Māori and the Crown, and 74 percent think that honouring te Tiriti is important for harmonious relations. We can do this.

## Who this is for

This book is for those who want to gain a basic, factual knowledge of te Tiriti, our colonial history, current issues, and paths to justice.

Our history only began to be taught consistently in schools in 2024, and there is much still to be understood. Older generations of tauīwi missed out, with



distortions, misinformation, and cultural assumptions filling the vacuum.

We know from many workshops with ordinary people that understanding our history is essential to committing to healing it.

We are confident that those who identify as tauīwi New Zealanders, once armed with the facts, have the heart, goodwill, and motivation to solve social and economic inequity, beyond the inadequate ‘settlements’ of Tiriti breaches. Treaties are to be honoured, not settled, as the late Moana Jackson – lawyer and decolonisation theorist – said.

### **What’s new**

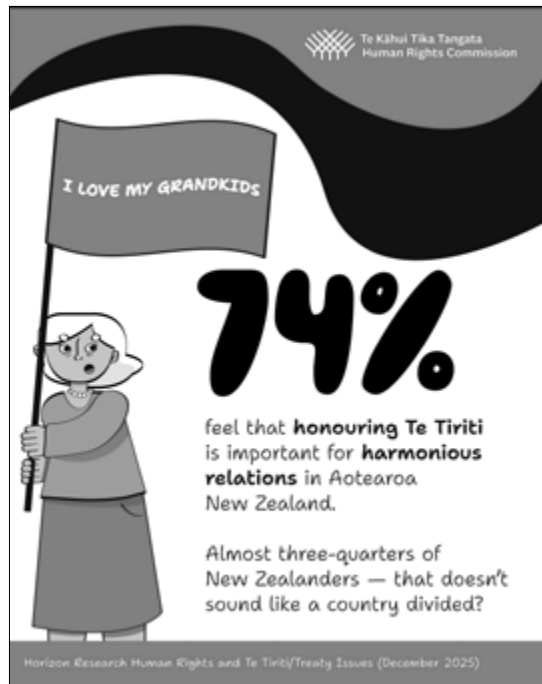
The 2026 edition updates the list of Tiriti breaches, explores co-governance examples, the status of ‘Treaty principles’, and anti-racism and decolonisation initiatives, including concepts in the 2016 report on constitutional transformation, *He Whakaaro Here Whakaumu mo Aotearoa – The report of Matike Mai Aotearoa*.

It includes notes helping readers find information to counter common anti-Māori and anti-Tiriti statements. It also includes new research, particularly from Ned Fletcher, whose 2024 book *The English Text of the Treaty of Waitangi* explores evidence that the two texts were closer in intent and meaning at the time of signing than previously supposed.

### **A Deeper Dive**

We have also compiled a new online document, *Te Tiriti o Waitangi Questions & Answers – A Deeper Dive (ADD)*, which answers many more questions and includes references, further reading and websites, and contact details of Tiriti educators.

*A Deeper Dive* is free to download from Network Waitangi Ōtautahi and Network Waitangi Whangārei.



### **Government Breaches**

A stand-alone listing of *Government Breaches*, with case studies, is also free to download as a PDF on these sites.

*In 2004, Aboriginal elder and activist Dr Lilla Watson (Gangulu) quoted a concept developed in the 1970s by a Queensland Aboriginal activist group of which she was a member:*

***“If you have come here to help me, you are wasting your time. But if you have come here because your liberation is bound up with mine, then let us work together.”***



# © A Beginnings

*Young plants in Te Parapara, a traditional, productive kumara garden in Hamilton Gardens in Kirikiriroa, photo by Hamilton Gardens. The garden demonstrates the techniques Waikato hapū developed for growing this crucial crop, which their ancestors brought from their tropical homelands, in a sub-tropical climate. The rows of puke (mounds) were built using loosened soil, often with added sand and gravel, which leavens heavy soils and helps retain heat. Puke are created in a recurring quincunx pattern, similar to the shape of a 5 on a dice.*

**A1 When did Polynesians first arrive here? 13**

**A2 Who were the first Europeans here? 14**

**A3 Which countries were interested in Aotearoa? 14**

**A4 What contact was there between hapū and tauwiwi before 1840? 15**

**A5 What were these early relationships like? 16**

**A6 What is Te Wakaminenga o nga Hapu o Nu Tireni / the Confederation of the Tribes of New Zealand? 17**

*Related topics in A Deeper Dive online*

*(<https://networkwaitangiwhangarei.org.nz/books-clothing/>):*

*1 Why did Europeans believe they were superior to Indigenous peoples?*

*2 What is the Doctrine of Discovery?*

*References*

## A1 When did Polynesians first arrive here?

CARBON dating of the remains of the Pacific rat or kiore (*Rattus exulans*), which is not native to these islands, has revealed that there could have been visitors to Aotearoa from the Pacific region around 2,000 years ago. They did not settle, but did introduce the kiore.

**800–1200 AD:** The explorers Kupe and Kuramārōtini, Toi and Whātonga, used celestial navigation to arrive in Aotearoa, and returned to their homes in central Polynesia to bring more people. Moriori were part of the migration from Polynesia at the same time as other waka arrived, but developed a unique, pacifist culture in isolation in Rēkohu (Chatham Islands).

Polynesians brought a rich agricultural tradition, and adapted their gardening systems to different soils, climate and topography. They explored most of Aotearoa, and established coastal communities for gardening, fishing and hunting. They used moa, tohorā (whale) and other bones for fish hooks and ornaments. They discovered obsidian, pounamu (greenstone) and argillite and used them to make tools, and harakeke (flax) for clothing. By the end of this period, they were using earth pits to store crops during winter.

**1200–1500:** The population grew substantially, particularly in the north. Hapū built fortified pā (villages), and developed new wood-carving styles, such as the double spiral and manaia (bird-headed figure). Hapū tikanga included tapu (restricted) and noa (common), and evolved to suit the new taiao (environment). Fires destroyed large areas of forest in Te Waipounamu (the South

Island), and the numbers of moa and other birds declined. Hapū developed gardens for kūmara, taro and gourds, mostly in Te Ika a Māui (the North Island). People drew on rock in caves, and developed regional styles of ornaments, tools and fishing gear.

**1500–1800:** The majority of people lived in the north, while Ngāi Tahu established themselves in Te Waipounamu. Hapū built relationships with each other and the whenua, using tikanga and whakapapa (origin frameworks that connected people to each other, people with other species, and people with the environment) interwoven by a common language with different dialects.

**Tupaia visit 1769:** Tupaia was a celestial navigator and tohunga (expert) from Ra’iātea, now part of French Polynesia, who first guided Captain Cook here, and acted as a translator.

His wide knowledge made a huge impact on the hapū with which he spoke, which was expressed 250 years later in 2019.

During these Tuia 250 commemoration events, marking engagement with Tupaia was of greater importance to hapū than Cook’s arrival, including the talks their tūpuna (ancestors) had with Tupaia around the country, sharing contemporary and historic knowledge of Pacific peoples and Europeans, their cultures and beliefs.



*This information can be used to counter false claims that there were people here before the arrival of Polynesians, part of the anti-Māori Inheritance theme; see Appendix 4.*



## A2 Who were the first Europeans here?

AFTER visits by European explorers like Abel Tasman (Dutch, 1642), James Cook (English, 1769-70, 1773, 1777) and Jean de Surville (French, 1769), British and American sealers and whalers became active in the region.

Some early cultural misunderstandings became violent disagreements. In 1772, a French expedition arrived under Captain Marion du Fresne. Du Fresne and 26 of his crew were killed following their breach of tapu, after which the French retaliated by killing 250 hapū members.

In December 1809, the ship *Boyd* was anchored in Whangaroa Harbour, where it was to pick up a cargo of timber spars. In retaliation for the captain's mistreatment of Te Ara, a young local chief who had sailed from Sydney on the *Boyd*, hapū members killed most of the crew and passengers.

### Origins of racism

These encounters followed and were informed by the first European voyages from the late 1400s to the 'new world'. Contact with aboriginal peoples (an early blanket term for Indigenous peoples), led to debate in Europe about whether aborigines were a sub-human species, using the terms 'animal-like, ape-like, child-like, heathen, savage, native, and uncivilised'.

The Roman Doctrine of Discovery gave nations discovering a new land without existing inhabitants the right of first occupation. Later, the Catholic Church gave 'discovering' nations the right to invade and settle occupied lands new to them if rulers were not Christian, and enslave their populations.

The medieval Christian church ranked life in a Great Chain of Being, with God at the top, European men next, and humans dominating the natural world.

This European thinking contaminated relationships between Europeans and Māori and is the foundation of racism. Later, a Papal decree determined that aboriginal people were human, and therefore had souls which could be saved. The Anglican Church arrived in 1814 to do this here.

These racist beliefs persist today, both consciously and subliminally, from ordinary Pākehā talk to White supremacist groups, summarised in the belief that 'my culture is better than yours and therefore I am better than you'.



SEE ADD for more on the Doctrine of Discovery and the Great Chain of Being.

## A3 Which countries were interested in Aotearoa?

BRITISH interests were the strongest, but American and French activity in the region was increasing. The Americans appointed a consul to Aotearoa in 1839; they had many trade interests and had been making treaties in the Pacific since 1826.

Frenchman Baron de Thierry made claims on the Hokianga, and French plans for a colony in Te Waipounamu resulted in a settlement at Akaroa in 1840. Bishop Pompallier set up a French Catholic mission in the Hokianga in 1838, and French navy ships visited regularly to support their missionaries and traders.

Hapū leaders were aware of the political and military power relationships between North America, Britain and France. About 1,000 Ngāpuhi are estimated to have travelled overseas before 1840. On their return, they held wānanga (meetings) to share their experiences and observations.

As much as the British chose to enter into a contract with the rangatira of hapū, so some rangatira chose an alliance with the British to strengthen their international trading activities.

## True or false?

Try this before reading any further. By 1840, hapū:

|                                                       | True                     | False                    |
|-------------------------------------------------------|--------------------------|--------------------------|
| 1 Were commercially successful international traders  | <input type="checkbox"/> | <input type="checkbox"/> |
| 2 Had a high level of literacy in te reo              | <input type="checkbox"/> | <input type="checkbox"/> |
| 3 Were experienced in treaty-making                   | <input type="checkbox"/> | <input type="checkbox"/> |
| 4 Had a national flag and constitution                | <input type="checkbox"/> | <input type="checkbox"/> |
| 5 Had a representative national assembly              | <input type="checkbox"/> | <input type="checkbox"/> |
| 6 Were largely un-Christianised                       | <input type="checkbox"/> | <input type="checkbox"/> |
| 7 Had ended the musket wars                           | <input type="checkbox"/> | <input type="checkbox"/> |
| 8 Had adapted new technology                          | <input type="checkbox"/> | <input type="checkbox"/> |
| 9 Understood the Pākehā idea of individual land title | <input type="checkbox"/> | <input type="checkbox"/> |
| 10 Had a relationship with the UK royal family        | <input type="checkbox"/> | <input type="checkbox"/> |
| 11 Owned and operated more than 100 trading ships.    | <input type="checkbox"/> | <input type="checkbox"/> |

*\*Answers on page 17.*

## A4 What contact was there between hapū and tauwiwi before 1840?

By 1840, tauwiwi and hapū had experienced each others' cultures for 70 years. The manuhiri (visitors) found that autonomous hapū defended their territories, operated their own systems of food security, health, education, justice, leadership, governance and spirituality, based on a shared tikanga. Hapū also came to understand the diversity of the newcomers' different cultures.

Introduced diseases were one of the earliest impacts of this interaction; in 1790 they killed about two-thirds of the southern North Island population.

By 1800, about 50 whalers and sealers were living in Aotearoa, mainly on off-shore islands. After 1800, contact became more regular, with hapū supplying visiting ships

with fresh water, fish and meat, kūmara, flax, and wood for masts and spars.

Hapū established large gardens to supply European ships with potatoes and vegetables. In return, Europeans offered metal tools and nails, seeds, muskets, alcohol and tobacco, and wool blankets.

In the 1820s, hapū and Europeans each expanded their commercial activities, including whaling stations, ship-building and general trading.

By this time, some traders were invited to live with hapū under the protection of rangatira. Many married local women. Escaped European convicts also lived with hapū; up to 200 a year arrived in the 1820s and 30s. Those living with hapū were known as Pākehā Māori, and followed tikanga.

Next came the missionaries. Northern leader Ruatara invited his friend the Rev. Samuel Marsden to establish the first base of the Anglican Church Missionary Society (CMS) in Te Pēwhairangi (Bay of Islands) in 1814. The Wesleyans (Methodists) followed in 1822, and the Catholics in 1838.

Missionaries set up schools to teach literacy in te reo Māori, Christianity, and horticulture. While missionaries were active traders and gardeners, the rate of conversion to Christian practices and beliefs was low, with hapū preferring their own creation story and spirituality. However, they quickly adopted literacy, and by 1840 more were literate in their own language, on average, than Pākehā were in English.

Hapū exports expanded rapidly from the 1820s. They bought ships and commissioned ship-building, creating an inter-coastal and trans-Tasman transport network that exported wheat, potatoes and butter. Rangatira owned 65 European-style coastal and trading ships, on behalf of hapū, and other Māori with unstated hapū links owned another 97 (Clark, 2013). Hapū agriculture flourished through to the 1850s, exporting around the Pacific rim.





*A two-masted topsail schooner, commonly used by hapū and others for trade in the 1800s. This was the Cornish Girl, painted in 1866 by Alexander K. Brander, from the Fine Art Emporium.*

Although most visitors in this early contact period were transient sailors, by 1839 there were about 2,000 permanent settlers, mostly in the far north. Estimates of the hapū population vary between 80,000 to 200,000 but, as inland tribes were mostly overlooked, the first figure is likely to be an under-estimate. Many more had already died from foreign illnesses.

This information can be used to counter statements that Māori culture is inadequate compared with European cultures, part of the 'Māori culture' theme. See Appendix 4.

## A5 What were these early relationships like?

RELATIONSHIPS were mostly beneficial, apart from cultural clashes (*see A2*). Europeans wanted to trade, and hapū wanted new technologies and crops. Hapū wanted Europeans to live with them to help language learning and trading relationships.

In 1793, two young northern men, Tuki Tahua and Ngāhuru hūru, were kidnapped

and taken to Norfolk Island on the request of its Governor, Philip Gidley King, who mistakenly thought they could teach flax weaving. However, they were treated well. Tuki drew a map of Aotearoa for King, giving social and political information about tribes and place names. Nine months later, King himself returned both men to Te Pēwhairangi, bringing many useful gifts as an apology. This act would lead to an important political relationship between the men's uncle, the rangatira Te Pahi, and King, who later became the Governor in Sydney.

Rangatira saw the Europeans as a hapū hou (a new tribe), and negotiated advantageous relationships with them. Hapū were used to making alliances with each other for mutual benefit, including environmental care, fishing expeditions, higher education, large shared gardens, and defence.

Hapū commonly negotiated treaties to formalise and protect such alliances, with important treaties considered to be tātau pounamu (sacred covenants), binding on generations to come. Ngāti Kahungunu (East Coast, North Island) knew such agreements as mahi tūhono, or 'work to draw the people together'.

Thus, rangatira proactively built relationships with Governors King and Gipps in Sydney, the royal family of Britain, and ambassadors and church leaders from other countries.

*Detail of The Town of Sydney, drawn by Major Taylor, and engraved by Robert Havell & Son in 1823, showing cloaked rangatira in the garden of the town's Military Hospital. Many hapū leaders visited Sydney before 1840. The hospital and the settlement is on the land of the Indigenous Gadigal people of the Eora Nation. National Library of Australia, Rex Nan Kivell Collection, NK259/B.*



Te Pahi visited Governor King in Sydney in 1805; and visits by northern rangatira to the United Kingdom included Mahanga (or Moehanga), Ngāpuhi, the first recorded Māori in London, who met King George III in 1806; Ruatara, who was tragically held captive on a ship, and prevented from disembarking after four years at sea (London, 1809); Tuai and Tītere in 1818; and Hongi Hika and Waikato, who met King George IV in 1820.



*This information can also be used to counter statements that Māori culture is primitive compared with European cultures, part of the 'Māori culture' theme. See Appendix 4.*

## A6 What is Te Wakaminenga o nga Hapu o Nu Tirenī / the Confederation of the Tribes of New Zealand?

BEFORE 1800, many rangatira met while trading, particularly in the north, which had the longest growing season. Tūwharetoa, a central North Island tribe, had use rights to rich gardens in the north, and travelled there to harvest early kūmara crops. Rangatira often met in the Taiāmai area (around Kaikohe) and discussed matters of common interest.

One of these interests was based on a European concept – a tax on foreign ships entering their harbours, called a berthage fee. This revenue helped finance hapū shipbuilding and other enterprises. There were many visiting whaling and sealing ships, as whale oil was a valuable commodity, fueling capitalist economies by lighting workplaces at night. Berthage fees became a substantial income for coastal hapū.

After Te Pahi's visit to Sydney in 1805, leaders began meeting in an alliance they called Te Wakaminenga o nga Hapu o Nu Tirenī, to discuss tikanga concerning

the newcomers, based on manaakitanga (hosting responsibilities), addressing tauīwi crime, and international trade.

Significant northern rangatira included Te Pahi, Hongi Hika, Eruera Maihi Patuone, Pūmuka, Kawiti and Makoare Te Taonui. Others included Pōtatau Te Wherowhero (Tainui), Iwikau Te Heuheu (Tūwharetoa), Te Hāpuku (Ngāti Kahungunu), and Tūhawaiki (Kai Tahu and Kāti Mamoe).

Te Wakaminenga was a confederated form of government. Scholar Nuki Aldridge compared its function to the United Nations (Healy, Huygens & Murphy, 2012, p106). Each hapū retained its mana and independence, while their leaders came together to advance matters of common interest.

The confederation had a general secretary, Waikato, who was bilingual and literate in both languages. He and Hongi Hika travelled to Britain as representatives of Te Wakaminenga in 1820, meeting King George IV to discuss European lawlessness in Aotearoa, and protection of their trade interests. They also worked with Cambridge University linguistics professor Dr Samuel Lee on a dictionary of te reo Māori. Te Wakaminenga continued to meet after te Tiriti was signed.

*"Hongi Hika and Waikato were treated as ambassadors. They met every member of the British cabinet, had lunch with the Chancellor of the Exchequer and met with the councils of the City of London. All of the commentators who were present in these meetings remarked on the sagacity and insight of these chiefs."*

*University of Auckland academic Manuka Henare, in 2013 testimony to the Waitangi Tribunal.*

### \*Quiz answers

All true: Q1 & Q2 see A4; Q3 see A5; Q4 see A6 & B3; Q5 see A6; Q6 see A4; Q7 see B2; Q8 see A4; Q9 see B2; Q10 see A5; Q11 see A4.





# B He Wakaputanga (A Declaration of Independence)



*Te Hikoi ki Waitangi, against the Treaty Principles Bill, arrives at Te Tii Marae on Waitangi Day 2024, Photo, Eda Tang, The Spinoff.*

**B1 How did authority and laws operate for hapū and tauiwi in the early years? 19**

**B2 How did hapū society change after 70 years of relationship with tauiwi? 19**

**B3 What was done to control crime by tauiwi residents? 20**

**B4 What is He Wakaputanga o nga Rangatiratanga o Nu Tireni / the Declaration of Independence of the Tribes of New Zealand? 21**

*Related topics in A Deeper Dive online, <https://nwo.org.nz/resources/>:*

*3 How did hapū allow outsiders to use their land?*

*4 Who controlled the country from 1840 to 1860?*

*5 What was the British government context leading up to 1840?*

*References*

## B1 How did authority and laws operate for hapū and tauwiwi in the early years?

HAPŪ expected that settlers would respect their tikanga. Many early settlers owed their survival to the care of hapū, and generally lived with respect for the authority of rangatira.

However, some did not. European ship captains often kidnapped men to serve as crew, and tauwiwi engaged in criminal activity including murder, rape, and robbery.

Hapū were alarmed at European punishment methods, as described by members who had been crew on ships and had witnessed and suffered the harshness and rigidity of incarceration and torture.

Rangatira began to consider ways of dealing with the newcomers that were consistent with tikanga, specifically the cultural obligation to manaaki or care for visitors. Most hapū and iwi have oral histories of such discussions.

Te Pahi's 1805 Sydney visit included discussions about the failure of Europeans to respect tikanga. He asked Governor King to 'deal with your sea captains coming to my country' (Healy, Huygens & Murphy, 2012, p60).

Te Pahi also famously saved the lives of two of four men sentenced to death for stealing pork from the army, by pointing to the hypocrisy of executing the hungry, while ship captains had stolen animals from his people with impunity.

## B2 How did hapū society change after 70 years of relationship with tauwiwi?

BY 1835 hapū had adopted some facets of European culture, but had also rejected much that was new. For example, few had converted to Christianity, and they had rejected musket warfare after the fatalities of the tribal wars in the 1820s.

They also rejected the idea of commodifying the whenua into individual land titles and the permanent alienation (sale) of land. The disadvantages of alcohol use also resulted in it being banned in many areas.

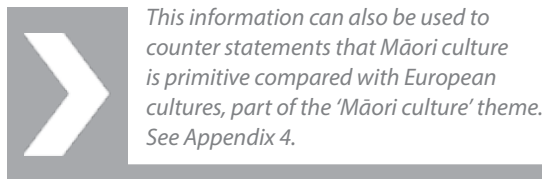
Hapū welcomed potatoes, wheat, and fruit trees, and bred new animals, with Rāwiri Taiwhanga (Ngāpuhi) importing the country's first dairy herd. The use of money in preference to bartering became common, and hapū also used European fabrics. They embraced literacy, technical skills (such as shipbuilding and flour milling), and increasingly supported the peace-making practices of missionaries.

*The original waterwheel of the restored Kawana Flour Mill near Matahiwi, one of the first Māori-owned and operated flour mills on the Whanganui River. Built in 1854, it was originally named Kāwana Kerei after Governor Grey, who donated the millstones as a personal gift to mana whenua Ngā Poutama. More than 30 waka journeyed downstream to Wanganui to collect the mill machinery, with the mill wheel lashed to the prows of two waka for the upstream trip. The mill produced flour for 50 years. Photo: James, [theslowtraveler.net](http://theslowtraveler.net).*



Hapū market gardens, timber processing, flour milling, dairying, and shipbuilding allowed them to trade internationally with their own shipping fleet.

The confederation declared the country a sovereign nation in 1835 (see A6), to protect them from the ravages of colonisation of Indigenous peoples that members had witnessed worldwide. By 1840, tangata whenua were in a strong position to resist prospective colonisers and foreign empire-builders.



*Postcard of a United Tribes rangatira pointing towards Te Kara at the selection of a national flag at Waitangi in 1834. Te Kara was adopted as the house flag of the Shaw Savill and Albion Company in 1858, with a darker blue behind the stars, because they perceived it as no longer a national flag after New Zealand came under British sovereignty.*



## B3 What was done to control crime by tauwi residents?

LAW-BREAKING was becoming more severe with additional arrivals, and was increasingly affecting hapū tikanga and commercial activities. Until the 1830s,

the British were reluctant to intervene formally. Britain had problems in other colonies, and did not want the cost of dealing with difficulties in one so far away. But reports by rangatira and missionaries about British criminality grew.

Matters were brought to a head in 1830. English Captain Stewart, in return for one cargo of flax, secretly conveyed Ngāti Toa rangatira Te Rauparaha and his war party from Kapiti to Akaroa.

The sacking of that village and the capture of ariki Te Maiharanui alarmed the British in Sydney. The failure to bring Stewart to justice made the British realise that something had to be done about the lawless state of Europeans in Aotearoa.

In 1831, 13 northern rangatira of Te Wakaminenga sent a letter to King William IV requesting that the King become a 'friend and guardian of these islands'.

The letter expressed concern about a possible French takeover (the missionaries were likely to have over-emphasised this in their own interests) and suggested that, unless the King acted to control the misconduct of British citizens living in or visiting New Zealand, the rangatira would have no alternative but to enforce their own laws over them.

As a result of the Stewart incident and the letter from the rangatira, and to protect British trade interests, the UK government appointed a British Resident in Aotearoa.

James Busby arrived in May 1833 with a reply from King William to Te Wakaminenga, and set up home at Waitangi. Te Wakaminenga began conferring regularly with Busby, discussing international relationships and trade.

The need for a national flag arose as trade grew with New South Wales. In 1830, Hokianga leaders Patuone and Taonui sailed to Sydney on the maiden voyage of their ship the *Sir George Murray*, the third European-style ship built in Aotearoa.

Upon arrival, customs officials seized the ship and its timber cargo for breaching British maritime laws, which required all trading ships to fly a national flag. The ship was sold to a whaling company.

In response to this seizure, the confederation chose its own national flag in 1834 – known as Te Kara (the Colour), or the confederation flag. Te Kara remains a legal NZ flag. The new British Resident, James Busby, ensured the Crown acknowledged the flag, which was registered in London.

The leaders also started discussing how to present themselves as a sovereign nation, given what they knew about European imperialism, resulting in the 1835 Declaration of Independence.

## B4 What is He Wakaputanga o nga Rangatiratanga o Nu Tirenī / the Declaration of Independence of the Tribes of New Zealand?

HE Wakaputanga o nga Rangatiratanga o Nu Tirenī is a proclamation to other nations that this country is an independent state, and that rangatira and the hapū they represent exercise full sovereign power and authority (mana, te tino rangatiratanga) within it (see *Appendix 1*).

The Declaration was signed by 34 rangatira from Te Tai Tokerau (Northland) at Waitangi on 28 October 1835. By 1840 there were 52 signatories, including Te Wherowhero, Te Hāpuku, and Te Heuheu. There is evidence the Declaration was signed as late as 1890 by 40 rangatira at Hauraki.

In reaching an agreement about the need for a Declaration, the rangatira had consulted Busby and the merchant James Clendon, who was later to become the United States Consul.

### He Wakaputanga summary

1. Te Wakaminenga declares the country a sovereign and independent state.
2. All sovereign power and authority rests with rangatira and their hapū. We do not allow any foreign governance here; but if we decide to allow this in future, we will endorse a governor who will function under our authority.
3. We will meet annually to discuss peace, justice and trade issues, and invite other rangatira to join Te Wakaminenga.
4. In exchange for continuing to protect Pākehā, we ask that Britain protect us from invasion by other states.

Busby was troubled by reports that a Frenchman, Baron Charles de Thierry, said he had bought a large amount of land in the Hokianga and planned to set himself up as a sovereign there. (De Thierry had met CMS missionary Thomas Kendall in 1820 in London and there may have been some exchange.)

The concerns of rangatira were broader than this, however. They wished to establish their authority and independence in the eyes of the world, and further their expanding trading interests.

They also wanted to advance their friendship with the British monarchy. The Crown was invited to ensure that other countries did not attack the nation, and in return, hapū would continue caring for the Pākehā living on their lands.

Importantly, the Declaration states ‘no separate legislative authority’ (kāwanatanga) would be allowed in the country at that time. If it were to be allowed in future,

“THE WORD ‘WHAKAPUTANGA’ IS USUALLY TRANSLATED AS ‘DECLARATION’, BUT IT CAN ALSO MEAN ‘EMERGENCE’ — THE EMERGENCE OF A NEW COUNTRY. THE WORDS USED IN THE DOCUMENT TO DESCRIBE AN INDEPENDENT STATE, ‘HE WHENUA RANGATIRA’, ALSO HAVE A DEEPER MEANING OF A LAND AT PEACE UNDER ITS RIGHTFUL OWNERS.”

Moana Jackson



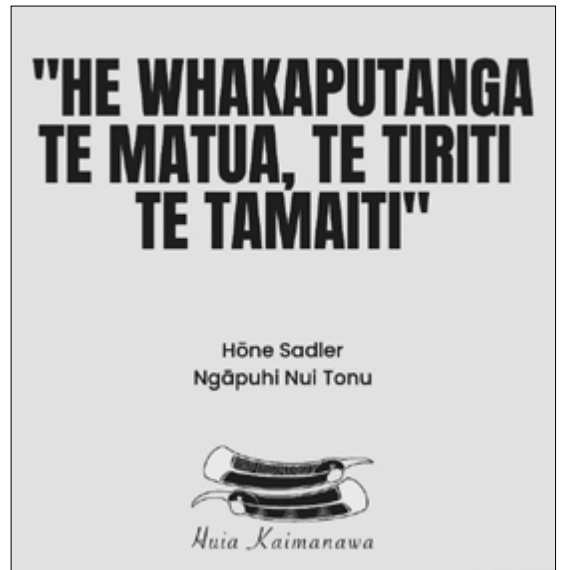
it would be endorsed by, and under the ultimate authority of, Te Wakaminenga.

Busby forwarded the Declaration to Britain, which formally recognised it in 1836. It was also recognised by France and the United States of America. The British Crown was clear it could not exercise authority over its NZ citizens unless Te Wakaminenga agreed.

The Declaration is critically important to our constitutional history. It is seen as the tuakana (the elder) or matua (parent), of te Tiriti. It has never been rescinded. It is fundamental to understanding the intentions of the rangatira who assented to te Tiriti. For them, te Tiriti was an endorsement of the provisions, and power relationship, set out in the Declaration.



SEE Appendix 1A for the full text of He Wakaputanga in te reo, and 1B for an English translation.



*'A Declaration the parent, te Tiriti the child'*

*Huia Kaimanawa is a Māori leadership kaupapa (programme) founded on He Wakaputanga o te Rangatiratanga o Nu Tirenī and Te Tiriti o Waitangi.*

*Kaikōkiri (facilitators) work with kaiuru (Māori leaders) across Aotearoa to support their development of Mahere Rautaki (strategic leadership plans) focused on the visions and aspirations of hapū and iwi.*



# C Te Tiriti



*Discussion at the 1840 signing of te Tiriti, in a marquee outside Busby's house at Waitangi. Detail of a 1933 pastel drawing by Ivy Copeland, copying a lost 1893 original by Louis John Steele. Waitangi National Trust.*

**C1 What led to te Tiriti? 24**

**C2 What is te Tiriti o Waitangi? 25**

**C3 What makes te Tiriti o Waitangi the authoritative one? 28**

**C4 What did hapū intend in entering into the agreement? 29**

*Related topics in A Deeper Dive online,*

*<https://networkwaitangiwhangarei.org.nz/books-clothing/>:*

*6 What are the differences between te Tiriti o Waitangi and the Crown's English-language version?*

*7 Was any British intention to gain sovereignty explained at Tiriti signings?*

*8 How did the signing progress?*

*9 What was the status of te Tiriti in the early years?*

*References*



# C1 What led to te Tiriti?

FOUR factors led to te Tiriti.

## ***Pākehā crime***

Hapū had long been concerned about the lawlessness of some newcomers. Their hope was that Busby would exercise control over British subjects, but he proved to be largely ineffective.

His request to Britain for troops and a warship was denied, and some rangatira became open to the idea of having a British governor to control Pākehā in particular.

Treaty-making, the process of making agreements between hapū, had a long history. The idea of treaty-making with the Crown was therefore an affirmation of rangatiratanga, and a recognition that each tribe, state or government should be responsible for its own people.

The rangatira expected that with the growing number of British settlers, the Queen, whose mana they respected, would want to bring her people to order. This was also Britain's primary reason for te Tiriti, as stated in the preamble.

*A treaty is a legally binding instrument agreed to and signed by two or more sovereign nations. Parties to a treaty must abide by its provisions unless they formally withdraw from it.*

## ***Land disputes***

There was increasing tension over land, particularly in the north. Hapū allocated plots to settlers in tuku whenua arrangements to establish binding relationships with them. But hapū were dismayed when some acted as if they had an absolute right to the land, including selling it to others.

When Lieutenant-Governor William Hobson arrived on 29 January 1840,

rangatira asked for the return of lands wrongly taken. At a meeting at Kororāreka (Russell) at the end of January, Hobson told the settlers that all previous land transactions would be reviewed, and that anyone found to have a valid claim would be given a title derived 'from Her Majesty'.

## ***British concern about colonisation***

Humanitarian groups based in London, particularly the Aborigines' Protection Society and the House of Commons Select Committee on Aboriginal peoples in British settlements, were monitoring developments.

They had condemned the impact of British colonisation on Indigenous peoples elsewhere – New Zealand was the last in a long line of negatively affected countries.

These groups had an ally in the Secretary of State for Colonies, Lord Glenelg, who was opposed to the plans of the New Zealand Company to establish a colony. James Stephen, the head of the Colonial Office, who managed relationships with many other colonies, also wanted to protect Māori from the harms brought by colonisation.

Treaty-making was long-established in British colonial policy, so although Hobson did not land with a fully drafted treaty, he was familiar with earlier international treaties.

## ***The New Zealand Company***

The Colonial Office was aware of many irregular transactions, including those by Edward Gibbon Wakefield's New Zealand Company. In 1838, several settlers, traders and missionaries petitioned the Crown, asking for a more effective presence than Busby could provide.

The Colonial Office wanted to protect hapū from unregulated business interests, and the Crown to have the first right to buy land – not to collect large tracts for resale, but to prevent private land speculation and fraud.

The departure of settler-laden New Zealand Company ships for Port Nicholson (Te Whanganui-a-Tara/Wellington) in 1839, without parliamentary sanction, alarmed the Colonial Office.

Prompted by missionary concern about the company's random and divisive approach to buying land, possibly considering some degree of colonisation as inevitable, and to protect British economic interests, Colonial Secretary Lord Normanby sent Captain William Hobson to New Zealand.

He was instructed to get permission from Te Wakaminenga for Britain to exercise jurisdiction over its citizens settled here.

## C2 What is te Tiriti o Waitangi?

A TREATY is a legally binding instrument agreed to and signed by two or more sovereign nations. Parties to a treaty must abide by its provisions unless they formally withdraw from it. Te Tiriti o Waitangi is a contract or covenant between the Crown and hapū through their rangatira.

It was first signed on 6 February 1840 by 40 rangatira and Hobson, representing Queen Victoria. Copies of te Tiriti were taken around the country and in total 554 rangatira signed.

The text signed at Waitangi was in te reo Māori and called te Tiriti o Waitangi (*see Appendix 2*). It reiterated the ultimate, paramount authority and rights of hapū, as set out in He Wakaputanga.

It allowed for the peaceful, mutually agreed, ability of settlers to live on land that hapū wished to make available, and was directed towards ensuring peace and good order as more immigrants came to settle.

Hapū endorsed the appointment of a governor to control British peoples' behaviour and regulate their settlement. Hapū did not agree to be governed by the Crown, as they had their own established systems of governance and law – tikanga.

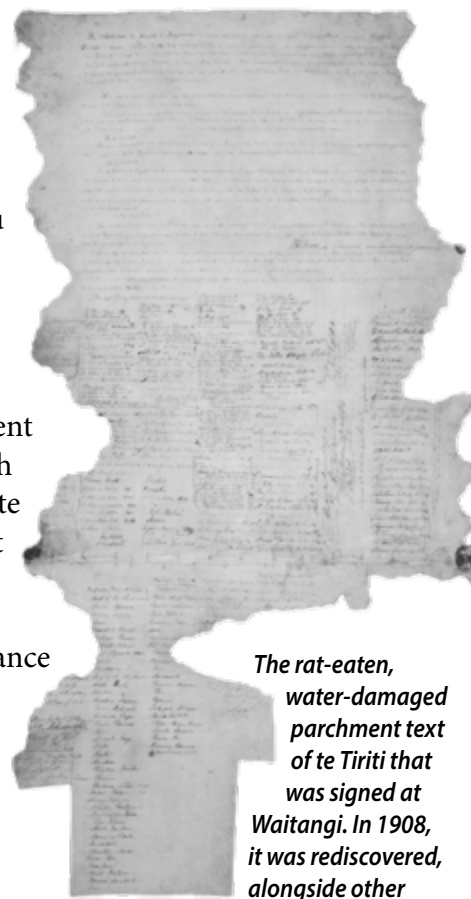
In exchange, the Crown guaranteed it would uphold hapū authority and sovereignty over their lands, villages and everything else they treasured, and accorded all New Zealanders (which in 1840 meant hapū members) the same rights as British people. A fourth, orally agreed, article also promised to protect customary practices and religious freedom.

Te Tiriti o Waitangi was drafted in English by British officials, but rangatira contributed significantly. Te Wakaminenga meetings, and their discussions with Busby and the missionaries, helped shape its eventual form and meaning. It was a progressive document for its time, protecting Indigenous rights.

### The process

Hobson had started work on a preamble and three articles on his journey to the country, but became ill after his arrival on January 29. On February 1 he handed his notes to Busby to work on. The two then exchanged multiple drafts, with Busby re-writing the articles.

Hobson expanded on his original preamble, and Busby added a section at the end to describe who was signing



*The rat-eaten, water-damaged parchment text of te Tiriti that was signed at Waitangi. In 1908, it was rediscovered, alongside other copies signed elsewhere, by historian Thomas Hocken. It was buried in a heap of rubbish and old papers in a basement beneath the wooden Government Buildings in Te Whanganui-a-Tara.*

(including rangatira who were not members of Te Wakaminenga). Four sets of these notes, none of which was a complete document, are archived (Fletcher, 2023, p308-325).

On February 4 Hobson handed notes to the Reverend Henry Williams, a CMS missionary who had been here for 17 years, to translate into te reo Māori. This text was read out to rangatira outside Busby's house the next morning. An English summary was also read out, but was not translated.

On February 5, land disputes and the continuation of hapū authority and status was fully discussed, with speakers giving examples of European transgressions. Rangatira met again at Tou Rangatira (near the beach at Waitangi) that evening to continue their talks, attended by Williams.

It was obvious that there would be no agreement if hapū sovereignty was not absolutely guaranteed. Later still that night, Williams, Busby, and Hobson met to finalise wording, and missionary Richard Taylor wrote the final text in te reo Māori on sheepskin parchment (*see Appendix 2A*).

The signing had been planned for February 7. Discussion on the 6th was meant to be about the relationship between the powers of the rangatira and those of the Crown.

But Busby had not organised enough food for the duration, and Williams also knew many rangatira planned to leave in the morning without signing – because they did not want Hobson to stay, had signed the Declaration and thought that was sufficient, and did not want a system of land titles issued by the British.

Because of this, Williams felt a sense of urgency and called Hobson to shore early on February 6. Annoyed and ill, he refused to allow further debate.

Despite Anglican missionary William Colenso's concern about shared

understanding, Hobson insisted that the signing begin. From the meeting the previous night, Williams knew who would sign, and began calling their names.

While there was no complete English draft available on the 6th, there are eight known English-language draft texts dated 5 or 6 February 1840, with minor differences between them.

A particular English-language version was sent to England later in the year. This is now referred to as the Crown's English-language version, Hobson's draft text, or the Treaty of Waitangi, because the Crown has used it as 'the Treaty' ever since (*see Appendix 2B*). However, it contains some differences from te Tiriti o Waitangi which was the signed document.

→ SEE ADD for the differences between te Tiriti o Waitangi and the Crown's English version.

## British intentions

The instructions of the Colonial Office were clear. Hapū would continue to be governed by their rangatira, while English law would apply only to the few Pākehā settlements at Kororāreka, Te Whanganui-a-Tara and Tāmaki Makaurau (Auckland).

The Colonial Office envisaged a federal arrangement between tribal autonomy and Britain (Fletcher, 2023, p.529). Britain had recognised tribal rights 'to the soil and sovereignty' of the country by acknowledging He Wakaputanga.

The Declaration was binding on the faith of the Crown, and British authority could not be legally exercised over British subjects without hapū agreement.

Hobson's first attempt had been re-written so that it guaranteed 'te tino rangatiratanga'. Busby understood that rangatira would never agree to sign anything unless it ensured continued hapū sovereignty and authority over their lands, forests, fisheries and other taonga.

Williams also knew this, and finally chose to use the lesser concept of *kāwanatanga* (qualified governorship), for what would be allowed to the Crown.

Williams wanted a treaty to curtail the activities of the New Zealand Company. Many missionaries had a vested interest in land, and Williams' title to 9,000 acres was later confirmed.

Missionary interests depended on working with the leaders of the *hapū* among whom they lived, and Williams understood the importance of *te tino rangatiratanga* being recognised by the Crown.

### ***Rangatira statements***

Ngāpuhi claimants have repeatedly said their ancestors did not agree with *Tiriti tuatahi*, an early draft where Hobson would have them cede all their sovereignty, 'kingitanga', to Queen Victoria.

They signed *Tiriti tuarua*, the final draft, which said the Crown was only given the right to govern British and other non-Māori here (Warne, 2014).

## **A plain English expression of *te Tiriti***

(MacLachlan, 2006, p43)

### **Introduction**

The Queen wants people to keep their lands and independence and she wants all people to live together in peace. This agreement is to make a government for her people who are now in New Zealand and those who will come in the future.

### **First**

The chiefs give to the Queen of England the right to have a governor in New Zealand.

### **Second**

The Queen agrees that Māori keep their independence and keep control over their lands and everything that is important to them. They give to the Queen the right to buy land if they want to sell it.

### **Third**

The Queen gives the Māori people the same rights as British people.

### **Fourth**

The Governor promises to protect Māori customs and all the different religions in New Zealand.



Cartoon by Tom Scott, published in *The Evening Post*, 2004.

## C3 What makes te Tiriti o Waitangi the authoritative one?

TE TIRITI o Waitangi is the authoritative text, recognised internationally, for several reasons.

### Signatories

It has the huge majority of signatures, 554, as well as Hobson's, and international law upholds the primacy of the text with 'significant signature'.

Hobson saw the Waitangi signing as the most significant, and there was no complete English-language version at Waitangi on February 6.

At a meeting at the Waikato Heads, 32 rangatira signed an English-language version, and seven more in the Manukau area, when a copy of te Tiriti was not available. However, their discussion was in te reo Māori.



SEE ADD about the signings.

### What was said

All the discussions at the signings were in te reo Māori, and in hapū law the words spoken are crucial. International law also gives weight to the oral context, what was said or promised at the time.

Those who signed an English-language text agreed to what they had discussed in te reo Māori. The late Sir James Henare

said that the key to the Treaty's meaning and mana lay in the Māori text – 'Ko te mana te kupu, ko te kupu te mana'.



SEE ADD about whether any British intention to gain sovereignty was discussed.

### Contra proferentem principle

In both domestic and international contract law, when the intent or meaning of a legally binding contract is not clear, the principle of *contra proferentem* applies.

This means the interpretation of any ambiguous provision will be against the interests of the party that offered (proffered) the wording – in this case, the British – and in favour of the other party.

Case law shows that as a result, Indigenous language texts usually take precedence. Also under international law, treaties are not to be interpreted adversarially, but in good faith: the principle of *pacta sunt servanda*.

### Ceding sovereignty was culturally impossible

In 1840 the population of hapū was estimated to be between 80,000 and 200,000, compared to about 2,000 tauwiwi.

It is absurd to suggest that those rangatira who signed te Tiriti would have voluntarily given up all their power to a foreign entity after having declared their national sovereignty and independence just five years previously.

Image by Amber Smith for the non-profit project *Te Tiriti is Us*, based in Te Whanganui-a-Tara, encouraging all New Zealanders to consider Te Tiriti and the partnership it aimed to create.



Moana Jackson said it was also culturally impossible for rangatira to give away the mana of their hapū (Healy, Huygens & Murphy, 2012, p175-6).

### **Waitangi Tribunal conclusion**

The evidence given at the 2010 Waitangi Tribunal hearing of the Ngāpuhi claim about the meaning of te Tiriti o Waitangi made it clear that te Tiriti is the authoritative text (Healy, Huygens & Murphy, 2012, p221-2).

The Tribunal (2014) agreed. In 2017 former chief justice Dame Sian Elias also said, 'It can't be disputed that the Treaty is actually the Māori text'.

### **Summary**

The myth of an absolute cession of sovereignty has been promulgated by successive governments to validate their assumed, presumptive, overarching authority. It is a tragic and misleading political legacy, a travesty, that legislation drawn up in 1975, without the benefit of iwi or other evidence or scholarship, required the Waitangi Tribunal to give equal weight to both texts.

It took 39 years for this fallacy to be exposed by the Tribunal itself in its 2014 report, and parliament has yet to acknowledge its part in perpetuating this self-serving myth.

Te Tiriti is still 'an inconvenient truth' for NZ politicians. Indigenous youth culture now uses two words for the entire issue: 'Never Ceded'.

## **C4 What did hapū intend in entering into the agreement?**

NGĀPUHI *Speaks* (Healy, Huygens & Murphy, 2012, p240-41) sets out hapū intentions. Some points are specific to

Ngāpuhi Nui Tonu (the many hapū within the iwi), but the broad intentions were important to all rangatira signing:

→ Queen Victoria's governor would work with the rangatira to maintain peace and good order, upholding the established authority and ordered way of life (āta noho) of the hapū.

→ The governor was being granted the legal authority he needed to exercise control over Pākehā.

→ Te Tiriti o Waitangi was an endorsement of He Wakaputanga o te Rangatiratanga o Nu Tirenī, with its declarations of hapū mana and independence and their particular relationship with the British Crown.

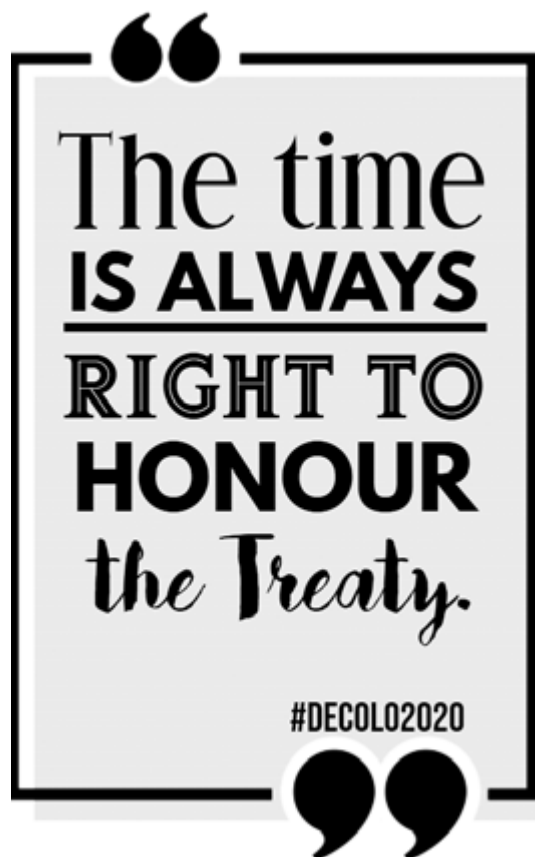
→ The international trade of the hapū was to be advanced through a closer alliance with the British.

→ Hapū were allowing for more of the Queen's people to settle on their lands, on the understanding that the Queen would uphold hapū authority (tino rangatiratanga) and her other guarantees in te Tiriti.

→ Hapū would support the Queen by ensuring the safety of her people and by working co-operatively with her governor.

→ The governor would investigate and rectify any unjust dealings over land.

→ The governor would sit as one of the rangatira (or 'would be allowed to represent Pākehā on Te Wakaminenga') to decide together on matters of common concern, and especially on those things



*By Te Tiriti-Based Futures and Anti-Racism, an international online and offline decolonisation event run every even year from 2020.*

that would advance their trading interests and bring prosperity for all.

The 2014 Waitangi Tribunal Report clearly states the intentions of the rangatira who signed te Tiriti, as well as those of the Crown:

→ Britain's representative Hobson and his agents explained te Tiriti as granting Britain the power to control British subjects, and thereby to protect hapū. Rangatira were told that they would retain their tino rangatiratanga, their independence and full chiefly authority.

→ The rangatira who signed te Tiriti o Waitangi in February 1840 did not cede authority to make and enforce law over their people or their territories; they did, however, agree, in an act of radical generosity (Matike Mai Aotearoa, 2016, p27) through their philosophy of awhi mai, awhi atu, mutual assistance and respect, (Healy, Huygens & Murphy, 2012, p50) to share their power and authority with Britain.

→ They agreed to the governor having authority to control British subjects in New Zealand, and thereby keeping the peace and protecting hapū interests. The rangatira consented to te Tiriti on the basis that they and the governor were to be equals, though they were to have different roles and different spheres of influence. The details of how this relationship would work in practice, especially where the hapū and European populations intermingled, remained to be negotiated, case by case, over time.

The Tribunal said that, 'Having considered all of the evidence available to it, the conclusion that hapū did not cede sovereignty in February 1840 was inescapable.'

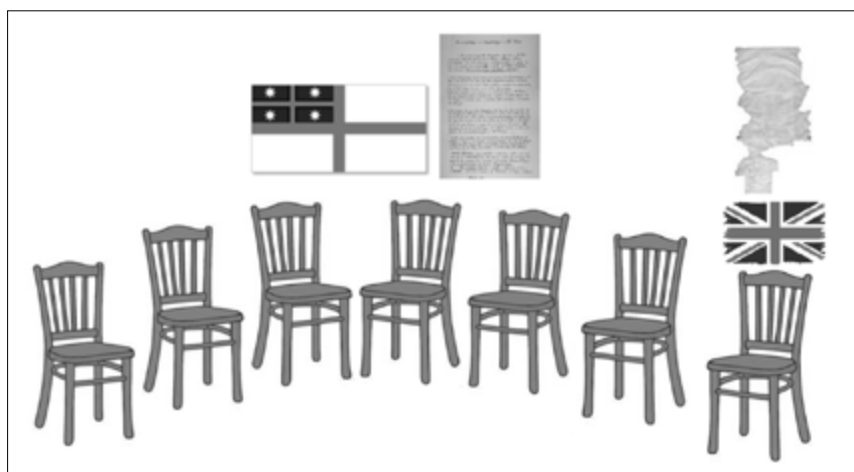
The rangatira vision in signing te Tiriti was for an inclusive future, based on co-operation, mutual support and reciprocity between themselves and the Crown.

A federal model of government would continue, where the hapū and the Queen's tribe would retain their distinct authorities, with the leaders in their different areas coming together alongside the governor to resolve and advance issues of shared interest.

Hapū expected to retain their authority in the land, while expecting the governor and the Queen's people to work in co-operation with them.

Māori continue to hold this inclusive vision for their present and future relationships with the Crown. Unfortunately, governments have been unwilling to work as equals with hapū, iwi and other Māori leadership. However, as part of 'settlements' of te Tiriti claims, there are some examples of co-governance emerging (*see G9*).

*How rangatira saw the place of the Kāwana (Governor Hobson) after te Tiriti in relation to Te Wakaminenga. Image by Tangata Tiriti - Treaty People.*



→ SEE ADD for the status of te Tiriti in the early years.



*Banner (Hands Across the Breach) created by Les Gray of Whangārei and carried to Te Whanganui-a-Tara by a succession of tauīwi in the 2004 hikoi to protest imminent government confiscation of the foreshore and seabed. Photo by Charles Rolo.*

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- D2 What is native title? 34**
- D3 What is the history of Māori reaction to breaches of te Tiriti? 35**
- D4 What does the Waitangi Tribunal do? 37**
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- D7 What ongoing effects do hapū face over the loss of lands? 42**
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- D9 What are the problems with having a referendum about te Tiriti? 44**

*Related topics in A Deeper Dive online, <https://nwo.org.nz/resources/>:*

- 10 What happened to lands that settlers thought hapū did not physically occupy?*
- 11 Does the 1994 fiscal envelope policy still limit compensation?*
- 12 What was the 1992 Sealord deal?*
- 13 What is Foreshore and Seabed legislation about?*
- 14 What happened over the 2007 raids on Tuhoe?*
- 15 Why was Ihumātao bought by the Crown?*
- 16 Why was Te Papa's display of te Tiriti controversial?*
- 17 What are the ongoing effects of institutionally racist systems?*

*References*



# D1 How did Britain take over the country?

THE colonial takeover was achieved by a combination of colonial proclamations, self-government by powerful settler interests, rapid growth in immigration, the devastating effect of European illnesses on hapū, economic sabotage of hapū income, settler racism, and ultimately, colonial war to seize land.

## Continuous colonisation

The chart below summarises government breaches from Appendix 5. Charting breaches by decade clearly shows that colonisation has been continuous since the signing of te Tiriti.

The intensification of Tiriti breaches from 2020 to 2025 shows that the National Party coalition was intent on further reducing Māori influence and control over resources.

## New Zealand as 'a colony'

The New Zealand Charter of 1840 made New Zealand a separate colony from New South Wales in the eyes of the British.

The Charter stated *'that nothing [in it] ... shall affect or be construed to affect the rights of any aboriginal natives of the said Colony of New Zealand, to the actual occupation or enjoyment in their own persons, or in the persons of their descendants, of any lands in the said Colony now actually occupied or enjoyed by such natives'*.

The Charter vested the power of the British government in a governor, who was to summon a Legislative Council of seven people

to make laws and ordinances 'for the peace, order, and good government' of the colony.

## Proclamations

Despite the Charter's statements about tribal land, governors seized land by proclamations, and Pākehā-controlled regional and national governments seized it after 1852, ultimately destroying the independent economic foundation of hapū life.

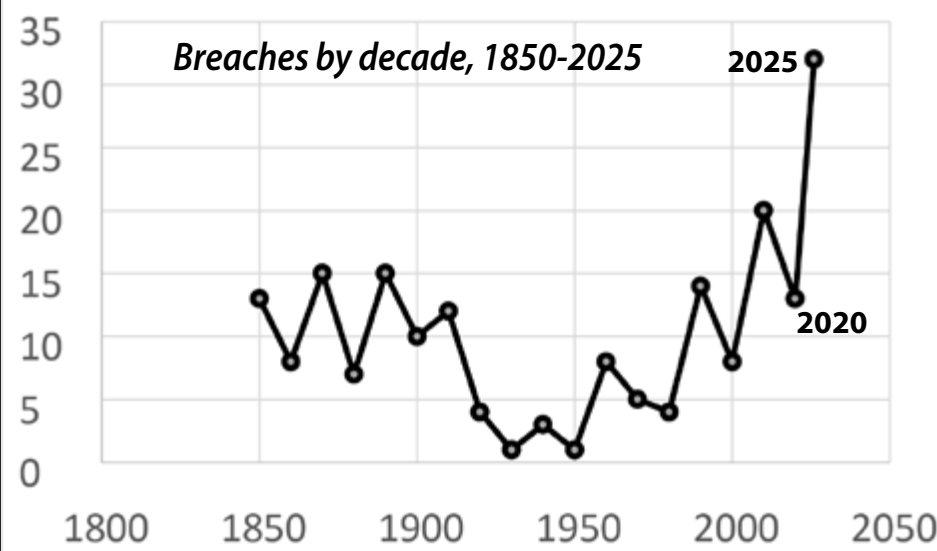
The government gradually and relentlessly imposed English systems, often using force to undermine hapū law, spirituality, health, education, language, and economies.

## Self-government

The New Zealand Constitution Act 1852, passed by the British Parliament, granted partial self-government. It set up a parliament where voters were mostly European men, as voting was limited to non-Chinese men owning land with individual title.

This excluded most Māori men as their land was held communally. In the first general elections in 1853, about 100 Māori men voted, out of 5,849 voters.

Breaches by decade, 1850-2025



Section 71 of the Act allowed for the provision of self-governing hapū districts, which hapū saw as a provision for te tino rangatiratanga guaranteed to them under te Tiriti.

But the government ignored this section, and it was finally repealed by the Constitution Act 134 years later in 1986. From its beginning, parliament passed laws which took hapū land to benefit British settlers.

From 1867 Māori men aged 21 and over, whether or not they owned property, could vote to elect four Māori MPs – despite population proportionality requiring at least 15 seats (see G2).

This universal suffrage for Māori men came 12 years before universal suffrage for European men in 1879. All non-Chinese women won the vote in 1893 – Chinese New Zealanders were not allowed to vote until 1952 (Atkinson, 2012).

The English Laws Act of 1858 stipulated that all English law as of 14 January 1840 (the date Hobson was sworn in as lieutenant-governor) were deemed to be in force in New Zealand. (McIntyre, 2012; Wilson, 2007; New Zealand Parliament Pāremata Aotearoa, 2021).

## European population growth and diseases

By 1858 the numbers of Māori and tauīwi were equal, at about 57,000 each. In less than 20 years, the effect of European diseases, land wars, land sales, and legalised theft of land had forced hapū relocations and resulted in the death of roughly two-thirds of the Māori population.

## Economic sabotage

By the 1820s hapū levies on overseas boats were widespread nationally, and before and after 1840, European travellers and traders willingly paid these levies to hapū with authority over harbours and shorelines. But within a few years of te Tiriti being signed, particularly in the North, the Crown began claiming these fees.

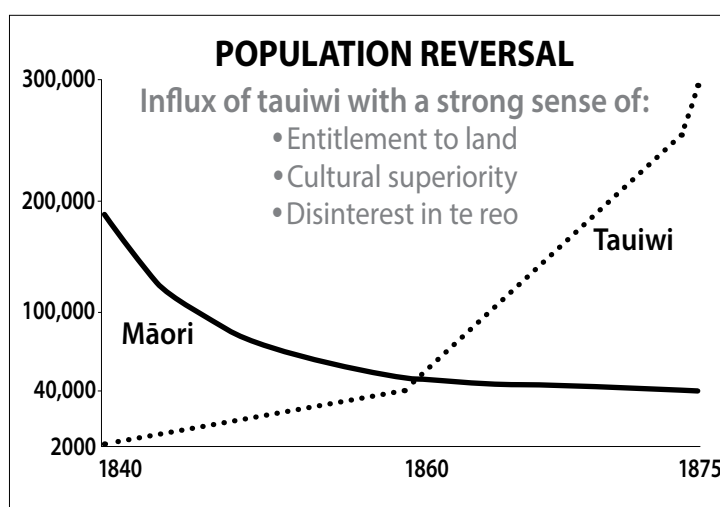
The Waitangi Tribunal's 1988 Muriwhenua report said: *'After 1840, the Crown denied the Māori practice [of charging harbour levies] on the basis that by Treaty it now owned or had sovereignty over the harbours. Māori claimed that by the same Treaty existing Māori rights had been affirmed. Continual Māori attempts to levy boats was to be a contributing factor to the wars in the Far North and the Waikato and Māori still claimed the right to harbour dues as late as the Orakei Conference in 1879.'*

Hapū also paid a majority (58 percent) of customs tariffs in 1856.

Governor Thomas Gore Browne wrote in 1859 that European settlers coveted the surplus lands of Māori and were determined to possess them "by fair means or foul".

In Te Waipounamu, the Crown used 'sale deeds' to claim ownership of huge areas of land, which included much more than rangatira had agreed. Rangatira allowed land use only for agricultural purposes, not the complete seizure of their land or being barred from important food sources.

The Crown promised the retention by the hapū of a tenth of any land it bought, but this was not honoured. The Crown's actions about land included blatant fraud, application of duress, and repeated denial of access to justice. These patterns were repeated across generations.



Estimates of the Maori population in the early 1800s range from 80,000 – 200,000 (Simon Chapple, 2019).

For centuries in Aotearoa and for millennia in the Pacific, the economy was based on local ownership and control of land and adjacent waters. It was from this base that communities prospered and entered into trade relationships with others. The Crown's actions dismantled these relationships (Healy, 2025).

SEE the Government Breaches document on Network Waitangi websites for a case study of the Crown's 'sale deeds'.

## Settler racism

After 1840, new British settlers arrived with a firm sense of their promised entitlement to land, fairly bought or not, and most did not learn te reo Māori.

They also came with a sense of cultural superiority – they might be working class,

but at least they were White people from a 'civilised' country, a country that had created and entrenched racist ideas from the 1600s.

Most settlers believed in an inherent superiority of the British, particularly the English, way of life, as expressed in the *Southern Cross* (later absorbed by the *NZ Herald*) in 1844:

*The native race is physically, organically, intellectually and morally, far inferior to the European. No cultivation, no education will create in the mind of the present native race that refinement of feeling, that delicate sensibility and sympathy, which characterise the educated European ... the Māori [is] an inferior branch of the human family.* (Ballard, 1986, p18).

## War

Once the numbers of Māori and Pākehā were similar in the late 1850s, and after Governor Grey had gradually increased the number of British troops here over two years, parliament used state-sanctioned violence to take Māori land.

At the peak of the land wars, 18,000 British Army troops, plus artillery, cavalry and local militia, fought about 4,000 Māori warriors (Belich, 1986, p126–133). The number of colonial troops was second only to the number in India, with its huge population.

Despite being heavily outnumbered, hapū defended incursions into their territories over the next decades.

This information can be used to counter statements that colonisation did not harm Māori, linked to the Privilege and Tiriti o Waitangi themes. See Appendix 4.

## D2 What is native title?

LAW professor Dr David Williams explains that the legal doctrine of aboriginal (native) title comes from European international law and British imperial policy in the 1800s.

It is called a common law doctrine, and judges have said it is an important feature of NZ common law. Common law rights would exist even if te Tiriti had not been signed.

The doctrine binds the Crown to recognise hapū customary rights to lands, forests, fisheries and other resources. These rights remain until they are legally extinguished either by Crown purchase, or legislative action.

Unlike most other democratic countries, New Zealand has only a single tier of government, with no upper house of

*British soldiers walk along a south Taranaki beach at daybreak in February 1865, after marching all night.*

*Lieutenant-General Duncan Cameron led more than 1,000 troops north from Whanganui.*

*With heavy guns, they had taken Māori land by driving off those living there, laying waste to villages and their cultivations.*

*Cameron called this policy 'land plunder' and resigned, urging the Colonial Office to withdraw British troops from the country.*

*Edward Arthur Williams (~1824-1898) named his watercolour 'A stroll on the beach, Mount Egmont in the distance'.*

*Donated by Dr H.D. Skinner to the Hocken Collections Uare Taoka o Hākena, University of Otago Ōtākou Whakaihū Waka, 75/162.*





*Hands Across the Beach, 2004, organised at Ahipara by Te Rarawa to link communities during the foreshore and seabed confiscation.  
Photo: Gil Hanly.*

parliament to review or critique legislation before it is passed into law.

Under this system, legislative action to extinguish native title can be imposed without the consent of, or compensation for, the customary rights-holders. Apart from acts of parliament, native title continues unless hapū consent to the extinguishment of these rights and are paid compensation.

Courts have generally not dealt with any principles derived from the treaty texts unless they are specifically mentioned in an Act. But they can act on the principles of common law, which the Court of Appeal did in 2003 when it ruled that Marlborough Sounds iwi could bring customary right claims to the Māori Land Court.

The Foreshore and Seabed Act of 2004, which overruled that decision, is an example of legislative action which extinguished common law native title, without the consent of hapū or iwi, and without any compensation payment.

Many other laws like the Waste Lands Act 1854, numerous Public Works Acts, along with Māori Land Court provisions, have been aimed at removing Māori property rights which were guaranteed even in the Crown's English-language version, and by aboriginal title. Much more land was taken from hapū through such laws than was seized by warfare.

Native title is important in that it is binding on the Crown. Its weakness is

that it is defined in a system of European imperialism.

Indigenous people everywhere had and have systems for establishing relationships with land, and it was and is up to foreigners coming into their lands to respect those systems.



SEE ADD for what happened to lands settlers thought hapū did not physically occupy; and about the 2004 Foreshore and Seabed Act.

## D3 What is the history of Māori reaction to breaches of te Tiriti?

SINCE 1840, Māori have tried consistently and proactively to have injustices acknowledged and addressed (Groundwork, 2024), by:

→ **fighting back** when land was being taken by force.

→ **petitioning** Queen Victoria, successive monarchs, Governors General and parliaments: for example, in 1932, a Māori MP presented a petition with more than 30,000 signatures asking that te Tiriti be made into law. Pākehā MPs walked out of the House to prevent it from being tabled, and parliament took no action.

→ **legal challenges**, including taking Tiriti rights cases through the appeal processes to the Privy Council in Britain



(before it was replaced by the New Zealand Supreme Court).

→ **introducing bills** in parliament, including a Native Rights Bill in 1894 that parliament ignored (*see Appendix 5, 1896*).

→ **publishing newspapers** in te reo advocating against government thefts of Māori land (McRae, 2017).

→ **peaceful protest** and nonviolent passive resistance, for example at Parihaka in Taranaki, four decades before Gandhi in India.

→ **petitioning** the League of Nations and the United Nations about injustice, supporting the development of the UN Declaration on the Rights of Indigenous Peoples, and making presentations to the UN Special Rapporteur on the Rights of Indigenous Peoples.

→ **becoming MPs:** the Young Māori Party was an affiliation of like-minded individuals: James Carroll (Ngāti Kahungunu), Apirana Ngata (Ngāti Porou), Māui Pōmare (Ngāti Mutunga, Ngāti Toa) and Te Rangi Hiroa, also known as Peter Buck (Ngāti Mutunga). The older Carroll was a mentor, and

the latter three later became MPs. All four men were eventually knighted in recognition of their public service.

→ **forming Māori political parties** to influence the Crown through parliament: the Mana Motuhake Party was formed by MP Matiu Rata; the Foreshore and Seabed Hikoi of 2004 gave birth to Te Pāti Māori, the Māori Party, which won four seats in the 2005 general election and six of the seven Māori seats in 2023; the Mana Movement was formed in 2011 and had one MP (in Te Tai Tokerau) until 2014. In 2026 a Te Tai Tokerau Party was formed.

→ **direct non-violent actions**, including national hui, occupations, hīkoi (land marches) and protests (Walker, 1990), including occupations at Takaparawhau (Bastion Point), Whāingaroa (Raglan), Moutoa Gardens (Whanganui), and Ihumātao; the land marches of 1975 (Harawira, 2022), 1985, and 2004; and the Toitū te Tiriti hikoi of 2024.

→ **passing the stories** of injustice to successive generations to resolve.

→ **creating political and spiritual movements** like Kotahitanga, Kiingitanga, Pai Mārire, Ringatū and Rātana.

→ **creating Māori-centred projects**, welfare and health organisations.

→ **creating Māori language immersion schools** (kōhanga reo and kura kaupapa) and tertiary education institutions (wānanga).

→ **claims to the Waitangi Tribunal**, despite inadequate funding for research and presentation. Tribunal reports detail the long history of hapū attempts to be heard by governments. For example, the Ōrakei Report (1987) describes Ngāti Whātua efforts through the courts, parliament, Royal Commissions, and direct action. The Muriwhenua Report (1988) lists court actions about fisheries, 93 petitions to parliament, and many major hui since the 1860s.

*Long-term Tiriti activists Hinewhare Harawira (Ngāpuhi, Te Aupōuri, 1954–2025), with arms raised, and Mereana Pitman (Ngāti Kahungunu) next left, in a 1996 Tiriti hikoi on the bridge at Waitangi. They were only temporarily stopped by the single line of Police. Photo, John Miller.*



- **gaining a public holiday** for Waitangi Day and for Matariki.
- **campaigning** for broadcasting rights, and official language status for te reo Māori.
- **exercising environmental guardianship** (kaitiakitanga) over ancestral land and resources in the face of local government antipathy and hostility.

Since the 1970s activists have tried to retain and revive culture: through education about colonisation, te Tiriti and other historical facts; through including tikanga in the legal system including internationally with other Indigenous peoples; through the arts, environmental protection and health; through the protection and practice of mātauranga (knowledge) and te reo Māori; and through self-governing entities.

## D4 What does the Waitangi Tribunal do?

THE Tribunal holds inquiries, led by a judge and a panel of Māori and tauīwi experts. It then provides reports and recommendations, which are non-binding in almost all circumstances, and which governments often ignore.

By the 1970s, New Zealand had seen an eruption of Māori protest, petitions, land marches, sit-ins and occupations. In 1975, Labour MP Matiu Rata proposed a bill writing te Tiriti into law for the first time.

Rata had wanted to make te Tiriti legally enforceable, but had to settle for a permanent commission of inquiry, the Waitangi Tribunal, where Māori could file a claim if they believed governments had breached the 'principles' of both te Tiriti and the Crown's English version either through 'law, policy, act or omission'.

The Treaty of Waitangi Act 1975 created the Tribunal to investigate claims of breaches from 1975 onwards ('current breaches'), taking into account both texts and not creating a further grievance in its attempts to right others.

In 1985 the Act was amended to allow claims dating back to 1840 ('historic breaches'). The Tribunal is a specialist court in the Crown's justice system, with up to 20 members recommended by the Minister for Māori Development.

In most cases, the Tribunal has the authority only to make recommendations to parliament; it has no power to enforce settlements or decide on the amounts of settlements.

*Members of the Waitangi Tribunal at Ōrākei Marae in 1985. Left: Chief Judge Edward Durie (Rangitāne, Ngāti Kauwhata, Ngāti Raukawa), Justice Paul Temm (Pākehā, 1931–1997) and Sir Graham Latimer (Ngāti Kahu, Pākehā, 1926–2016). Photo, Gil Hanly.*



In some limited instances, the Tribunal has the power to make binding recommendations for the return of certain lands to Māori ownership, but it has done so only once – in 1998 in relation to the Tūrangi township claim.

Claimants can bypass the Tribunal and negotiate directly with the Office of Treaty Settlements, or can use Tribunal reports in later negotiations with the government. Parliament has final approval of legislation to enact a 'settlement'.



Over the past five decades, issues considered by the Tribunal have ranged from detailed accounts of land theft to examinations of intellectual property rights.

It has revealed deep inequities in health and education, and forced the rethinking of fisheries and environmental regulations. In the 1980s it significantly ruled on the government's duty to protect te reo Māori, and state assets.

The Tribunal can also hear urgent current claims. It recommended on the various foreshore and seabed proposals, later renamed Marine and Coastal Areas Act, before the law was introduced, and on hapū rights to offshore minerals, but the government ignored the recommendations.

The Tribunal has heard a record number of urgent claims about proposed policies of the 2023 coalition government, including the abolition of Te Aka Whai Ora, the Māori Health Authority; the removal of guarantees for Māori children in the Oranga Tamariki Act; the removal of Māori constituencies on local councils; the removal of te reo in government departments; the bill attempting to redefine 'Treaty principles'; and the bill to standardise clauses on 'principles' in 19 different Acts.

*Tracy Hillier, front left, of Ngāi Tamahaua, was one of hundreds of wāhine who gave evidence of discrimination at the Mana Wāhine Kaupapa Inquiry, Wai 2700.*

*She is pictured during Hearing 4, with other members of her hapū; her wife Kayreen Tapuke, Genevieve Ruwhiu Pupuke, Raiha Ruwhiu and whānau at Te Mānuka Tūtahi Marae, Whakatāne, in July 2022.*

*Her evidence focused on three tipuna wāhine: Muriwai, Ani Karere, and Te Ao Putaputa, as well as wāhine roles in leadership, economics, war, and healing. From the Waitangi Tribunal.*

## Kaupapa (thematic) inquiries

The Tribunal also holds kaupapa inquiries into nationally significant issues affecting all hapū, which are thematic and not specific to any district. Kaupapa topics currently being investigated include:

- mana wāhine
- health services and outcomes
- housing policy and services
- justice system
- military veterans
- climate change
- national freshwater and geothermal resources
- constitution, self-government, and the electoral system
- education services and outcomes
- social services and social development
- economic development
- identity and culture
- natural resources and environmental management
- citizenship rights and equality.

In 2025 the government began a review of the Waitangi Tribunal; results had not been made public at the time of writing.

## D5 What has stopped the return of stolen land?

HONOURING te Tiriti would mean returning land and resources that were taken illegally.

This includes land sold under duress, for example to pay debts for food and accommodation while waiting for a case to come before the Māori Land Court, or land sold or seized in lieu of unpaid rates.

It also includes land that was confiscated by the government (raupatu lands) because of Māori resistance to colonisation.



A large part of every historical claims inquiry concerns lands the Crown says were ‘sold voluntarily and for an agreed price’, but were actually taken in ways that were flagrant breaches of te Tiriti.

The Crown was formerly able to return its interest in freehold land to Māori title, or to buy land owned privately for redress purposes.

However, an amendment in 1993 sought by a Dargaville farmer and anti-Tiriti activists from Hobson’s Pledge, prohibited the Tribunal investigating any land in private ownership.

Ongoing Crown sales of state assets and ‘surplus’ lands has continually eroded the amount of land available for return. These sales have included land under claim.

Many such sales in the 1990s were approved by a ‘Cabinet Committee on Treaty of Waitangi Issues’, with no appeal process for hapū claimants who had stated their interest in these properties.

More recently, hapū repossessed or occupied land at Whenuakite (Coromandel) and Rangiputa (Te Tai Tokerau) that should have been set aside for return, following Landcorp’s decision to sell.

These repossessions led to a review of the sale of Crown land in 2007. Land under claim, however, is still being sold or developed by local councils.

Claims that have been ‘settled’ to date have featured different land being substituted for some of the land taken, cash, apologies, specific agreements on protection of sacred places, and rights to participate in land management decisions and other policy as a directly affected party.

## D6 What other problems are there with the ‘settlement’ process?

### *Crown control of the whole process*

EVERY step of the ‘settlement’ process is set by the government, including “determining who holds the mandate to negotiate, the negotiations process, how deeds of settlement are written, how the claimant community ratifies the deed and how legislation for the settlement is written” (Mutu, 2018, p214).

Professor Mutu is a claimant and chief negotiator for Ngāti Kahu; this outline draws on her 2018 summary of early results from a research project she leads, which interviewed 150 claimants and their negotiators across the country between 2015 and 2017.

### *Setting arbitrary claim deadlines*

In 2006, parliament ruled that all ‘historical’ claims – arbitrarily defined as relating to breaches before 1 September 1992 – had to be lodged with the Tribunal by September 2008. Claims arising from breaches after 1993 can still be lodged with the Tribunal.

### *Determining who the Crown will negotiate with*

Since 1999, the government policy was to negotiate ‘settlements’ only with iwi, when it was hapū leaders who signed te Tiriti. This divisive policy has trampled on traditional relationships between and among hapū, and created new breaches.

Almost all negotiators interviewed by Mutu’s group said that the conflict and divisions this insistence created in claimant groups “are the most distressing and harmful aspect. Many consider it will take several generations to repair the damage” (p214).

*Many claimants consider it will take several generations to repair the conflict and divisions that [the Crown’s] insistence [on refusing to negotiate with hapu] created in claimant groups.*

*This information can be used to counter statements that potential or actual Māori control of resources is a threat to non-Māori, part of the Maori Resources theme. See Appendix 4.*

*SEE ADD for how the 1994 fiscal envelope policy still limits compensation.*



Several claimant groups have protested this rigid policy in numerous contemporary claims to the Tribunal and to the courts.

### **Determining iwi settlement structures**

The Crown forces claimant groups to restructure their organisations along legislated and corporate lines before it will finalise any ‘settlement’; hapū and iwi cannot choose how they want to organise themselves.

### **Confidentiality**

The Crown forces confidentiality on negotiators, in contrast to the openness of marae negotiating processes, creating conflict within claimant groups.

### **Postal voting**

The Crown insists that iwi members vote by post to ratify ‘settlement’ deeds, instead of the open gatherings that Māori use for any major issue.

The Crown then ignores low numbers of votes returned, when in Māori terms such refusal to participate indicates significant opposition.

### **Historical accounts**

The history of breaches in ‘settlement’ deeds often misrepresent Crown atrocities against the claimants, because public servants refuse to include mention of the many illegal or unlawful acts by the Crown or its agents.

### **Writing the ‘settlement’ deed**

Claimants are not allowed to write their own deeds; the Crown’s “Deeds of settlement are lengthy, dense, legal documents which obscure numerous undisclosed conditions imposed by public servants” (p215).

### **Routinely failing to do what it promised in ‘settlement’ deeds**

“Many public organisations do not properly plan (how they will meet their commitments in settlements), nor do they prioritise sufficient resources to do so. Many do not have effective processes for monitoring whether they are meeting their commitments” (Controller and Auditor General, 2025; *see 2025 Breaches, p100*).

Radio NZ summarised: “every public agency audited had difficulties meeting at least some of their Treaty settlement obligations to iwi and hapū” (Brett Kelly, 2025).

### **Dictating not negotiating**

“Negotiators report that there is no negotiation, the Crown dictates”, (Mutu, p214). As a result of these breaches, groups in Muriwhenua, Turanga and Wairarapa have sought the direct return of stolen land using the Tribunal’s ability to make recommendations binding the government (Hauraki, 2023), which the government vehemently opposes.

### **Crown extinguishing claimants’ rights**

When claimants wanted the Crown to adhere to te Tiriti in negotiations,

**Ngāpuhi Speaks**, published in 2012 by Te Kāwariki and Network Waitangi Whangārei, is an independent account of a Tiriti claim commissioned by Ngāpuhi kaumatua. Most other historical accounts of claims are controlled and written by Crown agencies. E-books \$20 or print copies \$30 from NWW.

Tomairangi Mareikura, below left, chairwoman of the post-settlement governance entity Te Tōtarahoe o Paerangi for Ruapehu iwi Ngāti Rangī, with representatives of 11 government agencies in March 2026.

They had signed the terms of reference for a relationships framework, Te Kōpae, developed by the iwi eight years after their Tiriti settlement, to hold those agencies accountable for their ‘settlement’ commitments.

The initiative followed a 2025 Auditor General’s report showing that every audited government agency had difficulty delivering their ‘settlement’ commitments.

Photo, Moana Ellis, Whanganui Chronicle.



public officials insisted that instead it is the Doctrine of Discovery that applies.

They told negotiators it is a legal requirement of all 'settlements' to identify all the claimant group's Tiriti and legal rights and remove them by legal extinguishment, and that this cannot be discussed (p215).

Many claimants and negotiators said this requirement was never mentioned in negotiations, and were unaware of the extent of rights extinguished in their 'settlement' legislation.

At the start of a negotiation, public officials include all claims for the geographic area of a claimant group, regardless of whether they are by others not part of that group.

Without consulting those other claimants, "they then write legislation which annihilates every claim and prevents claimants from ever pursuing them again" (p215).

As the 'settlement' process is conducted by public officials without a legal framework, legal action by these disenfranchised claimants against this process has failed many times (Vertongen, 2012).

Public officials exploit the massive power difference between the Crown's resources and the poverty of dispossessed claimant groups, often imposing agreement by manipulating the process to create financial difficulties for claimants (Tuuta, 2003).

Negotiators frequently said they were bullied by public officials, and 'settled' "under duress" (Mutu, 2018, p215).

### ***Not fair, not full, not final***

Despite government rhetoric about 'settlements' being full and final, and restoring the honour of the Crown, officials act dishonourably.

The government requires that Waitangi Tribunal judgements create no further Tiriti breaches, but does not meet its own standard, as the 'settlement' process is a

breach in itself, with uneven and unequal results for different claimant groups.

Negotiations and 'settlement' laws ignore the cause of past and present Tiriti breaches, which is the consistent and ongoing colonising actions of governments.

"The attitudes and behaviour of governments which led to the breaches simply carry on as if nothing has changed" (Mutu, p214). "None of the claimants and negotiators [interviewed by Mutu's team] considered that the government had acted honourably" (p217).

Despite this, more than 80 claimant groups have pragmatically decided to make the best of this unjust process and the tiny returns offered, expecting broader decolonising change in the long-term.

Lawyer Tara Hauraki says (2023, par 16): "For Māori, the Crown's historic failure to uphold its commitments has only ever been one aspect of [claims]. Māori have always seen a more relationship-based future for the Treaty."

She calls iwi and hapū navigation of Tiriti issues "a testament to their endurance –

*Te Arikunui Dame Te Atairangikaahu (1931–2006), iwi and Kiingitanga leader, signs the 'settlement' deed in 1995 for the Raupatu, the wrongful confiscation of more than 1 million acres of Waikato-Tainui land in the 1860s, with Prime Minister Jim Bolger. They are watched by Ngaati Tipa kuia Rangihinemutu Rawiri. Photo: Tai Moana, Waikato-Tainui Treaty settlement story, Te Tai.*





*Land in the East Coast and Taranaki is among 26,000 hectares of Māori-owned farms, residential housing, public reserves and other land still trapped in perpetual leases around Aotearoa. The law enabling this clearly discriminates against Māori and is still in force. Screenshot from Mata Reports: Fleeced (Aotearoa Media Collective, May 2024).*

reflecting an ongoing struggle for proper recognition but also a great capacity for adaptation and a propensity for turning adversity into accomplishment” (par 18).

Despite what governments say, the current raft of ‘settlements’ are not final; Mutu and others say they will be relitigated, just as past so-called ‘full and final’ settlements have been.



*This information can be used to counter statements that Māori are somehow privileged by Tiriti ‘settlements’. See Appendix 4.*

## **D7 What ongoing effects do hapū face over the loss of lands?**

HAPŪ values about land use, economic activity, and the relationship between human beings and nature, are often different from tauīwi. Hapū reasons for wanting land returned include spiritual and ancestral connections as well as economic need.

Hapū used their land for commercial agriculture for years before 1840. They were forced off the bulk of their productive land through confiscations, illegal

land deals and discriminatory legislation.

The legal principle that land taken under various Public Works Acts be offered back to the original owners when no longer required was not applied to hapū land; nor were they given compensation for land taken in this way.

Until recently, hapū which retained land were unable to receive developmental and rural grants available to tauīwi farmers.

The imposition of colonial rule dealt severe harm to hapū, with few benefits. It systematically and deliberately destroyed their independent and successful economies by enforcing the British system of individual property title.

Even now it is difficult to obtain finance for development on collectively-owned land, and most banks will not lend mortgages for housing on hapū land. One of the official criteria for private finance is to hold individual title.

The task of first tracing, and then gaining the approval of many different shareholders (often hundreds) for a project, also makes development difficult.

Much of the land that hapū and iwi retain is marginally farmable, the most agriculturally productive land having already been taken.

Tauīwi, rather than hapū, have reaped the profits from the use of stolen land. Tauīwi soldiers returning from the world wars were given hapū and other land to farm and offered state advances loans to develop it, but Māori soldiers were not.

From a total of 66 million acres, only about four million acres remain in collective Māori ownership.

Governments used laws, war and theft to obtain 95 percent of the country, and the resulting poverty, combined with racist systems, created the current gaps between Māori and tauīwi in health, housing, employment, educational achievement, income, prison incarceration, wealth and land holdings.

*“It is interesting to speculate on what the social and economic status of rural New Zealand would be today if all land owners had been cursed with the system imposed upon Māori land.*

*New Zealanders of European descent might have been poorly reflected in statistics if they found themselves in the same position.”*

*Former Minister of Māori Affairs, Doug Kidd, NZ Herald, April 20, 1993.*

Many hapū who managed to retain some land are still locked into government-imposed, long-term or perpetual land leases to others, at peppercorn rentals that make it impossible for them to use or benefit from their land.

 This information can be used to counter statements that Māori are somehow privileged from control of land. See Appendix 4.

 SEE ADD for the ongoing effects of institutionally racist systems.

## D8 Why are the Crown's 'principles' a breach of te Tiriti?

THE concept of 'Treaty principles' originally arose from Māori references to the wairua (spirit) and mana (authority) of te Tiriti, when there was little public talk about the reo Māori text.

When the legislation to establish the Waitangi Tribunal was before parliament in 1974, initiating MP Matiu Rata referred to such concepts to bypass the Crown's refusal to acknowledge the actual text.

The result was that the Tribunal has to consider both texts in deciding if Crown actions were 'inconsistent with the principles of the Treaty'.

The use of 'principles' tried to reconcile te tino rangatiratanga guaranteed to hapū, with the Crown's assertion that its sovereignty was absolute and excluded any other authority.

Such 'principles' are a very weakened version of the clear promises in te Tiriti. They are an attempt by governments to try to ignore the primacy and clarity of the reo Māori text.

Claimants have consistently said that the articles of te Tiriti o Waitangi that their ancestors signed speak for themselves, and that there is no need to create 'principles'.

Many different sets of 'principles' – all originating from non-Māori institutions – have been developed. Influential examples include:

- The Waitangi Tribunal, developed in a series of key reports (1980s-90s):



Partnership, Tribal Rangatiratanga, Active protection, Mutual benefit, Consultation.

→ Court of Appeal (1987): Honour, Good faith, Reasonable actions, Partnership.

→ Royal Commission on Social Policy (1988): Partnership, Participation, Protection.

→ Labour government (1989): Kāwanatanga, Rangatiratanga, Equality, Co-operation, Redress (Hayward, 2023).

Judges have identified whether and how 'Treaty principles' apply in cases covered by the many laws which include them. These judicial decisions created binding precedents, with major consequences for local and central government.

Legal expert Carwyn Jones (2024) has summarised common principles as partnership, active protection, redress, mutual benefit, options, and equity.

In 2023, the coalition government agreed to the ACT Party's policy to again re-write the 'principles', but would only support such a bill to its first reading in parliament. The Waitangi Tribunal held an urgent enquiry on the bill.

The Tribunal's August 2024 report called the proposed principles a fabrication and redefinition of the Treaty that conspicuously ignored the existence and rights of Māori, and the Crown's obligations. It found that the bill would breach existing principles and cause prejudice to Māori.

The ACT Party put its bill before parliament later in 2024, drawing 303,000 submissions, a record number – 90 percent of which were

*A mishmash of Treaty 'principles' constantly coined by Crown agencies. Adapted from The Spinoff (de Silva, 2024).*



opposed – and prompting the largest hīkoi in NZ history, Toitū te Tiriti, to march on parliament in protest. The Bill did not pass its second reading and was defeated in 2025.

## D9 What are the problems with having a referendum about te Tiriti?

A NON-BINDING referendum indicates public opinion on an issue. A binding referendum requires implementation. Referenda rely on a majority vote and fail to protect the rights of any minority. Further, a referendum held only by one party to te Tiriti (the Crown) cannot unilaterally decide how it is applied.

As in legislation about Māori wards in local government, a referendum is not an appropriate vehicle for an issue with which most of the population has not engaged, and about which they are therefore uninformed. It would reduce complex legal, social, political, and constitutional issues to a ‘yes or no’ proposition, likely to produce much more heat than light.

By fear-mongering over a range of issues relating to Māori participation and visibility in public life, the coalition parties elected in 2023 have created an environment in which it is impossible to have a good faith public conversation about te Tiriti.

Any future referendum based on similar misinformation would be divisive as well as unhelpful. Only 400,000 signatures are needed to petition a referendum on any topic, but the result is not always binding on successive governments.

Although the Treaty Principles Bill (which included a referendum) was defeated, the government still sidelined the Tiriti relationship by unilaterally planning to review, remove or replace all references to ‘Treaty principles’ in laws, and to review the Waitangi Tribunal.

It passed the Regulatory Standards Act that prioritises individual property rights over

public good outcomes; and enacted many other discriminatory policies. The ACT Party continues to advocate for a referendum on the principles of Te Tiriti.



*Kaumātua Huirangi Waikerepuru (Taranaki, Ngāpuhi, 1929–2020) who'd long fought for a Māori TV channel, speaking at the launch of Whakaata Māori, Māori Television, in 2004. He was later appointed Kaumātua of the channel's advisory council of elders. Photo, Whakaata Māori.*



*The Matariki (Pleiades) star cluster that signals the beginning of a new year in late June or early July in the Māori lunar calendar. It includes nine whetū (stars) visible to the unaided eye, each associated with an aspect of wellbeing and the environment.*

*After a long campaign, on 24 June 2022 Matariki was celebrated as the first Indigenous national public holiday in the world. Photo, Fraser Gunn, Science Learning Hub.*



*An iconic banner made in the 1990s, at a stall at a Tukua o Punga (Tikipunga) Festival at Ōtuihau Falls, Whangārei. Photo by NWW.*

## **E Commitment**

**E1** Te Tiriti is sometimes called a covenant. What does that mean? 46

**E2** What makes te Tiriti still relevant today? 46

**E3** How does te Tiriti apply given population changes? 47

**E4** How does te Tiriti move us to national unity? 48



## E1 Te Tiriti is sometimes called a covenant. What does that mean?

A COVENANT describes a relationship that is spiritually and morally binding – a commitment or promise. For some Christians, te Tiriti is seen in the same way; it was described by Tribunal member Bishop Manuhuia Bennett to the Waitangi Tribunal in its *Tē Roroa Report* (1992, p30), as “the promises of two peoples to

take the best possible care they can of each other”.

Many New Zealanders regard He Wakaputanga and te Tiriti as sacred, and as the country’s foundational, constitutional documents.

Te Tiriti is seen as a living document with a much wider context. Many

Māori are concerned about it being taken into the narrow Pākehā legal framework, where its spiritual and morally binding nature can be undermined.

However, even in Western law, contracts remain active unless an expiry date is included, or until both parties agree to changes.

## E2 What makes te Tiriti still relevant today?

TE TIRITI was and is fundamental to enabling those without Māori ancestors to live here. It remains relevant because honouring it is a path to integrity for tangata Tiriti, and unity between tangata whenua and tauwi.

Had te Tiriti been honoured from the time it was signed, this country would now be a very different place. It is said that while Māori never forgot about the ravages of colonisation, most tauwi were never told and so never knew.

During the past 50 years, tauwi have been challenged to view our colonial history from a hapū perspective, and to re-examine the idea that New Zealand had ‘the best race relations in the world’.

Some tauwi are fearful of this change in perception, wrongly believing that they may incur personal losses. Others are working to honour te Tiriti in positive ways, believing that it is the putting right of injustices that will bring a unified future.

Many organisations that have committed to foster practical Tiriti-based relationships – changing their constitutions to reflect a partnership – have found both Māori and tauwi have gained from the process.

Many submissions against the 2024 Principles of the Treaty of Waitangi Bill came from tauwi who hope for a decolonised, re-indigenised, future that works for everyone and is based on a functional and flourishing Tiriti relationship.

In the 1987 Māori Council court case against the Crown (about the impact of the State Owned Enterprises Act 1986 on claimed land), the five Pākehā Court of Appeal judges talked for the first time about positive approaches to te Tiriti.

The court said the Crown and hapū entered into a solemn commitment based on justice and the recognition of hapū as the prior inhabitants of this country.

The Waitangi Tribunal has had a key role in applying te Tiriti. In the 1988 Muriwhenua Fishing Report, the Tribunal spoke of the practical application of te Tiriti for the



Graphic by [Vanessa of Veas Tees](#)

modern world: “Any impracticality today results not from the Treaty, but from our failure to heed its terms. The important point is that there was, and still is, room for an agreement to be made.”

The legal reality in Aotearoa is that all public institutions who draw funding from the Crown and operate under Crown legislation, carry enduring Tiriti responsibilities unless it is explicitly stated that they do not (Ngata, 2026). This has been reaffirmed through the courts multiple times, including:

- NZ Māori Council v Attorney-General (1987)
- Huakina Development Trust v Waikato Valley Authority (1987)
- NZ Māori Council v Attorney-General (Broadcasting Assets 1994)
- Attorney-General v Ngāti Apa (2003).



*This information can be used to counter statements against te Tiriti. See Appendix 4.*

## E3 How does te Tiriti apply given population changes?

THE rights and responsibilities of each party to te Tiriti – to cultural autonomy within, and peaceful relations between, their spheres of power – remain the same, regardless of their respective populations.

Te tino rangatiratanga and governorship already co-exist – regardless of European ideas that democracy means a majority of 51 percent, and that sovereignty is indivisible.

Te Tiriti ensures that ‘the tyranny of the majority’ is overcome by guaranteeing each party’s rights, regardless of numerical distribution.

When te Tiriti was originally signed, tribal members outnumbered settlers by at least 100 to one, but today Māori are the numerical minority. Projected demographic changes, however, show that people of European descent will again



**Banner by Network Waitangi Ōtautahi.**

become a minority ethnic group.

Today, honouring that relationship between the parties, regardless of numbers, has implications for all of society, government departments, parliamentary systems, voluntary and community organisations, families, businesses and individuals.

Many non-government organisations, including many churches, have changed their decision-making processes to reflect a Tiriti-based arrangement.

Within existing government itself, Māori electorates allow for Māori voices in parliament; and Māori wards can allow for Māori individuals to be represented in local government.

These provisions are a tool in the same way that affirmative action, such as reserved places for women, led to a more diverse medical workforce. They ensure at least some Māori representation (*see G2*).

Justice requires equity – successful outcomes across different groups in society, with success being defined by the group concerned – not just equality of opportunity for individuals to succeed, based on the assumption that everyone is equal at the start.



*This information can be used to counter statements against te Tiriti. See Appendix 4.*



## E4 How does te Tiriti move us to national unity?

WE began as two peoples, agreeing to share one country for our mutual benefit.

Linguists translate Hobson's alleged comment after the signing – 'He iwi tatou katoa' – to mean 'we are peoples together', a phrase about unity in difference. "Just as strands in a cloak ... remain distinct after they are brought together" (Salmond, 2021).

However, the phrase was not recorded at the time, only surfacing 50 years later in Colenso's memoirs, which casts some doubt on its accuracy. The anti-Tiriti Hobson's Pledge lobby group says, mistakenly, that it means 'we are now one people'.

Calls for us to be 'one people' need to be challenged, as this almost always means 'Māori should stop asserting Indigenous rights, be like us, and speak our language'.

### Māori unity

Hapū, iwi and urban Māori organisations have been consistent and united in their support of te Tiriti and their mana motuhake (independence, self-

determination), and in their opposition to ongoing government breaches.

This unity includes those whose ancestors did not sign. Examples of this since 1990, include the following:

- The support provided by iwi from across the country in 1990 for the founding of the National Māori Congress, which stood for mana motuhake.
- United iwi opposition at hui in 1995-96 against the government's plan to limit the budget for settling te Tiriti breaches to \$1 billion (the 'fiscal envelope').
- The 2004 Foreshore and Seabed Hikoi from Te Tai Tokerau to parliament united more than 50,000 people.
- The National Iwi Chairs Forum, which brings together 71 iwi.
- The occupation of disputed land at Ihumātao was widely supported over three years.
- In January 2024 the late Kiingi Tuuheitia of Waikato-Tainui called a hui attended by an estimated 10,000 people from all over the country at Tuurangawaewae Marae, to oppose the

*The differences between reality, equality, equity and liberation.*

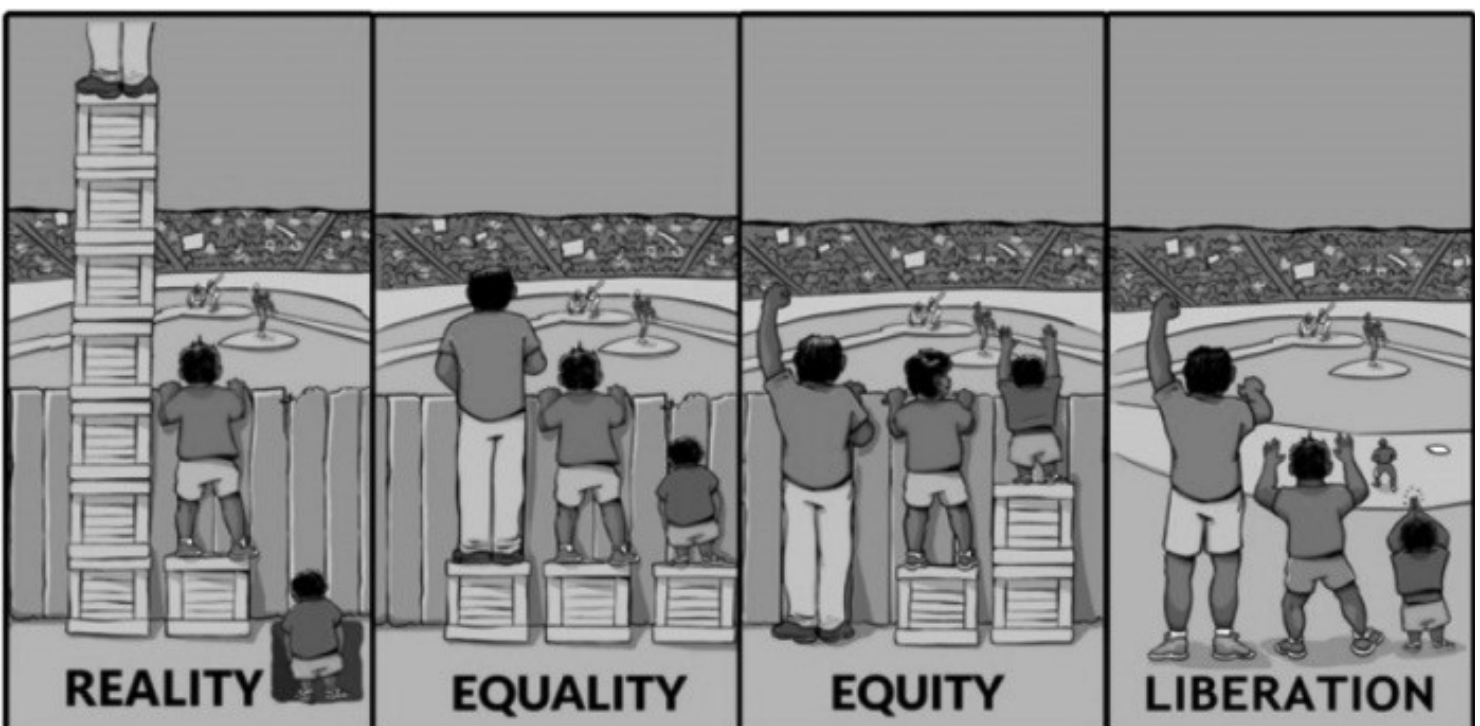
*In our current reality, some people receive way more than they need, while others get way less, reflected in huge social disparities.*

*Equal treatment for people in these different social situations does not demolish these disparities.*

*When everyone gets the support they need, equity is created, but systemic barriers remain.*

*Only the removal of these systemic barriers deals with the causes of ongoing inequities.*

*Original image by Angus Maguire, Interaction Institute for Social Change, USA; it has been much adapted.*



National coalition government's anti-Māori actions. This latest Kotahitanga movement continues working towards Māori-run fiscal and other alternatives to assimilation.

→ The Toitū te Tiriti hikoi moved to parliament late in 2024, from Cape Rēinga in the north and from Te Waipounamu in the south, uniting a critical mass of people in opposition to the ACT Party's bill to impose new Tiriti principles that would remove Indigenous rights not enshrined in previous settlements.



*T-shirt produced in 2006 by the Waikato Anti-Racism Coalition.*

compensation for all Tiriti claims.

Until these injustices are faced and rectified, it is likely that disparities will remain and calls to honour te Tiriti will continue.

Judge Eddie Durie said at Waitangi in 1989: “We must not forget that the treaty is not just a bill of rights for Māori ... we

*must remember that if we are the tangata whenua, the original people, then the Pākehā are tangata Tiriti, those who belong to the land by right of that treaty.”* Te Tiriti is also a bill of rights for tauwiwi.

This information can be used to counter statements that “New Zealanders” are a single people who should all be treated the same, part of the One People theme. See Appendix 4.

SEE H2 for examples of Tauwiwi unity on te Tiriti since 2000.

## Healing divisions over te Tiriti

Divisions began soon after te Tiriti was signed. It is the dishonouring of te Tiriti, through the Crown's continuing abuses, that creates the divisions in our society – not the agreement itself.

Governments have tried various, so far largely unsuccessful, policies to reduce socio-economic differences between tangata whenua and Pākehā after it became apparent that assimilation policies failed to do so. Many of these policies have been discontinued since 2023.

However, governments have been unwilling to address causes of inequality through meaningful compensation for losses, or changes in decision-making processes.

For example, in 2010, the government paid \$1.6 billion to bail out the locally-owned South Canterbury Finance company, twice the total earmarked in 1992 for



*Te Whanganui-a-Tara awash: Banner in the nine-day Hikoi mō te Tiriti from Cape Reinga to parliament, protesting the Treaty Principles Bill, in November 2024. Photo, Denis Came Friar.*



ASIANS SUPPORTING  
TINO RANGATIRATANGA



# F Tau iwi



*Moana Jackson, centre back, with members of Asians Supporting Tino Rangatiratanga at a 2019 hui. ASTR is one of several tau iwi of colour groups supporting te Tiriti. The original ASTR banner was taken to Waitangi in 2010, and the organisation formally started in Tāmaki Makaurau in 2016, Te Whanganui-a-Tara in 2018, and Ōtepoti (Dunedin) in 2022. It aims to tautoko (support) Māori-led movements, campaigns, and initiatives for tino rangatiratanga and mana motuhake; educate Asian communities with Tiriti workshops and translations; and provide social support for Asian activists.*

**F1 How does te Tiriti relate to Pākehā and other non-Māori? 51**

**F2 What about government racism towards other peoples? 53**

**F3 How do Māori culture and rights benefit all New Zealanders? 54**

*Related topics in A Deeper Dive online,  
<https://networkwaitangiwhangarei.org.nz/books-clothing/>*

*18 Was hapū language and culture protected as promised?*

*19 What are the meanings of tangata Tiriti?*

*References*



# F1 How does te Tiriti relate to Pākehā and other non-Māori?

FROM the preamble of te Tiriti: “Let the Rangatira agree to the Kāwanatanga (governorship – the delegated duty to govern Pākehā and other non-Māori) of the Queen over all parts of this land and its islands. This is to be done because a great number of her people have settled in this country, and others will come.”

Te Tiriti allowed for British people and others to come to this country, but it has been settler governments alone – rather than agreement between rangatira and NZ governments, or rangatira and other countries – that have made decisions about who can come here, from where, and under what conditions they will gain residency and citizenship. These policies have favoured British and other White groups in preference to tauwi of colour, through decades of racist policy. Government control of immigration since 1852 is itself a breach of te Tiriti.

## Pākehā

In 1840 ‘Pākehā’ was a respectful term for all tauwi. The word had no negative connotations, and was used by the missionaries in te Tiriti to describe all people who were not Māori. It is sometimes translated as ‘people of a different breath’.

Pākehā described themselves as British until the NZ government gained political independence from Britain in 1947. The culture which has evolved from the original descendants of British immigrants in relation to this country and its people, is now a unique identity that also draws on diverse cultural origins.



All Pākehā rights to be here are derived from te Tiriti: the rights Pākehā were promised have been honoured, but the rights that Māori were guaranteed have not.

## Tauwi

The word tauwi is now often used by people of colour to differentiate themselves from New Zealanders of European origin. These tauwi often carry painful experiences of colonisation by European nations from their own communities of origin.

People of colour are now sometimes called the global majority, reflecting the fact that Indigenous, Black, African, Asian, Latin American, dual-heritage, and other peoples racialised as ‘ethnic minorities’ make up 85 percent of the world's population (Campbell-Stephens, 2021).

Different ethnic groups have always forged relationships with Māori independently of the government. If not for Pākehā colonial dominance, these

*Flying Geese is an Ōtautahi-based leadership training organisation that uses ancient Pasifika knowledge from star navigation and ocean voyaging in courses such as Wayfinding for Treaty Partnership.*

*The diagram, by Faumuina Felolini Maria Tafuna'i, was originally created for the Edmund Hillary Fellowship, and expresses Habit 3 of the 17 Habits of a Valued Treaty Partner.*

groups could have formalised political relationships with te Wakaminenga from the outset.

The Crown's failure to provide effective redress for historical breaches of te Tiriti, and to strengthen its relationship with contemporary Māori, can damage relationships between Māori and tauwi, and relationships between tauwi of colour and Pākehā.

## Tagata Moana

Tagata moana, Pasifika peoples, sometimes identify as tuākana, tūpuna, or elder relations, of Māori. Some also acknowledge their immigration here stems from the authority of the British Crown, and therefore can also identify as tagata Tiriti.

There are complex and oppressive colonial relationships between particular Pasifika

nations and the British Crown, and with NZ governments. Early NZ politicians promoted the country's imperial role ruling a future Pacific empire (NZ History, 2016).

In 1901, New Zealand annexed Niue and the Cook Islands, and Tokelau in 1925. It captured German Samoa in 1914, and remains infamous for the Black Saturday massacre on 28 December 1929, when NZ military police fired on an unarmed Mau independence parade in Apia, killing eight Samoans including leader Tupua Tamasese Lealofi III.

Western Samoa finally won independence in 1962; Tokelau remains a dependent NZ territory, while Niue and the Cook Islands are self-governing 'in association' with New Zealand.

Tāmaki activists, the Polynesian Panthers, aligned with the Māori independence movement from the 1970s. The relationship led to the Nuclear-Free and Independent Aotearoa campaigns against nuclear testing in the Pacific. Activism on climate change and anti-racism continues these alliances between Pasifika nations, iwi Māori, and tauwi efforts, among other campaigns in common.

## What is a New Zealander now?

As diversity in immigration creates an increasingly multi-ethnic nation, some people may find it more helpful to describe themselves as being from a particular culture, for example, as a Chinese, Korean, Dutch, Pākehā, Dalmatian, Samoan, or Tongan New Zealander.

These groups have their own history and stories to tell of what it is to be shaped by their culture, or combination of cultures, in relationship to Māori, both outside and within this South Pacific country.

A Tiriti-based approach requires more than provision of equal opportunity in a White system. A Tiriti-based, multi-

Table by Dr Harpreet Singh, who has written often on Substack about Tiriti relationships between migrant communities and tangata whenua.

## Systemic Disadvantage: Māori & Pacific Outcomes Lag Across NZ

DRHSINGHNZ.SUBSTACK.COM

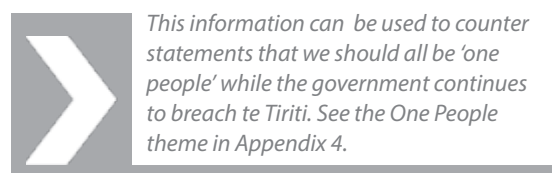
| Area               | What it means            | Group with lowest outcomes             |
|--------------------|--------------------------|----------------------------------------|
| Wealth             | Total assets / savings   | Māori & Pacific                        |
| Income             | Earnings                 | Māori & Pacific                        |
| Jobs               | Employment levels        | Māori & Pacific                        |
| Unemployment       | People without jobs      | Māori & Pacific — highest unemployment |
| School achievement | Passing NCEA             | Māori lowest; Pacific close behind     |
| Higher education   | Degrees & qualifications | Māori & Pacific                        |
| Home ownership     | Owning a home            | Māori & Pacific                        |
| Housing quality    | Overcrowding             | Pacific worst; then Māori              |
| Health             | Life expectancy          | Māori lowest; then Pacific             |
| Overall wellbeing  | Combined outcomes        | Māori & Pacific                        |

**Key takeaway:** Māori and Pacific peoples consistently experience the lowest outcomes across wealth, income, education, housing, and health in New Zealand, reflecting long-standing structural and historical disadvantage.

cultural future is one where Māori culture is valued, Māori political, social and economic institutions are flourishing, and the needs of Māori are prioritised – while others' rights to cultural expression are also preserved and enhanced.

Where Māori have been resourced to create their own systems, tauiwi benefit from being part of diverse and progressive organisations. The process also makes it easier for tauiwi to further change institutions that will benefit their own members.

Organisations which have addressed te Tiriti in their structures and policies report positive results: “if it’s good for Māori, it’s good for everyone” (Bishop, 2012, @ 26min).



## F2 What about government racism towards other peoples?

TAUIWI of colour have been and still are the victims of racism and prejudice, along with Māori. Our society has been organised on a British belief system. Pākehā culture was first brought here in the age of empire, when England and other European states believed in their own intellectual, moral and cultural superiority.

Institutional racism means basing all processes and decisions on the norms and beliefs of a dominant culture – over-riding other worldviews and ways of operating. All other cultures and language groups, including Māori, suffer the effects of such racism – both institutional and personal.

| <b>Parallels of Racism toward Māori and Migrant Communities in NZ</b><br><small>DRHSINGHNZ.SUBSTACK.COM</small> |                                                                                              |                                                                                                   |                                                                           |
|-----------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------|
| Theme                                                                                                           | Māori communities                                                                            | Migrant communities                                                                               | Shared pattern                                                            |
| <b>Belonging</b>                                                                                                | Treated as a 'problem' when asserting tino rangatiratanga or Treaty rights.                  | Treated as outsiders who must constantly prove they belong.                                       | Racism questions who has the right to belong and participate fully.       |
| <b>Political scapegoating</b>                                                                                   | Māori rights and equity policies framed as 'special treatment.'                              | Migrants blamed for housing, jobs, crime, or cultural change.                                     | Structural problems are racialised and blamed on minority communities.    |
| <b>Culture and language</b>                                                                                     | Te reo, tikanga, and mātauranga Māori are sometimes dismissed or politicised.                | Accents, names, dress, food, religion, and languages can be pressured to disappear.               | Acceptance is often conditional on cultural invisibility or assimilation. |
| <b>Work and opportunity</b>                                                                                     | Face stereotypes, lower expectations, and barriers to leadership.                            | Face accent bias, non-recognition of underemployment, or exploitation.                            | Both may be valued for labour but excluded from power.                    |
| <b>Health and wellbeing</b>                                                                                     | Racism contributes to inequities in health, housing, education, and justice.                 | Racism affects mental health, settlement, trust, and access to services.                          | Racism causes material and psychological harm, not just offence.          |
| <b>Media narratives</b>                                                                                         | Māori advocacy framed as division, grievance, or separatism.                                 | Migration framed as pressure, threat, or social burden.                                           | Public narratives can normalise suspicion and resentment.                 |
| <b>Denial of racism</b>                                                                                         | Experiences dismissed as exaggeration or 'playing the race card.'                            | Experiences dismissed as misunderstanding or failure to integrate.                                | The burden of proof is placed on those experiencing racism.               |
| <b>Conditional celebration</b>                                                                                  | Māori culture celebrated in sport, tourism, and branding, while Māori authority is resisted. | Migrant food, festivals, and labour are welcomed, while migrant voice and rights may be resisted. | Culture is welcomed when decorative, resisted when political.             |
| <b>Institutional barriers</b>                                                                                   | Systems often fail to honour Te Tiriti or address structural inequity.                       | Systems may be hard to access because of language, visa status, unfamiliarity, or discrimination. | Institutions can reproduce inequality while appearing neutral.            |
| <b>Justice needed</b>                                                                                           | Honour Te Tiriti, protect tino rangatiratanga, and address colonisation-based inequities.    | Ensure fair work, safe settlement, representation, and protection from exploitation.              | Anti-racism must be both Tiriti-grounded and migrant-inclusive.           |

By Dr Harpreet Singh.

Pākehā people, organisations and MPs have scapegoated other immigrants for pre-existing economic problems; Pākehā did this to Chinese people in the 1800s, Dalmatian, Greek and Italian people in the early 1900s, Pasifika peoples in the 1960s and 70s, and more recently to immigrants from across Asia.

White racism and prejudice can indicate a deep-seated fear of difference and of losing privilege, which remains long after monetary prompts disappear.

Waldegrave & Coventry (1987, p67) say: “Pacific peoples were brought here largely because industry in the 1960s needed cheap labour. Today they are blamed for many of the ills of unemployment and



## OUTCOMES OF TE PĀTI MĀORI POLICIES FOR NON-MĀORI

DRHSINGHNZ.SUBSTACK.COM

| POLICY AREA                                                                                                      | OUTCOME FOR NON-MĀORI                                                                                                                                           |
|------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------|
|  Health                          | Lower-income households receive more affordable primary, dental and mental-health services, resulting in a healthier population and less pressure on hospitals. |
|  Housing                         | Additional public and affordable housing reduces homelessness, overcrowding and housing insecurity.                                                             |
|  Education                       | Students gain stronger knowledge of te reo Māori, mātauranga Māori and New Zealand history, alongside greater cultural understanding.                           |
|  Taxation                        | Low- and middle-income households retain more income and receive expanded public services, while wealthy individuals and major asset holders pay more tax.      |
|  Justice                         | Greater use of prevention, rehabilitation and community-based responses reduces imprisonment, repeat offending and pressure on prisons.                         |
|  Children and families           | Stronger family-led care reduces reliance on state intervention and improves stability for children and communities.                                            |
|  Disability                      | Improved accessibility standards and disability services increase participation, independence and dignity.                                                      |
|  Environment and food            | Cleaner waterways, stronger environmental protections and resilient local food systems improve public health and community wellbeing.                           |
|  Government and public authority | Māori exercise greater authority in designated areas, while non-Māori retain representation through general democratic institutions.                            |

**OVERALL OUTCOME** Non-Māori benefit from expanded public services, more affordable housing and healthcare, cleaner waterways, stronger communities, safer justice approaches and reduced poverty. The wider benefits include a healthier population, less pressure on emergency and crisis services, greater social stability and a fairer distribution of public resources.

Māori television and radio are accessible to all. Māori culture is internationally acclaimed as unique and valuable, and contributes substantially to national identity and the economy.

Marae have been places of refuge used by all in civil defence emergencies, despite not receiving local authority funding in the same way as

other community facilities.

However, adopting tikanga Māori concepts does not necessarily result in equitable outcomes. If tauwi ignore power dynamics, appropriation of Māori cultural ideas can become at best superficial, and at worst, forms of exploitation of te reo and mātauranga Māori.

Cabinet carries the responsibilities of the Crown. As the majority of voters, tauwi have the most influence in electing governments. Can tauwi voters fulfil our responsibility to protect Māori rights, rights that we all benefit from? What might an honourable form of kāwanatanga look like?

How could a more equitable decision-making arrangement with Māori be made that benefits all of us? In the meantime, can tauwi groups develop independent relationships with Māori organisations for mutual benefit, without co-opting or appropriating tikanga?

This information can be used to counter statements that Pākehā are the default community against which all other ethnic groups are measured, part of the Pākehā as the Norm theme; see Appendix 4.



SEE ADD for whether hapū language and culture were protected as promised; and the meanings of Tangata Tiriti.

By Dr Harpreet Singh, July 2026. Dr Singh writes: "Political debate [about Maori issues] often creates the impression that rights, resources and opportunities form a fixed pool, and that one group must lose before another can gain. That is not how a successful society works ... Policies that improve Maori outcomes ... produce benefits that reach far beyond Maori communities."

homelessness. We forget that as Pākehā, we are descended from migrants. How long do Pacific Islanders have to be here before they lose the [migrant] stigma? We forget, too, the relationships which have existed between the White New Zealand government and the peoples of the Pacific."

Dismantling institutional racism is the responsibility of institutions, organisations and communities, accountable to Māori, tagata Pasifika, and tauwi of colour.

### F3 How do Māori culture and rights benefit all New Zealanders?

THE assertion and practice of Tiriti rights benefit tauwi. For example, Māori exercising collective rights in the courts have prevented the loss of public resources to private or foreign ownership.

Kaitiaki, Māori environmental protectors, have been able to stop destructive development in some areas by asserting Tiriti rights and the rights of nature, using sections of the 1991 Resource Management Act.



*'Paper Road' by Sharon Murdoch, February 2023, Stuff Limited, used with permission.*

## **G Responses**

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*Related topics in A Deeper Dive online, <https://nwo.org.nz/resources/>:*

- 20 How did the Tino Rangatiratanga flag begin?*
- 21 What are prejudice awareness and cultural safety?*
- 22 Why are UN human rights bodies interested in te Tiriti?*
- 23 What is He Puapua and how does it relate to te Tiriti?*

*References*



# G1 What has been done to recognise and apply te Tiriti?

HAPŪ, iwi, and Māori organisations have consistently upheld te Tiriti in their work. However, many government actions to honour te Tiriti happened only in response to legal challenges to the High Court, the Court of Appeal, the Privy Council and now the Supreme Court.

For example, although te reo Māori was a threatened language, the government only

funded Māori television and radio stations after having been required to do so by a Privy Council ruling, in a case taken by the Māori Language Commission.

The *Puao-Te-Ata-Tu* report of the Ministerial Advisory Committee on a Maori Perspective for The Department of Social Welfare (1988) was rare in that it was sparked by an earlier report by a mostly tauwiwi group of departmental staff.

*Members of the Women's Anti-Racism Action Group (WARAG) in the Department of Social Welfare, authors of the landmark report, Institutional Racism in the Department of Social Welfare Tamaki Makaurau (Berridge & others, 1985), which led to major departmental changes.*

*All but one were Pākehā, and eight were lesbian, reflecting the strong representation of lesbians among Māori and tauwiwi anti-racism activists. From*

*back left: Paula Wallis with Allyson's daughter Genevieve, Heather McDowell and Tanya Cumberland; centre: Lainey Cowan (Ngāti Maniapoto, Ngāti Pou); front: Denise Berridge, Allyson Davys, and Judith Morgan (1944–2025). Absent: Anne Ruck (1948–2025) and Lysette Riley. Photo: Gil Hanly.*

The Waitangi Tribunal continues investigating historical and contemporary claims, recommending redress and ways to resolve breaches. Governments largely ignore these recommendations, particularly in contemporary or kaupapa enquiries.

Meanwhile, many NGOs have recognised te Tiriti in their structures, constitutions, and decision-making processes. Churches made early changes. In 1983 Te Hāhi Weteriana O Aotearoa / The Methodist Church of New Zealand committed to become a bicultural church, embedding its support of te Tiriti o Waitangi as a sacred covenant in its mission statement.

The Anglican Church changed its constitution in 1992 to create three tikanga (systems of governance) – Māori, Pākehā and Pasifika. Each tikanga has equal authority and they work in partnership. However, there is still a question about equitable sharing of resources – Māori dioceses lack funds and have few paid clergy (Lineham, 2024).

Among many other community groups, the National Collective of Independent Women's Refuges was an early adapter of parallel development, and Playcentre Aotearoa has continually developed its Tiriti partnership structure.

Community groups and organisations made changes more easily than government departments, but most departments have included some reference to 'the Treaty' at least in their mission statements and in some policies.

However, since 2023 even these developments have been threatened by government directives to remove te reo Māori and Tiriti principles in policy documents, action plans and contracts.

Sometimes token reforms leave outcomes largely unchanged, but other changes





*The DANCE process has been widely used by NGOs and Tiriti education organisations when talking about implementing te Tiriti.*

## G2 Why are there parliamentary seats for Māori?

HAPŪ had no representation in the first parliament, despite contributing most of the government's revenue through land sales and their international trade.

Initially, British rules from 1852 enabled voting only by adult, non-Chinese, male property owners with individual land titles. Three factors led to the creation of the Māori seats:

- ➔ Settler politicians feared and wanted to dilute the influence of potential Māori voters after the Māori Land Court began individualising Māori titles from 1864.
- ➔ The West Coast gold rush from 1864 tilted the number of parliamentary seats in favour of the South Island. Northern MPs wanted parliament to remain in Wellington, not move to Christchurch – Māori seats would tilt the balance back to the North Island.
- ➔ During the land wars, the government wanted to build Māori support and reduce armed opposition.

In 1867, northern MPs introduced a Bill offering four Māori seats, three in the North Island and one in the South; Māori voters could vote only for these seats.

This gave non-Māori voters an unfair advantage, because the number of Māori seats was not proportional to their population numbers (NZ History, 2024).

At the time there were 56,000 Māori and 171,000 tauwi – so in a house of 72 members, 14-16 would have been Māori. In 1996 the number of seats was increased to five under the Mixed Member Proportional system, and increased again in 2002 to seven seats.

result in progress toward better outcomes for Māori. 'By Māori for Māori' initiatives have been successful, especially in health, education, and news media.

But some changes have prompted a news and social media backlash, and governments have become wary of openly supporting Māori initiatives.

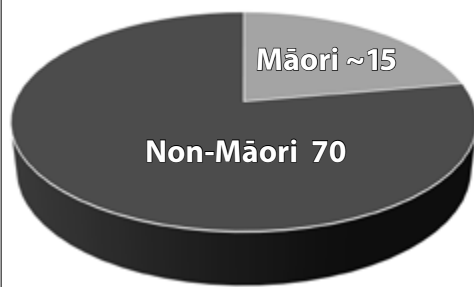
The abolition of Te Aka Whai Ora, the Māori Health Authority, in 2024 is a classic attack on an initiative which aimed to reduce disparities between Māori and tauwi health.

The quality of Tiriti education and NZ history in schools was historically variable, but in 2024 a newly developed history curriculum started to be taught throughout the country. It aimed to convey the assault of colonisation and its assimilation policies. However, this curriculum is being revised at the time of writing – some educationalists say 'white-washed' – and the mandatory requirement removed.

Despite this, since the 1990s tauwi have been more exposed to Māori realities, and able to experience aspects of Māori culture through Māori television and radio, and through wānanga. This helps lessen the fear of difference, although not necessarily Pākehā fears of losing control, or sense of superiority.



### 1867 Seats by voting population



### 1867 Seats allocated



(Data: Taonui, 2015)

From the beginning, Māori voters have been discriminated against, to boost Pākehā control, including the current number of Māori seats. Continuing this behaviour, the National coalition government's 2026 Electoral (District Boundaries) Amendment Bill will prevent an increase in the number of Māori seats in parliament until at least 2032, if the coalition is voted in (Dunlop, 2026).

The establishment of these Māori electorate seats in 1867 brought the first Māori MPs into parliament, which made a Māori perspective on each bill, budget and national event available to news media, including impacts on Tiriti rights.

Article 3 of te Tiriti provides for individual Māori representation within kāwanatanga, as an equal right with individual British subjects.

However, the Māori electoral roll, which enables *individual* tangata whenua to vote in Māori wards, constituencies

and electorates if they choose to, is a fundamentally different concept from the *collective* hapū–Crown relationship envisaged in te Tiriti.

While these seats are not what was promised in Article 2 of te Tiriti, they allow for an Indigenous worldview to be heard within the current system.

### What is the 'Māori Option'?

The Māori Option, introduced in 1975, allowed individual Māori to choose, once every five years, whether to be on the Māori electoral roll or the general roll. It has since been amended to allow Māori to change rolls at any time.

Since MMP there has been a push to get Māori to register on the Māori roll – the larger the roll, the more seats – as a way of increasing Māori voices in parliament. These efforts, however, can be stymied by increases in immigration that enable tauwi to continue to dominate electoral proportionality despite a growing Māori population.



THIS information can be used to counter statements that Māori are somehow privileged by having seven seats in a Parliament where tauwi make up the rest of the 120 MPs, part of the Privilege theme. See Appendix 4.

## G3 Do Māori wards in local government help Māori representation?

YES. In 2021, more than 40 councils initiated Māori wards, resulting in the highest-ever representation of Māori elected members in local government.

This followed the Labour government cancelling the ability of five percent of voters to trigger polls that enabled tauwi majorities to overturn established Māori wards.

Pākehā representation among local councillors has historically been much greater than their proportion of the population: 67 percent of the populace but 90 percent of councillors in 2006. Māori have been significantly under-represented in local bodies (Taonui, 2025).

This imbalance led to the Local Electoral Act 2001, requiring councils to consider 'fair and effective representation' of communities of interest, reviewed every six years. It resulted in the creation of some Māori and rural wards alongside existing general wards.

Only those on the Māori electoral roll could vote for Māori ward or constituency councillors, as only those living in rural areas could vote for rural ward councillors; neither of these groups could vote for general ward councillors. Regardless of ward, every councillor takes an oath to work for the best interests of the entire council area.

However, of the 24 Māori wards established between 2001 and 2021, only two survived community-initiated polls, and results were binding on local bodies for at least two elections. In 2024, the National-



Support for Māori wards in Whāingaroa (Raglan) in September 2025; photo from the Raglan Chronicle. More than 444,000 voters supported Māori wards in

referenda around the country, while approximately 257,000 opposed them – a difference of nearly 187,000 votes nationally.

also experience racism. This can make it difficult for Māori to succeed or receive the assistance they need, leading to unequal outcomes.

Separate or parallel development may happen within a sector, such as education, or within an organisation.

Independent, Māori-controlled development in sectors is a positive step to

led coalition government reinstated this majority veto on Māori wards, breaching te Tiriti (see Appendix 5, p99).

Fifty mayors and council chairs, two-thirds of local body leaders, rejected the coalition move, saying it “undermines the important contributions that Māori are making”, and arguing that they were not required to hold a similar referendum about rural wards (1News, May 2024).

The coalition government required 44 local bodies to either abolish their Māori wards or put their future to a public vote. In the local body elections of 2025, 24 Māori wards were removed for the 2028 and 2031 local elections, leaving 29 local bodies with 18 Māori wards or other structures for Māori representation.

Nationally, a total of 53.7 percent of voters chose to keep Māori wards, a significant shift in support over the past decade, leading to a prediction of 50 Māori wards by 2050 (Taonui, 2025).

self-determination and creating better outcomes for Māori.

This is completely opposite to South African apartheid, where the minority settler government enforced separation and poor living conditions on the majority Indigenous peoples.

Since British immigrants first took power, Māori have held to traditional knowledge, and created new initiatives, in resistance to the imposition of monocultural Pākehā assimilationist policies. Examples include:

→ Te Kīngitanga, founded in 1858 to unite Tainui hapū under a single sovereign to resist land theft. It had its own flag, councillors, magistrates, newspaper, bank, and law enforcement. There were no land sales, education was only in te reo, and alcohol was banned.

→ Te Pāremata Māori, the Māori Parliament, combined different Kotahitanga movements at Waitangi from 1892, and met annually until 1902, focusing on hapū concerns, particularly land rights. It was a powerful force for unity and representation.

→ In education, kōhanga reo, kura kaupapa, and wānanga (universities) were part of a movement in the late

## G4 What is separate or parallel development?

PĀKEHĀ institutional practices are often culturally inappropriate or discriminatory for Māori, and for tauwiwi of colour who





*A landmark signing on 5 May 2024, between Te Wānanga o Raukawa (TWoR) in Ōtaki on the Kāpiti Coast, and the Office of the Auditor General, reaffirmed the Wānanga status as a non-Crown entity.*

*Its governance and accountability is controlled by three founding iwi - Te Ātiawa ki Whakarongotai, Ngāti Raukawa ki te Tonga, and Ngāti Toa Rangatira.*

*The iwi described this agreement as 'a powerful step toward Māori educational sovereignty'. It resulted from its claim to the Waitangi Tribunal, WAI2698.*

*Photo, TWoR.*

1970s to retain te reo Māori, and to enable educational practice based on hapū values and tikanga. These organisations continue to grow despite inadequate funding.

→ Hapū practice and knowledge of traditional plant-based medicine/rongoā and horticulture have been retained and revived, as has celestial navigation, carving and weaving.

## G5 What is affirmative action?

EQUALITY means treating everyone the same in a White system, while equity involves providing disadvantaged, oppressed, communities and individuals, with the resources they need to achieve the same outcomes as privileged people.

Equality as a human rights standard does not mean “keep treating oppressed people the same as unoppressed people, to maintain the oppression ... Human Rights authorities say exactly the opposite: in instances where a history (or enduring reality) of oppression exists, you must treat groups differently” to get equal outcomes (Ngata, 2026, 3b).

In situations of historical and continuing injustice – such as the colonisation of Indigenous populations, discrimination against women, poor, and disabled people, and poor services in rural areas – equitable outcomes can be supported

by additional or different resources and opportunities for such populations.

These resources and opportunities are called affirmative action, or special measures, and – in relation to Māori – may assist the Crown to meet its obligations under te Tiriti.

Examples include quotas and scholarships for tertiary courses; targets for more inclusive, diverse representation on public sector boards and decision-making bodies; and business commitments to employ people with disabilities.

Affirmative action does not address the underlying and continuing institutional discrimination – the institution’s monocultural, Pākehā, male-dominated and ableist structure. It only helps ‘others’ to access those institutions.

### Māori and Pacific Admission Scheme, UoA

THE University of Auckland Medical School over-represented Pākehā among its graduates for decades.

Its quota scheme, started in 1972, is a successful example of affirmative action, with Māori and Pasifika medical students graduating at higher rates than the average for students from those backgrounds in the rest of the university (Paewai, 2025).

Its Māori and Pacific Admission Scheme (MAPAS) has been attacked as ‘race-based’, including a current review by the coalition government.

In 2023 Māori made up only 4.7 percent of doctors when the Māori population was over 16 percent, while Pasifika doctors made up 2.3 percent with the Pasifika population at 8.1 percent.

In 2026, the medical school had 317 places available for domestic students in the medicine and surgery programme. Places are set aside for specific groups of domestic students, all of whom sit the same exams as other students and must meet the same standards:

**MAPAS** – 127 places; MAPAS is part of a wider initiative to increase the number of Māori and Pacific health professionals to 10 percent of the workforce.

**Rural and Regional Admissions Scheme (RRAS)** – 73 places.

**Students from low socio-economic backgrounds** – six places

**Students with disabilities** – two places

**A student from a refugee background** – one place.

dignity, wellbeing and rights of the world's Indigenous peoples.

UNDRIP has 24 introductory paragraphs and 46 articles that cover a range of human rights and fundamental freedoms. These include the right of self-determination, ownership and use of traditional lands and natural resources, the honouring of treaties and agreements between states and Indigenous peoples, protection against genocide, protection of cultural and intellectual property, and the rights:

- to preserve and develop their cultural characteristics and distinct identities
- to maintain and strengthen their own institutions, cultures and traditions
- to participate in the political, economic and social life of the society in which they live, and
- to pursue their own visions of economic, social and cultural development.

UNDRIP highlights the requirement that states obtain the free, prior and informed consent of Indigenous peoples before making any decisions affecting their property, territories, rights or interests.

It explicitly encourages 'harmonious and cooperative relations' between states and Indigenous peoples, and refers to procedures for resolving disputes between them.

Although it is a non-binding text, the Declaration is used by the UN human rights international Treaty monitoring bodies as a standard to judge state compliance with the states' legally binding human rights instruments they monitor, and as a framework used by the Special Rapporteur on the Rights of Indigenous Peoples when checking on member states' compliance every four years.

UN Special Rapporteurs on the Rights of Indigenous Peoples have regularly criticised NZ governments for their poor

 Affirmative action is often framed as 'privilege' rather than justice. See Appendix 4.

## G6 What is the UN Declaration on the Rights of Indigenous Peoples?

THE UN Declaration on the Rights of Indigenous Peoples (UNDRIP) was adopted in 2007, and New Zealand signed it in 2010. The Declaration brings Indigenous peoples' rights, both collective and individual, together into one international human rights instrument. It establishes a universal framework of minimum standards for the survival,



50+

# organisations have signed an open letter

expressing their support for the Government to continue their work towards the UN Declaration on the Rights of Indigenous Peoples



*In December 2022, 61 organisations and individuals released an open letter calling on the government to be bold, to continue working towards recognising Indigenous human rights in Aotearoa, and building a just future.*

performance on Māori land and cultural rights, and urged them to engage more effectively with Indigenous communities and to ensure that their rights are respected in government policies.

## Government responses

The 2019 *He Puapua* report (Charters and others) investigated how New Zealand could implement its UNDRIP commitments, resulting in recommendations that would implement it by 2040, the 200th anniversary of the signing of te Tiriti.

They included a separate Māori court system, health system, parliament, Māori wards, compulsory te reo Māori in schools and strengthening the legality of Te Tiriti o Waitangi by putting it into law.

It also recommended that Māori co-design and/or co-govern all Māori services. It was attacked as racial separatism and never implemented (Karunanidhi, 2023).



SEE ADD for more on why UN human rights bodies are interested in te Tiriti; and how He Puapua relates to te Tiriti.

## G7 What does Tiriti-based constitutional change mean?

PART of the challenge of work supporting te Tiriti is that we make our Tiriti-based future by walking towards it. Challenging parliament to become 'an honourable kāwanatanga', by changing its relationship with tangata whenua, will ultimately lead to realising this aspiration, with changes to national and regional decision-making processes. Results may be different in different parts of the country as hapū and iwi determine priorities in their area.

## National constitutional discussions

For more than a century, Māori leaders have expressed their desire and willingness to negotiate such changes in the government of the whole country.

One such example was a 1996 national hui of iwi representatives at the Hirangi Marae in Tūrangi, which called for constitutional change to reflect the promise of te Tiriti. Several models of how this could be achieved have been developed.

One model involves the creation of a hapū upper house or a Tiriti Commissioner, to audit legislation and ensure there were no further breaches. New Zealand is one of very few countries in the world that does not have two levels of government approval before laws are enacted, and such an approach would change that.

Another model is a Māori assembly in tandem with the current parliament, both working toward consensus decisions on common issues. There are overseas examples of countries successfully protecting the rights of a minority culture within a majority culture, for example in Switzerland, the Netherlands, Belgium, New Caledonia, and the Sami parliaments in Sweden, Norway and Finland.

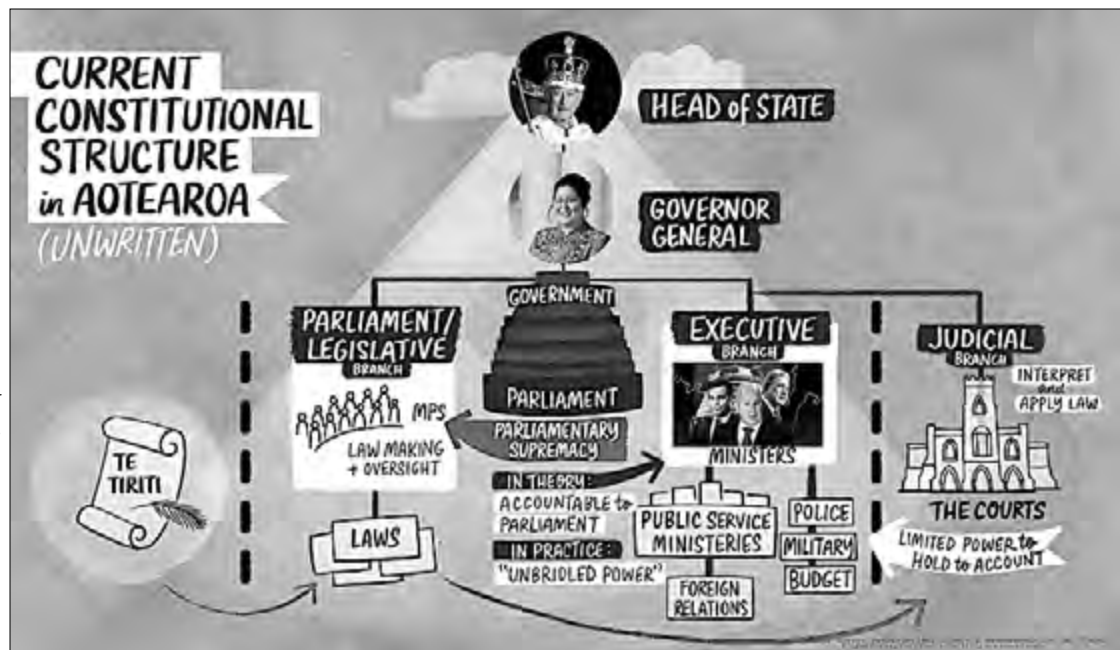
There are many tau iwi who support Tiriti-based constitutional change at the national and local level, but successive governments have refused to consider the possibility.

In 2000 a conference was held at parliament without a result, and in 2005 a parliamentary select committee researched some options, but their recommendations were shelved.

Te Pāti Māori and others have called for an independent Treaty Commissioner to adjudicate between the parties to te Tiriti and stimulate public debate on constitutional change, possibly through a Royal Commission of Enquiry.

In 2012, as a result of an agreement with Te Pāti Māori, the government established a Constitutional Advisory Panel, which sought public input on New Zealand's constitution. In its report in December 2013, which considered te Tiriti and the Crown's English version, the panel recommended that government:

- continue to affirm the importance of the Treaty as a foundational document
- develop a Treaty education strategy that includes the current role and status of the Treaty and the Treaty settlement process, to inform people about the rights and obligations under the Treaty
- support the continued development of the role and status of the Treaty under the current arrangements, as has occurred over the past decades
- develop a range of options for the future role of the Treaty, including options within existing constitutional arrangements, and arrangements in which the Treaty is the foundation
- invite and support the people of Aotearoa/New Zealand to continue



*Our unwritten constitution, from a 2026 presentation about Matike Mai. Copyright Erin Matariki Carr and artist Jacqui Chan, Peter McKenzie Project; used with permission.*

the conversation about the place of the Treaty in our constitution.

Little or no progress has been made on any of these recommendations. However, if tau iwi persistently campaign for tangata whenua authority to be exercised alongside local, regional and national government, we can fulfill the promise of te Tiriti.

## Non-government organisations

Many NGOs have changed the way they make decisions, so that Māori have their own place within the organisation and a real say in how the organisation is run. They have moved to a power-sharing or partnership way of operating.

Typically, this means that tangata Tiriti and tangata whenua groups or caucuses within an organisation may have one vote each, or agree to reach consensus, regardless of the numbers in each group.

Each caucus looks after its own business and together they both negotiate which issues need to be decided together – the common ground – and seek consensus for any changes.

There are now many examples of groups benefiting from changing their constitutions, working in tandem towards common goals. Other terms for this are 'co-governance' or 'co-management', where one cultural group can make

A Tangata Tiriti Organisation approach



NGO constitutional diagram by Network Waitangi Ōtautahi.

decisions on shared resources only with the other group’s agreement.

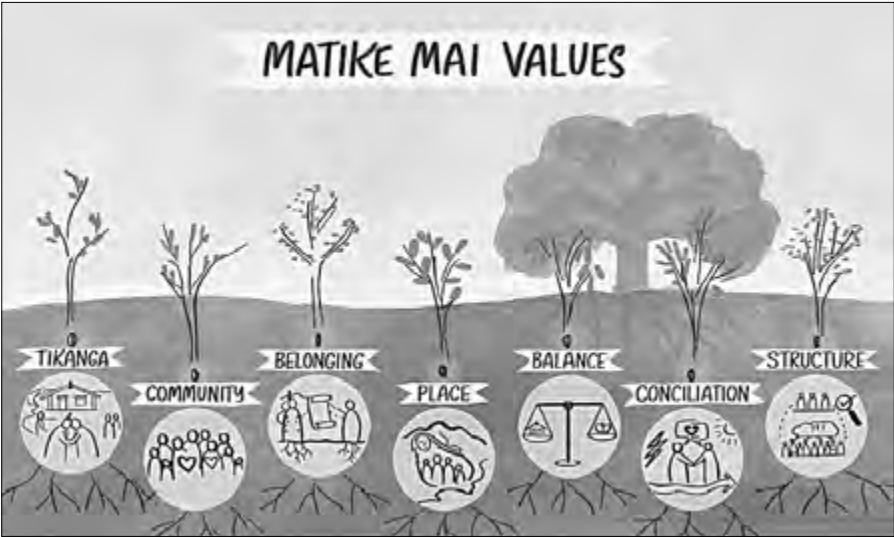
There may need to be many occasions to caucus (and sub-caucus), as shown in the diagram above, before bilateral tangata whenua-tangata Tiriti relationships can be explored in combined meetings.

This is because relationships within the caucuses need to be agreed first, and both the ramifications of the Indigenous status of tangata whenua and the appropriate role for tangata Tiriti have to be fully understood by everyone.

G8What is Matike Mai?

BECAUSE successive governments refused to seriously consider constitutional transformation, in 2010 the Iwi Leaders Forum instructed a working group to consult iwi Māori on what a Tiriti-based constitution might

Matike Mai values, copyright 2026 by Erin Matariki Carr and artist Jacqui Chan, Peter McKenzie Project, used with permission.



look like, and what values would inform such a new arrangement.

The Forum’s Independent Working Group on Constitutional Transformation was given the brief: “To develop and implement a model for an inclusive Constitution for Aotearoa based on tikanga and kawa, He Wakaputanga o te Rangatiratanga o Niu Tirenī of 1835, Te Tiriti o Waitangi of 1840, and other indigenous human rights instruments which enjoy a wide degree of international recognition.”

Professor Margaret Mutu was appointed the group’s chair and the late Moana Jackson was its convenor. Members of the group were nominated by iwi and other organisations, or were co-opted. The chair and convenor facilitated 252 hui between 2012 and 2015. A rōpū rangatahi (youth group) convened by Veronica Tawhai held another 70 wānanga.

The group also invited written submissions, organised focus groups, and conducted one-on-one interviews. They explored views on the relationship between te Tiriti and democracy, what is meant by a Tiriti relationship, what is a constitution, and other related issues.

The group concluded that ‘Iwi and Hapū were vibrant and functional constitutional entities’ before 1840, with the right, ability and authority to make binding decisions for their people and lands.

They found that tikanga, He Wakaputanga, te Tiriti, and other international Indigenous treaties were fundamentally relevant to constitutional transformation, because ‘they all express the right for hapū to make decisions for Māori that is the very essence of tino rangatiratanga’.

Hui participants strongly argued that a constitution had to be based on values. The group summarised these values as tikanga,

community, belonging, place, balance, conciliation, and structure.

### Constitutional models

The report described six indicative constitutional models that arose from discussions. These models recognised the independence of each hapū and iwi, and also their interdependence because of their bonds through whakapapa.

The models recognised that te Tiriti granted a place for the exercise of kāwanatanga alongside rangatiratanga, with an interdependent sphere for joint decisions.

The models provide several different arrangements of the rangatiratanga sphere where Māori make decisions for Māori, the kāwanatanga sphere where the Crown makes decisions for its people, and the relational sphere where they make decisions together.

The report, *He Whakaaro Here Whakaumu mo Aotearoa – The report of Matike Mai Aotearoa* (Matike Mai Aotearoa, 2016 & 2024) recommended continuing conversations amongst and between tangata whenua, tangata Tiriti and the Crown about possibilities for constitutional transformation. At the time of writing there

has been no response to the report by successive governments.

### G9 What are examples of co-governance?

A NEW era of sharing power between hapū, iwi, and the Crown in managing resources has developed, often arising from Treaty ‘settlements’. All of these arrangements have built on prior policy and legal developments and enable iwi to negotiate for a more Tiriti-based future (Abel & others, 2023).

### Waikato River

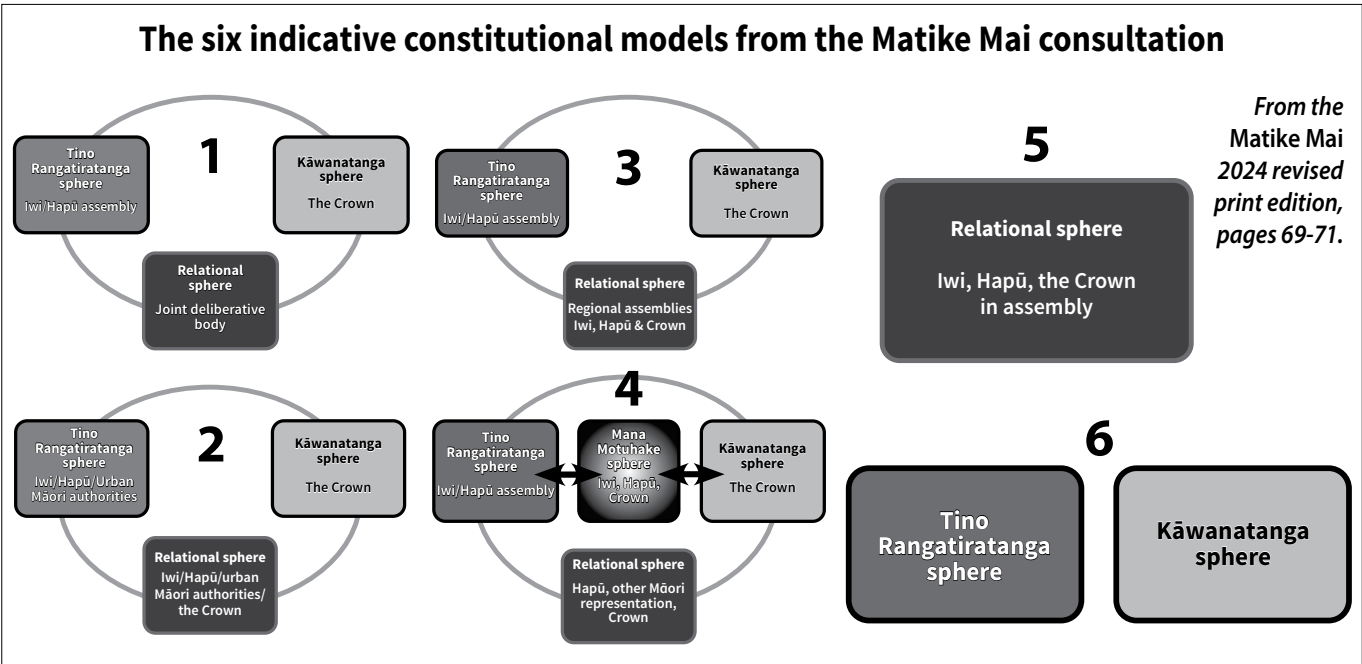
The Waikato River Authority was established in November 2010, as a result of a series of iwi claims to the river during the late 2000s. It co-governs and co-manages the Waikato River, with 10 board members – five appointed from each river iwi (Tainui, Te Arawa, Tuwharetoa, Raukawa, and Maniapoto) and five by the Crown.

The main law that established this was the Waikato-Tainui Raupatu Claims (Waikato River) Act 2010.



UN Special Rapporteur on the Rights of Indigenous Peoples, Francisco Calí Tzay, spoke at the Designing our Constitution conference at the University of Auckland in April 2024, one of a series of hui inspired by the landmark Matike Mai report, and in memory of Dr Moana Jackson.

The event was hosted by the university's Centre for Indigenous Peoples and the Law, Te Kahui Tika Tangata Human Rights Commission, and the National Iwi Chairs Forum.





*Above: The Waikato River flowing through Kirikiriroa in 2003, by Richard Gallagher, under a Creative Commons licence.*

*Right: Te Urewera, by Aroha Pounamu, Orion Magazine.*

The authority created a vision and strategy for the river's future, to help re-establish cultural links to the river and to reduce its pollution. This is implemented through management plans, exemptions for customary activities, regulations, and bylaws.

It is a common power-sharing arrangement for managing a resource, but covering a vast area and allowing iwi more authority than past arrangements.

### **Legal personhood**

Legal personhood was developed for companies over the past few hundred years, enabling individual shareholders to avoid liability when companies face court cases. Legal personhood has also been ascribed to ships and nation states.

Aotearoa has led the way in developing legal personhood for elements of nature, recognised and implemented by the Crown in partnership with Māori.

In February 2026, Green Party MP Teanau Tuiono submitted a members' Bill, the Tohorā Oranga Bill, aiming to give legal personhood to whales. Legal personhood has been praised here and overseas by organisations wanting to use it to protect the environment.

### **Te Urewera**

Ngāi Tūhoe settled with the Crown in 2013, after many years of negotiations. When the Crown wanted to renegotiate the transfer of ownership of Te Urewera national park to the iwi, the negotiation team developed a unique compromise.

Te Urewera is not owned by the Crown, nor by Tūhoe. It is no longer a national park; instead it is a unique legal identity that owns itself.

New Zealand is the first country in the world to give legal personhood to a natural area. To provide a voice for Te Urewera, a governance board acts as a guardian for the area. The board began with 50/50 Crown-Tūhoe membership, which will eventually change to a majority Tūhoe membership.



This legal personhood compromise, along with unique provisions of the Ngāi Tūhoe settlement that officially return the tribe's mana motuhake, will give the mana whenua of Te Urewera significant authority over their rohe. Tūhoe celebrated their settlement by establishing medical and dental services for their people, and creating a new tribal building which has won environmental design awards.

### **Whanganui River**

A similar arrangement was created for the Whanganui River. River iwi and the Crown signed an agreement which gave legal personhood to the river in 2017.

It recognises Te Awa Tupua as an indivisible and living whole, comprising the Whanganui River from the mountains to the sea, including its tributaries, catchment areas, and its physical and metaphysical elements. The name reflects the principle that the river is alive.

Unlike Te Urewera, Te Awa Tupua has two layers of governance. The first is as guardian, a role that will be filled by one representative of the Crown and another from the river iwi, who act as the voice of the river. This is similar to previous bilateral co-governance arrangements.

The second layer of governance is a multilateral co-governance board with 17 members. Each represents an interest group, including Federated Farmers and Genesis Energy.

This reflects the many diverse stakeholders with cultural and economic interests in the Whanganui. While it gives slightly less authority to iwi, it is a promising arrangement for river management.

However, the government routinely makes unilateral decisions, and controls revenue and spending, so these arrangements are vulnerable. Structural changes need to be entrenched constitutionally to guarantee such shared decision-making.

### ***Taranaki Maunga***

In 2025, legal personhood was extended to Te Kāhui Tupua in Te Ture Whakatupua mō Te Kāhui Tupua/Taranaki Maunga Collective Redress Act.

Te Kāhui Tupua is a living and indivisible whole, comprising Taranaki Maunga and other tūpuna maunga, including Pouākai and Kaitake, their peaks and all the surrounding lands, and incorporating all their physical and metaphysical elements.



*Te Awa Tupua,  
Whanganui River in 2008  
by Felix Engelhardt.*



*Taranaki at sunset.*

# 10 DECOLONISATION ACTIONS FOR TAUWI

LEARN ABOUT THE DECLARATION OF INDEPENDENCE & TE TIRITI O WAITANGI

READ, LISTEN & WATCH MĀORI MEDIA FOR A BROADER PICTURE

PRONOUNCE MĀORI WORDS CORRECTLY

SPEAK UP WHEN YOU HEAR RACISM

RESIST PĀKEHĀ CULTURE BEING IMPOSED ON OTHERS

LEARN ABOUT THE HAPŪ & MĀORI GROUPS IN YOUR AREA OR SECTOR

EXPLORE THE HISTORY OF YOUR ANCESTORS AND PEOPLE

UNDERSTAND THE HISTORY OF INVASIONS, LAND THEFT, COLONISATION AND MĀORI RESISTANCE

ADVOCATE FOR A FAIR TREATY SETTLEMENT PROCESS

CHALLENGE INEQUITIES FOR MĀORI & NEW TIRITI BREACHES

EMBRACE LIFELONG LEARNING AS TANGATA TIRITI - PEOPLE OF THE TREATY

J Rankine, 2020. CC BY-NC-ND 4.0. Tāwhiri Treaty Workers, www.facebook.com/treeworkers/ & www.facebook.com/DecolonisationNZ/ For more information, see: Working as allies, Jen Margaret, 2013. NZ: <https://the.org.nz/networking-allies-supporters-indigenous-justice-reflect/> What can I do? <http://decolonisingpolicy.org/what-can-i-do/> Australia Indigenous ally toolkit <https://teachingcommons.lehigh.edu.ca/indigenous-ally-toolkit/> Canada

# 10 DECOLONISATION ACTIONS FOR TAUWI-LED ORGANISATIONS

UNDERSTAND THE HISTORY & IMPACT OF YOUR WORK ON MĀORI

INVOLVE MĀORI SO THEY CAN HELP SHAPE THE PROCESS

RECOGNISE THAT INSIGHT AND TENSION ARISE FROM DIFFERENT WORLDVIEWS WORKING TOGETHER

ENSURE THAT YOUR WORK BENEFITS MĀORI

UPSKILL ALL STAFF ABOUT COLONISATION, RACISM AND THE RELEVANCE OF TE TIRITI

DEVELOP AN ORGANISATIONAL RESPONSE TO TE TIRITI ARTICLES

SHARE DECISION-MAKING POWER & RESOURCES WITH MĀORI

EMBED YOUR TIRITI COMMITMENT INTO STRATEGY, POLICY & ACTION

CREATE JUST AND MUTUALLY BENEFICIAL RELATIONSHIPS WITH MĀORI

MAKE TIRITI RELATIONSHIPS COLLECTIVE RATHER THAN INDIVIDUAL

J Rankine, 2020. CC BY-NC-ND 4.0. www.facebook.com/DecolonisationNZ/ Tāwhiri Treaty workers, www.facebook.com/treeworkers/ For more information see: Ngāi Rereangi & te Tiriti: Community organisations engaging with the Treaty of Waitangi, 2016 <https://groundtruth.nzta.govt.nz/2016/01/21/tauparaka/> Treaty Journeys: International development agencies respond to the Treaty of Waitangi, 2007 <https://the.org.nz/tauparaka-treaty-journeys/> Treaty Resource Centre framework for applying to Te Tiriti o Waitangi in organisations <https://the.org.nz/tauparaka-treaty-journeys/> Working as allies Supporters of indigenous justice reflect, Jen Margaret, 2013 <https://the.org.nz/networking-allies-supporters-indigenous-justice-reflect/>

Posters by Jenny Rankine, 2020.

## ➡➡➡ H Onward

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**H2 What have tauiwi done towards Tiriti justice so far? 70**

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**H4 What can I/we do? 72**

*Related topics in A Deeper Dive online*

*<https://networkwaitangiwhangarei.org.nz/books-clothing/>:*

*24 What are White paralysis and fragility?*

*25 What have governments done since the 2014 Tribunal report on te Tiriti?*  
*References*

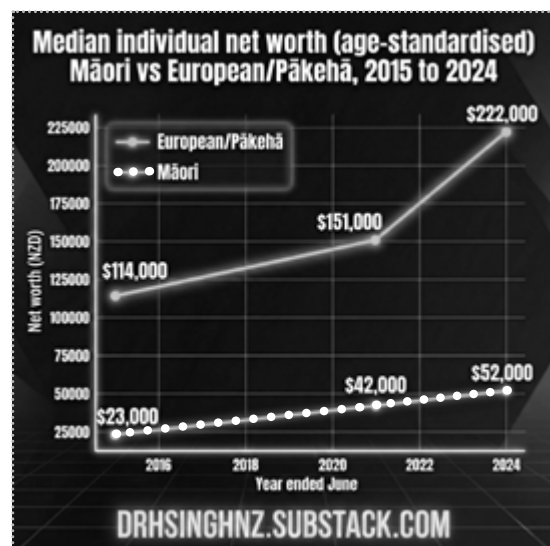
# H1 Why is action needed now?

IN New Zealand the gap between outcomes for tangata whenua and tauwi has been constant or growing. Unequal societies have higher negative social outcomes for both the privileged and the poor (Wilkinson & Pickett, 2009), making disadvantage an ongoing cost to the nation. Long-term solutions to entrenched social inequities ultimately create a much more efficient use of time, money, and energy.

Almost no tauwi institutions operate on Māori tikanga, cultural values, language or worldviews. To get government services, Māori mostly have to engage with monocultural systems. This benefits people who belong to the dominant culture, and disadvantages those who do not.

The problems derived from ignoring te Tiriti, and on-going institutional racism, will not disappear by themselves. If we don't deal with them, they will be worse for the next generation.

*Growing inequity: The gap between Pākehā and Māori individual wealth has been persistent since the 1800s, and is increasing. By Dr Harpreet Singh.*



Tauwi must take responsibility for challenging breaches of te Tiriti by tackling racist legislation, funding frameworks and policies, and where appropriate, supporting Māori in their creation of independent political, social and economic institutions.

Many tauwi see benefits to everyone from Māori values and systems. For example, some view Māori restorative justice practices as producing better outcomes for everyone than incarceration. Data from 2008-2013 showed that it reduced reoffending by 15% (Adams, 2016).

Māori-instigated Family Group Conferences also work well for tauwi families, as do whānau rooms in hospitals. Many tauwi concerned about the health of ecosystems believe that hapū-led decision making will help protect the environment.

Underlying the urgent need for social and political change is the hard economic reality that the 'settlement' process has returned "on average less than one percent of their stolen lands" (Mutu, 2019) and less than two percent of the *value* of the land and resources that the government stole (Harawira, 2006).

This in itself remains a massive Tiriti breach, and a huge compromise by claimant groups. Settlements have transferred about \$2.738 billion of financial and commercial redress over the 50 years to 2025.

While this may appear substantial, it is dwarfed by the cost of just one year of NZ Superannuation; for example, \$17.8 billion to the end of June 2024.

Despite the success of iwi settlement entities, it is obvious that real equity in outcomes will not come about through these minimal cash injections (*see D6*).

The government will need to do a lot more, and do things very differently, to reduce deprivation and intergenerational trauma.

## H2 What have tauiwi done towards Tiriti justice so far?

THROUGHOUT our history, from the earliest Pākehā who fought against British troops, and the deserters from the British army, ordinary tauiwi have supported Indigenous rights and become whistle-blowers in the face of government breaches.

In modern times tauiwi have provided education on the issues, attempted Tiriti-based ways of living and working, and peacefully protested injustice.

These actions include participating in marches; creating petitions; submissions on legislation; artworks; supporting occupations; writing letters, books, songs, poems and newsletters; working for change in political parties and NGOs; changing constitutions; fundraising for resources and publications; providing information on Waitangi Day; creating street theatre, banners and posters; educating and challenging ourselves, our diverse communities, and each other; researching statistics; working for Māori organisations; participating in Tiriti workers' gatherings; educating new migrants and refugees; holding public meetings, debates, historic tours and other local events to commemorate the signing of He Wakaputanga and te Tiriti in their areas; and supporting Māori initiatives.

Examples from 2000 include:

→ **2000:** A Tauiwi Treaty conference was organised in Tāmaki Makaurau, and the presentations published.

→ **2004:** Kupu Taea: Media and te Tiriti Project published the first of many reports

critiquing mainstream news media reporting of Māori and Tiriti issues.

→ **2006:** Network Waitangi Whangārei began publishing annual talks and essays by Pākehā, called State of the Pākehā Nation.

→ **2006:** Tangata Tiriti - Treaty People group published an eponymous teaching resource workbook for outreach to tauiwi/migrant groups, and later published an Easy Read book (left).

→ **2012:** Peace Movement Aotearoa, with the Quaker Treaty Relationships Group and the Rowan Partnership, published Time for Change: A framework for community discussion on values-based and Treaty-based constitutional arrangements.

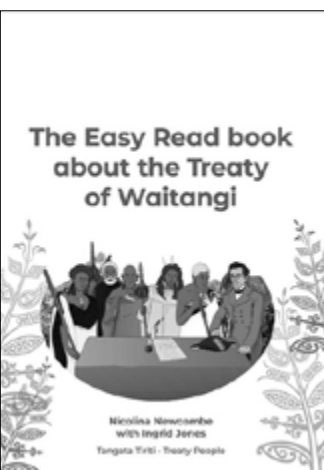
→ **2012:** The independent panel on the WAI 1040 Stage I Ngāpuhi claim, Ngāpuhi Speaks, included two tauiwi academics, Dr Susan Healy and Dr Ingrid Huygens.

→ **2013:** The New Zealand Federation of Multicultural Councils, with support from Network Waitangi Ōtautahi, developed a resource – Treaty-based multicultural New Zealand – which describes its understanding and practice of te Tiriti.

→ **2013:** Stop Institutional Racism (STIR) began as an education, advocacy and research group active in the health sector, organising Te Tiriti-Based Futures + Anti-Racism, a biennial online forum, and creating a website of workshops and presentations.

→ **2016:** Asians Supporting Tino Rangatiratanga was formed in Tāmaki Makaurau. It actively supports Māori-led campaigns and initiatives for mana motuhake, and educates Asian communities with Tiriti workshops.

→ **2016:** The SocialJusticeNZ Facebook page was created by Jenny Rankine to



share a collection of pro-Tiriti and anti-racist images for posting online.

→ **2017:** Tamsin Hanly published *A Critical Guide to Māori and Pākehā Histories of Aotearoa: a Curriculum Programme Resource*.

→ **2018:** Tauiwi Tautoko began training and supporting a community of tauiwi to address anti-Māori racism online and offline.

→ **2019:** Te Reo o Ngā Tāngata (The People Speak) started to advocate for and co-design a Tiriti-based climate assembly in Porirua.

→ **2020:** Gathering at the Gate started, and now runs regular courses about studying Pākehā family history through a Tiriti-based lens, to help prepare Pākehā for meaningful interactions with tangata whenua.

→ **2021:** Decentring Whiteness/ Becoming Better Tāngata Tiriti, an online community to support learning and accountability for tauiwi Pākehā committed to Tiriti-based constitutional transformation, held its first discussion group meeting.

→ **2023:** Common Grace Aotearoa was founded by tauiwi, and works with Māori educators for climate, economic, and Tiriti justice. It brought together 600 church leaders to oppose the Treaty of Waitangi Principles Bill in 2025, and campaigned to support Māori wards in local government.

→ **2024:** Tangata Tiriti Aotearoa, an Ahuriri (Napier)-based national group was formed, and organised Treaty & Me public talks, a format also adopted by Network Waitangi Whangārei annually from 2024.

→ **2024:** Together for Te Tiriti was initiated by ActionStation in response to the Treaty of Waitangi Principles Bill, providing information, strategy, and posters, and continued to mobilise

against the Regulatory Standards Bill, and for the retention of Māori wards, in 2025.

→ **2024:** Te Tiriti is Us formed in response to anti-Māori legislation to mobilise New Zealanders to consider te Tiriti and the partnership it created as a crucial part of our history, democracy, and identity.

→ **2024:** Tiriti Action Group Pōneke formed in 2024 as a community group that, with Taranaki Whānui ki te Upoko o te Ika, organises and supports actions upholding rangatiratanga and justice within the rohe of Te Upoko o te Ika.

→ **Ongoing:** Peace Movement Aotearoa (PMA), working with the Aotearoa Indigenous Rights Trust, regularly provides information to UN human rights bodies on the current government's constitutional, legislative and policy breaches of te Tiriti.

→ The educational processes that have evolved since the 1980s in



By Jenny Rankine, 2017.

Christians from Common Grace rally for te Tiriti.





Members of Tiriti Action Group Pōneke at their Waitangi Day stall in 2026.

Tiriti workshops have attracted international interest, with educators in Canada and Australia adopting elements for their own decolonisation work.

## H3 How can tauiwi prepare for Tiriti-based constitutional discussions?

THREE public health researchers described the Matike Mai model of tino rangatiratanga and kāwanatanga spheres linked by relational spaces of negotiation as providing “powerful ethical sources of disruption to whiteness and structural racism” in the health system (Came, Baker & McCreanor, 2021).

Welcoming this disruption is also crucial to other change in our national life together. Being ready for change simply means accepting that things can be better, and having the courage to help make it so.

Many tauiwi organisations and individuals have already responded positively to the *Matike Mai* report, and Peace Movement Aotearoa is re-publishing its 2012 *Time for Change*, to stimulate further community-led discussions within a shared national framework.

Tauiwi momentum for change is most likely to come from progressive community groups and organisations with experience of working with te Tiriti who can report on the advantages of power sharing.

Change is inevitable, given the unstoppable movement of hapū, iwi, and urban Māori

towards self-determination. The mass Toitū te Tiriti hikoi of 2024, responding to a proposal to revise te Tiriti ‘principles’, is a clear sign that younger generations will continue to organise, disrupt, resist, and protest, until Tiriti rights are fully realised in a new constitution.

Tauiwi can do so much more than ‘smile and wave’, knowing that our own liberation is bound up with theirs. “Then let us work together.”

## H4 What can I/we do?

### Analyse your organisation

WHICH culture is the basis of operation in the organisations you are part of? Who makes the decisions, and for whom? Who benefits? Who holds the power? Who controls the resources? It helps to consider these questions to understand how power and control in institutions are maintained. Most organisations are inherently monocultural and advantage Pākehā as a result.

### Get the facts right

There is a lot of misinformation about our history, and some groups spend much energy and money to keep it that way. Challenge the information that you read and hear. There are many books available now which give a more realistic, impartial, perspective on past events (see ADD online for further reading).

### Talk with other people

Many New Zealanders are still uninformed about our history. Negative opinions and assumptions are formed in an environment of ignorance, misinformation and racism. Talking about the agreement positively can help change these attitudes (see the list of contacts in ADD for groups which can provide assistance or resources to get you started).



*‘Epic fail’: PMA summarises the UN’s assessment of the government’s non-compliance with the International Convention on the Elimination of All Forms of Racial Discrimination.*

## - The Tangata Tiriti Checklist, by Tina Ngata

|                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                               |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|  I demonstrate knowledge and awareness of Te Tiriti o Waitangi                                                                          |  I actively seek opportunities to share power with, or cede power to mana whenua                                                                                                                                                                                             |
|  I recognise Te Tiriti o Waitangi as the source of my rights as a non-Māori to call Aotearoa home                                       |  I respect the mana of Te Tiriti o Waitangi as a means of protection from the forces of racism and colonialism                                                                                                                                                               |
|  I accept that protecting and promoting Te Tiriti o Waitangi is the responsibility of every New Zealander, not just Māori               |  I acknowledge that my personal discomfort is not as important as addressing the discomfort of colonial injustice                                                                                                                                                            |
|  I recognise my own privilege as someone who has benefited from violations of Te Tiriti o Waitangi                                      |  If Māori colleagues identify a Tiriti violation at work, I stand by them and vocally support them                                                                                                                                                                           |
|  I understand that my intergenerational privilege has created blindspots for my own entitlement, and strive to limit my own entitlement |  I have dismissed my colonial fear of Te Reo Māori, land back, co-governance, a tiriti-centered constitution or other forms of Tiriti justice in Aotearoa                                                                                                                    |
|  I am pro-active in ensuring my organisation has an effective Tiriti o Waitangi policy                                                  |  I don't make it about me when Māori need privacy and space to themselves                                                                                                                                                                                                    |
|  I recognise and accept that equity is not the same as equality                                                                       |  I strive to seek out ways I can support mana whenua on their own terms, such as donating to local marae, supporting fundraising by a local kohanga reo or kura, supportively submitting to government on issues that matter to them, or supporting local Māori businesses |
|  I am involved in projects and campaigns that support Te Tiriti o Waitangi                                                            |                                                                                                                                                                                                                                                                                                                                                               |
|  I appreciate and respect that Māori have carried the burden of defending and protecting Te Tiriti                                    |                                                                                                                                                                                                                                                                                                                                                               |
|  I acknowledge that the Crown government is a Tiriti violation                                                                        |  I take my time out to consistently learn about Te Tiriti o Waitangi and stay connected to it as an evolving discipline                                                                                                                                                    |
|  I am aware of who the local mana whenua are for my community                                                                         |  I strategise and work with local mana whenua on Tiriti justice                                                                                                                                                                                                            |
|  I can identify a Tiriti violation and can call it out                                                                                |  I recognise that kawanatanga is a lesser level of authority than rangatiratanga                                                                                                                                                                                           |
|  I recognise Te Tiriti o Waitangi as the only valid treaty between Māori and the Crown, and reject the "two versions" fiction         |  I recognise that I have a responsibility to educate my own pākehā community (without talking over Māori)                                                                                                                                                                  |
|  As a Non-Māori, I strive to not consume a hui with my own reckons                                                                    |  I support a Tiriti centered constitution for Aotearoa-New Zealand                                                                                                                                                                                                         |
|  If mana whenua for my community have a tribunal report, I have read it and understand the history of Tiriti injustice for my area    |  I actively and vocally oppose the Treaty Principles Bill and any other disrespect toward the legal and political status of Te Tiriti o Waitangi                                                                                                                           |

Source: [instagram.com/p/DCFnLZGz117/](https://www.instagram.com/p/DCFnLZGz117/) , posted November 2024

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*An afternoon Tiriti discussion group for tauiwi, held by Rōpū Kōrerorero i Ngaio, part of the network of Tauiwi mō Matike Mai Aotearoa | Non-Māori for ending colonisation. From Susan Pearce.*

## **Support teaching the history of colonisation**

Many schools have te Tiriti in their charter. If you are a parent of school-age children, you can explore what this might mean at your school. Teachers need encouragement to make cultural awareness and examination of prejudice come alive in their classrooms. Offer this book to your school leaders, and support the use of the multi-year curriculum resource *A critical guide to Māori and Pākehā histories of Aotearoa*.

## **Learn local stories**

What are the issues in claims to the Waitangi Tribunal from your region? How did the Crown take the lands of your local hapū? If the claims have been 'settled', what was the loss in real terms to tangata whenua, compared to the compensation?

What is the social history of your area, not just in the last 200 years, but the last 1,000? Online Waitangi Tribunal reports provide the history of your area. Start a community study group.

Understanding original place names and supporting efforts to bring them back supports traditional knowledge holders and learners of te reo Māori.

## **Identify your culture and values**

Many migrant communities have their own histories of engagement with hapū and iwi, and their own stories and experiences of racism and assimilation.

Until recently many Pākehā could not see that they have a culture, because it was seen as 'being normal'; other racial or cultural groups were 'different'. Pākehā culture has not been under threat or question; Pākehā don't have to fight to use the English language.

Because Pākehā culture is safe and strong, it is easy to take it for granted. Can a fish describe the water it swims in? But Pākehā have a specific culture which has a wide range of ways of expressing itself, such as the way friends are made, how children are raised, what is eaten, how thoughts and beliefs are expressed, and some core values. But what exactly are they; what are yours?

Learning to understand and value one's own cultural base is an important step towards being able to respect and value other peoples'. Find out your family's genealogy, why and when your ancestors came to New Zealand, what their hopes and fears may have been and what their values were.

What values and beliefs have you rejected, and which ones do you want to pass on to the next generation? Which values would you like to be enshrined in a new national constitution? Are they similar to what you know of tikanga Māori? Try identifying any in common.

## **Challenge activities which undermine te Tiriti**

Challenge proposed legislation and local government actions which ignore or over-ride Tiriti guarantees. Network with others to ensure broad-based opposition, including submission-writing, against proposed violations.

## Challenge racism

Decide how strong you feel before you challenge a racist statement – you don't have to respond to every situation. Sometimes all you need to do is draw attention to the racist comment, eg, asking what the person means by what they said, or why they feel that way.

Alternatively, you could simply say “I have a different view”. You can also walk away, and challenge the person at a later time. Don't avoid using the term racism – but use it about situations or institutions, not people. The Tauwi Tautoko group (right) provides training on responding effectively.

## Use 'I' statements

You then retain your hold on the argument. People can't take your feelings away from you.

## Support steps to justice

Find out if your MP and local body councillors acknowledge the primacy of the Māori language Tiriti text, and what they will do locally to apply the UN Declaration on the Rights of Indigenous Peoples.

Would they support a Royal Commission of Enquiry into constitutional issues, or an independent Commissioner to act as intermediary between the Tiriti parties, and to lead public debate on Tiriti-based constitutional change? What about a people's inquiry or assembly in your area?

Could you organise a local reading group of Matike Mai Aotearoa, or examples of co-governance, to explore and socialise the benefits of changing up our democracy? Is there any public or private land you know of that could be returned to hapū? When the people lead, the leaders will follow.



## Dive in

Deepen your knowledge with our online companion PDF, *Te Tiriti o Waitangi Questions & Answers, A Deeper Dive*, free to download from Network Waitangi websites.

# acknowledgements

## **Contributors to earlier editions**

**1989** National Committee, Project Waitangi

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**2016, 2018** Network Waitangi Ōtautahi, Katherine Peet, with special thanks to Professor Margaret Mutu.

## ***In memoriam***

We pay our respects to the memory and legacies of decolonisation theorists and strategists Titewhai and Hinewhare Harawira, Moana and Syd Jackson, Hana Te Hemara, Eva Rickard, Nuki Aldridge, Bob Scott, Joan Cook, Joan Macdonald, Mitzi Nairn, Robert Consedine, and Christine Herzog.

## ***Early resources***

We acknowledge groups that produced valuable resources and information from the mid-1900s.

**Māori groups include:** Aotearoa Educators, Kia Mōhio Kia Mārama Trust, Koha television programme, Te Whakakotahitanga o ngā Iwi o Aotearoa/The Māori Congress, Māori Women's Welfare League, New Zealand Māori Council, Ngā Kaiwhakamārama i Ngā Ture, Ngā Tamatoa, Te Ahi Kaa, Te Kawariki, and the Waitangi Action Committee.

**Tauīwi groups include:** Action For an Independent Aotearoa, arc (Aotearoa Reality Check/Anti-Racism Crew), Auckland Committee on Racism and Discrimination, Citizens All Black Tour

Association, Citizens Association for Racial Equality, Conference of Churches of Aotearoa New Zealand Programme on Racism, Double Take, Halt All Racist Tours, Justice and Peace Office and Bicultural Desk of the Auckland Catholic Diocese, Kāwanatanga Network, Kōtare, Research and Education for Social Change; Methodist Bicultural Desk, Kupu Taea: Media and te Tiriti research group, New Perspectives on Race, Pākehā Treaty Action, Pax Christi Aotearoa, Peace Movement Aotearoa, Playcentre Treaty Education Team, Project Waitangi, Network Waitangi Ōtautahi, Network Waitangi Whangārei, Tāmaki Treaty Workers, Te Tari Mātauranga Māori Manukau Institute of Technology, The Rowan Partnership, Theology and Racism Collective, Treaty People, Treaty Resource Centre, Waikato Anti-Racism Coalition, Waitangi Associates, Waitangi Consultancy Group, Women's Anti-Racism Action Group, The Workshop, and the YWCA.

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## 1A He Wakaputanga o te Rangatiratanga o Nu Tireni / The Declaration of Independence of New Zealand 1835

1. Ko matou, ko nga Tino Rangatira o nga iwi o Nu Tireni i raro mai o Hauraki kua oti nei te huihui i Waitangi i Tokerau i te ra 28 o Oketopa 1835, ka wakaputa i te Rangatiratanga o to matou wenua, a, ka meatia ka wakaputaia e matou he Wenua Rangatira, kia huaina ko te Wakaminenga o nga hapu o Nu Tireni.

2. Ko te Kingitanga ko te mana i te wenua o te wakaminenga o Nu Tireni ka meatia nei kei nga Tino Rangatira anake i to matou huihuinga. A, ka mea hoki e kore e tukua e matou te wakarite ture ki te tahi hunga ke atu, me te tahi Kāwanatanga hoki kia meatia i te wenua o te wakaminenga o Nu Tireni. Ko nga tangata anake e meatia nei e matou e wakarite ana ki te ritenga o o matou ture e meatia nei e matou i to matou huihuinga.

3. Ko matou ko nga Tino Rangatira ka mea nei kia huihui ki te runanga ki Waitangi a te ngahuru i tenei tau i tenei tau ki te wakarite ture, kia tika ai te wakawakanga, kia mau ki te rongo, kia mutu te he, kia tika te hokohoko. A, ka mea hoki ki nga tauwi o runga, kia wakarerea te wawai, kia mahara ai ki te wakaoranga o to matou wenua, a, kia uru ratou ki te wakaminenga o Nu Tireni.

4. Ka mea matou kia tuhituhia he pukapuka ki te ritenga o tenei o to matou wakaputanga nei ki te Kingi o Ingarani hei kawatu i to matou aroha nana hoki i wakaae ki te Kara mo matou. A, no te mea ka atawai matou, ka tiaki i nga Pakeha e noho nei i uta, e rere mai ana ki te hokohoko, koia ka mea ai matou ki te Kingi kia waiho hei matua ki a matou i to matou Tamarikitanga kei wakakahoretia to matou Rangatiratanga. Kua wakaaetia katoatia e matou i tenei ra, i te 28 Oketopa 1835, ki te aroaro o te Reireneti o te Kingi o Ingarani.

## 1B An expression in English of He Wakaputanga

*Text by Te Whakakotahitanga o Ngā Iwi o Aotearoa/the Māori Congress, 1994, for the Federation of Workers' Educational Associations in alliance with Network Waitangi Ōtautahi.*

1. We the hereditary chiefs and heads of the tribes of the Northern parts of New Zealand, being assembled at Waitangi in the Bay of Islands, on this 28th day of October, 1835, declare the independence of our country which is hereby constituted and declared to be an Independent State under the designation of the United Tribes of New Zealand.

2. All sovereign power and authority within the territories of the United Tribes of New Zealand is hereby declared to reside entirely and exclusively in the hereditary chiefs and heads of tribes in their collective capacity, who also declare that they will not permit any legislative authority separate from themselves in their collective capacity, nor any function of government to be exercised within the said territories, unless by persons appointed by them and acting under the authority of laws regularly enacted by them in Congress assembled.

3. The hereditary chiefs and heads of tribes agree to meet in Congress at Waitangi in the autumn of each year for the purpose of framing laws for the dispensation of justice, the preservation of peace and good order, and the regulation of trade. They also cordially invite the southern tribes to lay aside their private animosities and to consult the safety and welfare of our common country by joining the Confederation of the United Tribes.

4. They also agree to send a copy of this Declaration to His Majesty the King of England to thank him for his acknowledgement of their flag. In return for the friendship and protection that they have shown and are prepared to show to such of his subjects as have settled in their country or resorted to its shores for the purposes of trade, they entreat that he will continue to be the parent of their infant State, to protect it from all attempts upon its independence.

Agreed to in its entirety by us on this 28th day of October, 1835, in the presence of His Britannic Majesty's Resident.

# 2A Te Tiriti o Waitangi

## He Kupu Whakataki

Ko Wikitoria, te Kuini o Ingarani, i tana mahara atawai ki nga Rangatira me nga hapu o Nu Tirani i tana hiahia hoki kia tohungia ki a ratou to ratou rangatiratanga, me to ratou wenua, a kia mau tonu hoki te Rongo ki a ratou me te atanoho hoki kua wakaaro ia he mea tika kia tukua mai tetahi Rangatira hei kaiwakarite ki nga Tangata Maori o Nu Tirani – kia wakaetia e nga Rangatira Maori te Kawanatanga o te Kuini ki nga wahi katoa o te wenua nei me nga Motu – na te mea hoki he tokomaha ke nga tangata o tona Iwi kua noho ki tenei wenua, a e haere mai nei.

Na ko te Kuini e hiahia ana kia wakaritea te Kawanatanga kia kaua ai nga kino e puta mai ki te tangata Maori ki te Pakeha e noho ture kore ana.

Na, kua pai te Kuini kia tukua ahau a Wiremu Hopihona he Kapitana i te Roiara Nawi hei Kawana mo nga wahi katoa o Nu Tirani e tukua aiane, a mua atu ki te Kuini e mea atu ana ia ki nga Rangatira o te wakaminenga o nga hapu o Nu Tirani me era Rangatira atu enei ture ka korerotia nei.

## Ko Te Tuatahi

Ko nga Rangatira o te Wakaminenga me nga Rangatira katoa hoki, kihai i uru ki taua Wakaminenga, ka tuku rawa atu ki te Kuini o Ingarani ake tonu atu – te Kawanatanga katoa o o ratou wenua.

## Ko Te Tuarua

Ko te Kuini o Ingarani ka wakarite ka wakaee ki nga Rangatira, ki nga hapu, ki nga tangata katoa o Nu Tirani, te tino rangatiratanga o o ratou wenua o ratou kainga me o ratou taonga katoa. Otiia ko nga rangatira o te Wakaminenga me nga Rangatira katoa atu, ka tuku ki te Kuini te hokonga o era wahi wenua e pai ai te tangata nona te Wenua, ki te ritenga o te utu e wakaritea ai e ratou ko te kai hoko e meatia nei e te Kuini hei kai hoko mona.

## Ko Te Tuatoru

Hei wakaritenga mai hoki tenei mo te wakaetanga ki te Kawanatanga o te Kuini. Ka tiakina e te Kuini o Ingarani nga tangata Maori katoa o Nu Tirani ka tukua ki a ratou nga tikanga katoa rite tahi ki ana mea ki nga tangata o Ingarani.

## Ko Te Tuawha

E mea ana te Kawana ko nga wakapono katoa o Ingarani, o nga Weteriana, o Roma, me te ritenga Maori hoki e tiakina ngatahitia e ia.

Na, ko matou ko nga Rangatira o te Wakaminenga o nga hapu o Nu Tirani ka huihui nei ki Waitangi ko matou hoki ko nga

Rangatira o Nu Tirani ka kite nei i te ritenga o enei kupu ka tangohia ka wakaetia katoatia e matou koia ka tohungia ai o matou ingoa o matou tohu. Ka meatia tenei ki Waitangi i te ono o nga ra o Pepueri i te tau kotahi mano, e waru rau, e wa tekau o to tatou Ariki.

# 2B Te Tiriti o Waitangi – an expression in English of the text in te reo Māori

*By Network Waitangi Ōtautahi, 2019, drawing on many years of input from te reo speakers after wide and open consultation, most recently from Professor Margaret Mutu.*

## Preamble

Victoria, the Queen of England, in her gracious thoughtfulness to the Rangatira and hapū of New Zealand,

and in her desire to record her recognition of their paramount authority and that the lands are theirs, so that all may live in peace and good order, has thought it right to send an officer to make arrangements with the Māori people of New Zealand. Let the Rangatira agree to the Kāwanatanga governorship – the delegated duty to govern Pākehā (and other non-Māori) of the Queen over all parts of this land and its islands. This is to be done because a great number of her people have settled in this country, and others will come.

The Queen desires to arrange Kāwanatanga so that no evil will come to the Māori people, or to the Pākehā who are living here in a state of lawlessness. Now, the Queen has been pleased to send me, William Hobson, a Captain in the Royal Navy, to be the Kāwana for all the parts of New Zealand which have been allocated, or shall be allocated, to the Queen. And she says to the Rangatira of the Confederation of the hapū of New Zealand and the other Rangatira, these are the laws spoken of:

## This is the first

The Rangatira of the Confederation and all the other Rangatira who have not joined that Confederation, delegate Kāwanatanga to the Queen of England forever for lands entrusted to Pākehā and other non-Māori.

## This is the second

The Queen of England will make the arrangements and recognises Tino Rangatiratanga (retained paramount and ultimate authority, which includes sovereignty) of the Rangatira, hapū and all the people of New Zealand over their lands, villages and everything else that is held precious. But the Rangatira of the Confederation and all the other Rangatira allow the Queen to trade for the use of those pieces of land that the owners consent to allocate, subject to agreement over payment which will be agreed to between the Rangatira and an agent who will be appointed by the Queen.



## This is the third

This is the arrangement for the agreement to the Queen's Kāwanatanga. The Queen will care for all the Māori people of New Zealand and ensure that they have the same access to laws and customs as the people of England.

## This is the fourth

The Kāwana says that all faiths – those of England, of the Wesleyans, of Rome, and also Māori custom and religion – shall alike be protected by him.

*This fourth article was agreed to before any of the Rangatira had signed te Tiriti. It came after the Catholic Bishop Pompallier asked Hobson that there be a guarantee of freedom of religion. Missionary William Colenso subsequently worded the article, then Hobson and the Rangatira agreed to it.)*

Now we, the Rangatira of the Confederation of the hapū of New Zealand, assembled here at Waitangi, and we, the other Rangatira of New Zealand, understand the intent of these words and agree to their entirety, and so we put here our names and our marks.

## 2C A plain English expression of te Tiriti

*Text from An interactive workbook on the Treaty of Waitangi (2006, Tangata Tiriti - Treaty People).*

### Introduction

The Queen wants the Māori leaders and nations of New Zealand to keep their land and independence, and she wants all to live in peace.

This agreement is to have a Governor for her people who are now in New Zealand and for those who will come in the future.

### First

Māori leaders give to the Queen of England forever the right to have a Governor in their lands.

### Second

The Queen agrees that Māori keep their independence and sovereignty over all their lands and over everything that is important to them.

The Māori leaders allow the Queen to have pieces of land for an agreed price, if the owner wants to offer it.

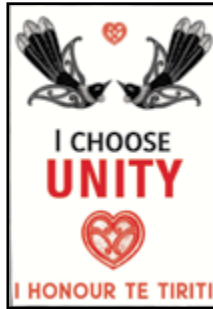
### Third

The Queen will care for the Māori people and offers them the same rights as the people of England.

### Fourth (spoken promise)

The Governor promises to protect Māori customs and all the faiths in New Zealand.

## 3 The Crown's English-language version



*This text was not available or signed at Waitangi on the date at the end of its text. There is no record in this text of the protection of religious freedom and customary law, which is sometimes referred to as the fourth article (see previous page).*

### Preamble

Her Majesty, Victoria, Queen of the United Kingdom of Great Britain and Ireland, regarding with her Royal Favour the Native Chiefs and Tribes of New Zealand, and anxious to protect their just Rights and Property, and to secure to them the enjoyment of Peace and Good Order, has deemed it necessary, in consequence of the great number of Her Majesty's Subjects who have already settled in New Zealand, and the rapid extension of emigration both from Europe and Australia which is still in progress, to constitute and appoint a functionary properly authorised to treat with the Aborigines of New Zealand for the recognition of Her Majesty's Sovereign authority over the whole or any part of these islands. Her Majesty therefore being desirous to establish a settled form of Civil Government with a view to avert the evil consequences which must result from the absence of the necessary Laws and Institutions alike to the native population and to Her subjects has been graciously pleased to empower and to authorise me William Hobson, a Captain in Her Majesty's Royal Navy, Consul and Lieutenant-Governor of such parts of New Zealand as may be or hereafter shall be ceded to Her Majesty, to invite the confederated and independent Chiefs of New Zealand to concur in the following articles and conditions.

### Article the first

The chiefs of the Confederation of the United Tribes of New Zealand and the separate and independent Chiefs who have not become members of the Confederation, cede to Her Majesty the Queen of England, absolutely and without reservation, all the rights and powers of Sovereignty which the said Confederation or Individual Chiefs respectively exercise or possess, or may be supposed to exercise or to possess over their respective Territories as the sole Sovereigns thereof.

### Article the second

Her Majesty the Queen of England confirms and guarantees to the Chiefs and Tribes of New Zealand and to the respective families and individuals thereof, the full exclusive and undisturbed possession of their Lands and Estates, Forests, Fisheries and other properties which they may collectively or individually possess, so long as it is their wish and desire to maintain the same in their possession; but the Chiefs of the United Tribes and the Individual Chiefs yield to Her Majesty the exclusive right of Pre-emption over such lands as the proprietors thereof may be disposed to alienate, at such prices as may be agreed upon between the respective Proprietors and persons appointed by Her Majesty to treat with them in that behalf.

## Article the third

In consideration thereof, Her Majesty the Queen of England extends to the Natives of New Zealand Her royal protection and imparts to them all the Rights and Privileges of British Subjects.

Now therefore, We the Chiefs of the Confederation of the United Tribes of New Zealand being assembled in congress at Victoria, in Waitangi and We the Separate and Independent Chiefs of New Zealand claiming authority over the Tribes and Territories which are specified after our respective names, having been made fully to understand the Provisions of the foregoing Treaty, accept and enter into the same in the full spirit and meaning thereof in witness of which, we have attached our signatures or marks at the places and the dates respectively specified.

Done at Waitangi, this Sixth day of February in the year of Our Lord, one thousand eight hundred and forty.



SEE ADD for the differences between te Tiriti o Waitangi and the Crown's English version.

## 4 Countering anti-Māori and anti-Tiriti statements

BELOW we outline common, linked anti-Māori or anti-Tiriti statements and misinformation, and answers in this book which counter them.

Read summaries of 13 such themes in *Alternatives to Anti-Māori themes in News Media* (Kupu Taea: Media and te Tiriti Research Group, 2014). For a more detailed description, read the group's article about the themes (Moewaka Barnes & others, 2012).

See productive ways to speak with people using these statements in the one-page guide by Tauīwi Tautoko (2018, see p75), *How to change hearts and minds one conversation at a time*, drawn by Sam Orchard.



### Pākehā as the norm

Statements that refer to 'us', 'we', 'our', or include only Pākehā in 'the public', 'taxpayers', 'New Zealanders' or 'Kiwi', usually assume that Pākehā values, processes and attitudes are natural and ordinary (as in the image below). Pākehā are one cultural group among many, and rarely talk about Pākehā ethnicity even when Pākehā have a vested interest; eg, 'Pākehā MPs'. This theme supports all those below (*see F3*).

### Māori inheritance and indigeneity

Some claim there were people here before the Polynesians who became hapū, variously Celtic European, Asian or Moriori. All 'proof' raised by the amateurs who make these claims has been refuted by qualified geologists, archaeologists, and historians (Dickson, 2025; AAP Factcheck, 2024).

This claim is part of a wider Inheritance theme, which denies Māori indigeneity and identity. For example, tauīwi may say there are few 'real Māori' left, and that Māori identity is claimed falsely by individuals wanting 'special' benefits. Such statements deny the concept of whakapapa and the permanence and continuity of hapū (*see A1*).



Banner at Waitangi, 2003:  
Honourable kawatananga – the Pakeha way forward.





## Superiority and the 'Māori culture' theme

These racist statements claim that European cultures, and therefore people, are inherently superior to the cultures of Māori and other Indigenous peoples, which are described as primitive or inadequate for modern life. This belief often assumes a hierarchy of cultures from primitive at the bottom to global/capitalist at the top, and also views Māori culture as frozen at the time of first contact.

It ignores the speedy, widespread adoption by hapū of commercial farming, and other later new technologies. It also denies the 'extensive history of creating new technologies' (Keegan & Sciascia, 2018, p361) including carving patterns that reduced hull drag on ocean-going waka; innovative engineering of fortified pā and trenches during the land wars; and the creation of netted flax, among many others. It also denies new forms of protest among hapū, including mass non-violent resistance at Parihaka (*see A4, A5 & B2*).

## Māori resources

The assumption that potential or actual Māori control of significant resources – for example, land, fisheries, forestry, water or money – is a threat to non-Māori, and that such control ties up those resources in a way that private Pākehā ownership does not.

This theme ignores the clear values and principles guiding the management of Māori resources for the long term. It also ignores enhanced social cohesion from the return of stolen resources to their original guardians through Tiriti 'settlements', which has had positive results despite the tiny proportion actually returned (*see D5 & App. 5, Treaty breaches about fisheries & water*).

## 'Privilege'

Statements that Māori have advantages or benefits that are unfair and racist because others are supposedly excluded remain common. These statements falsely assume that any inequities from colonisation have been fairly resolved, and mask all the social and institutional structures which consistently reinforce Pākehā privilege; they are part of a wider Privilege theme (*see D1, D6, D7, G2 & G5*).

## Colonisation 'benefits'

The false statement that Māori have received more benefit than harm from colonisation also remains persistent. Such claims assume that colonisation is in the past, rather than ongoing, and that any harm from colonisation has been resolved. They also assume that imposed aspects of British culture such as the 'rule of (English) law', individual property rights, and democratic government were benefits, and ignore the customary practices of tikanga; shared land use; and the direct democracy of the whare hui which they attempted to replace (*see D1 & D7*).

This theme is linked to te Tiriti o Waitangi theme.

## Te Tiriti o Waitangi

Statements that Pākehā on their own are entitled to determine the worth and meaning of te Tiriti also remain common. Examples include the false statement that it is te Tiriti rather than ongoing colonisation and racism that divides us; that te Tiriti is now irrelevant, or that tauwi should throw it out and start again; that te Tiriti no longer applies when Māori are a minority of the population; or that settlements of less than 2¢ in the dollar create a 'gravy train' (*see D1, E2 & E3*).

## 'One people'

Statements that we can live as a unified population while governments continue to ignore Māori rights and breach te Tiriti are also common. They usually represent New Zealanders as sharing a single culture – Pākehā culture – in which all should be treated the same, ignoring entrenched social disparities. Such statements treat cultural or ethnic differences as divisive, not real, or irrelevant (*see E4 & F1*).



# 5 Crown actions and laws which breach te Tiriti

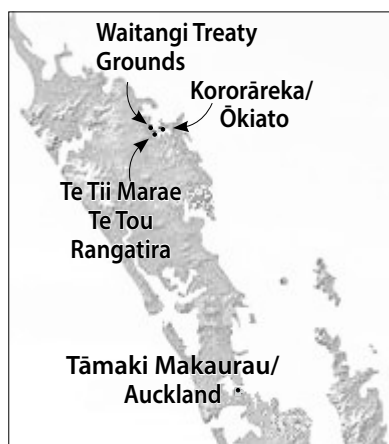
*THIS list of breaches is not definitive. Acts have been constantly amended and/or replaced. We have not listed all such changes, except where a new breach is introduced. Laws and actions are in regular text; context and status updates are smaller.*

## 1840 Fees, tariffs, and taxes

Hobson as Lieutenant-Governor immediately overrode hapū international trade arrangements by collecting berthage fees and taxing imports (*see D1*).

## 1841 Capital moved to Tāmaki Makaurau

Before te Tiriti was signed, Hobson had promised that Ōkiato, near Kororāreka, would be the base of his operations. He bought land in Ōkiato from James Clendon, US Consul from 1838 to 1841, for this purpose. But after discussion with Ngāti Whātua Ōrākei, and purchasing land in Tamaki, he declared Tāmaki Makaurau the capital, undermining trading opportunities for northern hapū in Te Pēwhairangi.



*The 506-hectare Waitangi Treaty Grounds, where He Wakaputanga and te Tiriti were signed, was given to the nation in 1932 by Governor-General Lord Bledisloe. A national trust preserves the land and Busby's original house.*

*The grounds are 500m north of Te Tii marae, separated by the Waitangi River mouth, and connected by a single-lane bridge from 1926. The 1922 marae wharenui, named Treaty of Waitangi 1840,*

*replaced an 1881 building. Te Tou Rangatira is an area south of the wharenui, now marked by a crescent of pouwhenua, where rangatira discussed the proposed Tiriti on the night of 5 February, 1840.*

## 1841 Land Claims Ordinance

All 'unappropriated' or 'waste land', other than that required for the 'rightful and necessary occupation of the aboriginal inhabitants' was proclaimed Crown land.

## 1842 Raupō Houses Ordinance

The country's first building regulation created a housing problem for hapū by taxing any existing building in the main centres made of traditional materials such as raupō, £20 per year. At the time dwellings could be made of local materials for £10. Also, anyone building a new raupō home in a main centre was fined £100 – an enormous punishment.

The ordinance was justified as a safety measure, as a number of European-built raupō homes with

internal kitchens had burnt down. Māori wharepuni had external cooking areas. It was also about protecting European carpenters, as raupō homes were cheaper to build.

## 1844 Exclusive right to buy overturned

Governor FitzRoy abandoned Article 2 of the Crown's English language version, which gave the Governor the sole right to buy land, because he didn't have the funds to buy enough land to satisfy settler demand. His proclamation included protection of wāhi tapu and provision for a 10 percent endowment for Māori from every sale.

## 1845 Northern War

Fighting began in March between some Ngāpuhi hapū and government forces at Kororāreka, then at Ōhaeawai, and Ruapekapeka. Rangatira asserted that moving the capital from Te Pēwhairangi had hurt them economically, and that the Crown through Hobson was exceeding its authority in other aspects of life, especially trade. The Northern War ended in January 1846 (Keenan, 2022).

## 1845 Invalid land purchases ignored

Willaim Spain, Commissioner of Land Claims, had found many problems in his investigation of land purchases before 1840, but many of his recommendations were never enacted. For example, the site of Wellington was proved an invalid purchase, but the area was not returned, nor was compensation paid.

## 1845 Removing land from hapū

Contracts for the sale of land required one-tenth of the land to be allocated to iwi. But when Governor Grey acquired 32 million acres between 1845 and 1852 for £50,000, including most of Te Waipounamu, it included much more than rangatira had agreed, the agreed reserves were not created, and the price paid for the land was not fair (Te Rūnanga o Ngāi Tahu, 2026).

## 1846 Protectorate removed

Governor Grey abolished the Protectorate Department (formed in 1840), responsible for protecting Māori rights. Grey had been appointed in late 1845 to replace Governor FitzRoy, who had tried to recognise existing land rights for Māori.

## 1846 Wellington and Whanganui Wars

From 1839 when British settlers first came to Te Whanganui-a-Tara, land disputes had caused friction with hapū. British troops exchanged fire with Ngāti Tama and Ngāti Rangatahi on 3 March 1846, leading Governor Grey to declare martial law in the town. This was extended to Whanganui in June. These conflicts lasted until February 1848 (Keenan, 2022).

## 1846 Native Land Purchase Ordinance

Restored the Crown's sole right of pre-emption (Article 2 of the Crown's English-language version). Penalties were imposed on any other person buying or leasing land. Māori

again had to sell land to the Crown instead of opting for long-term leases where they retained title.

### 1846 New Zealand Constitution Act

Also known as the Charter for New Zealand, this was designed to grant self-governance, and to hasten settler acquisition of land. It was never fully implemented due to concerns about the reaction of Māori to the land being acquired.

### 1847 Education Ordinance

Supported mission schools on condition that instruction be in English. The education of Māori children was viewed as part of the 'civilisation' of Māori, 'best attained by assimilating as speedily as possible the habits and usages of the Native to those of the European population' (Calman, 2015).

### 1850s Leased land not returned

In the early 1850s, two acres of reserve land in Te Whanganui-a-Tara were leased to the military for a peppercorn rental, to be returned to Māori owners when no longer required. Instead the land was transferred to the government for a future school and hospital.

George Swainson (Commissioner of Reserves from 1864-7) reported that 'No rent has ever been paid or equivalent given for these Sections'. Despite regular Māori protest, the land was not returned (Johnson, 1997, p43-4).

**1852** Hapū retained control of 34 million acres, or 51.5 percent of the country.

### 1852 New Zealand Constitution Act

Set out a structure for the new NZ government, including self-governing districts for Māori, which were never implemented. It gave the right to vote only to non-Chinese men who owned land with individual title (*see D1*).

### 1854 Waste Lands Act

Enabled the superintendent and council of any province to recommend to the Governor the sale of so-called 'waste lands' that the Crown had acquired from Māori (*see D2*).

**1856** By the mid-1850s Māori still supplied food to settlers, and produced half the country's exports to Australia.

### 1856 New Zealand Native Reserves Act

All remaining native reserves promised to hapū were placed under Pākehā control, and could be leased out at minimal rentals. This was amended in 1862 to transfer the land, powers and authorities from the Commissioners to the Governor, who could grant leases, licences, and other instruments of disposition.

### 1858 English Laws Act

All English laws as of 14 January 1840 (the date Hobson was sworn in) were deemed to be in force in New Zealand. This breached the promised protection in te Tiriti of Māori custom including justice and law-making systems (*see D1*).

### 1858 Native Districts Regulation Act

Designed to promote 'civilisation of the native race' by enabling controls to be imposed on Māori communities over many activities, such as fencing animals rather than allowing them to roam; controlling dogs; cleaning houses and buildings; banning or allowing spirits and liquor; preventing drunkenness; and suppressing 'injurious Native Customs'.

### 1858 Native Schools Act

Provided government grants to Anglican, Wesleyan and Roman Catholic schools, but required instruction 'in the English language and in the ordinary subjects of primary English education'.

### 1859–1860 North Taranaki War

A junior Te Ati Awa chief, Te Teira, offered to sell to the government Waitara land on which paramount chief Wiremu Kīngi Te Rangitāke lived. Government officials knew Te Teira had no right to sell the land, but accepted the offer anyway. Kīngi's refusal to leave in March 1860 led to the North Taranaki War, which ended in March 1861 (Keenan, 2022).

**1860** Hapū retained control of 21.4 million acres (32 percent).

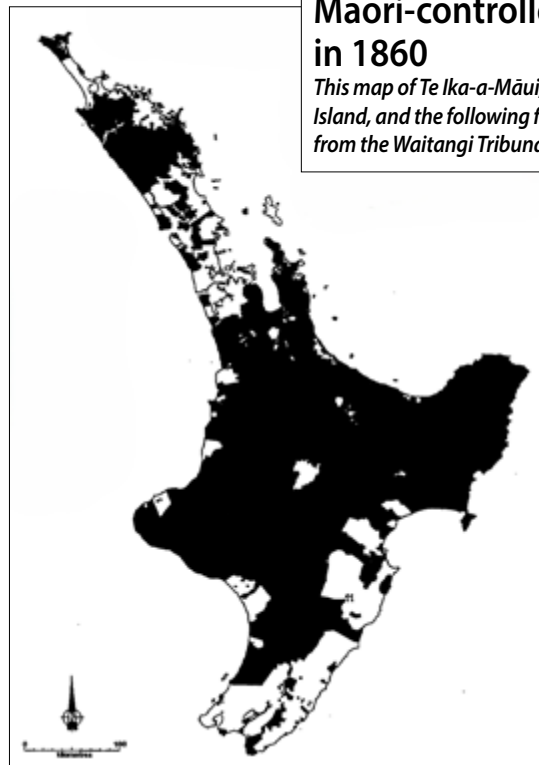
### 1862 Native Lands Act

This Act (and its 1865 replacement) intensified the theft of land from hapū; it was sponsored by Thomas Russell, a land speculator and government minister. It set up a localised Land Court system to individualise hapū collective ownership. Eleven Māori became judges in this system.

It again abolished the Article 2 pre-emptive purchase right of the Crown, enabling settlers to buy land directly from hapū. The government had funded itself by using its monopoly to

#### Māori-controlled land in 1860

This map of Te Ika-a-Māui, the North Island, and the following four maps are from the Waitangi Tribunal (Ward, 1997).



purchase land, at far below market rates, then selling the land to settlers at its market value (*see D2*).

## 1863 *Government invades the Waikato*

The government wanted to punish the Kiingitanga, who had fought in the Taranaki War (*see 1859–1860*), and make Waikato land available to settlers. In July 1863 Governor Grey issued a proclamation directing hapū living in the government-controlled area south of Tāmaki Makaurau to swear allegiance to the Queen or move south.

Three days later, British troops marched into Kiingitanga lands, starting the Waikato War. Fighting extended to Gate Pā near Tauranga in 1864 (Keenan, 2022). Following these wars the government passed the following two Acts to 'legitimise' its confiscation of land.

### 1863 *Suppression of Rebellion Act*

Based on the Irish Act of 1799, which put down the Irish rebellion against British rule, this Act suspended the right to trial before imprisonment (*habeas corpus*) for those found to be in rebellion against the Crown. Military courts were established, and land confiscation and death were included as penalties for rebellion.

## 1863 *New Zealand Land Settlements Act*

Empowered the confiscation of land in any district where a 'considerable number' of Māori were believed to be in rebellion. Three million acres were confiscated; the government then sold this land to pay for the war.

### 1864 *Public Works Lands Act*

Māori land could be taken for government projects such as roads. The Crown often favoured Māori land over general land for these purposes, since it could pay the owners less compensation or none at all. The law required land not needed for the purposes for which it was taken to be offered back to the original owners. The Crown often ignored this (*see D7*).

## 1865 *Native Lands Act*

Aimed 'to encourage the extinction of (native) proprietary customs' by creating a Native Land Court. The Māori judges (appointed under the Native Lands Act 1862) were demoted to assessors, and no longer had a role in matters of Māori custom. The new Act gave any person the right to apply for determination of title to land.

The Court could only decide on the basis of evidence before it – if a Māori owner did not take part in this long and costly process, the claimant would automatically get title. Māori owners who did take part would often incur debt which resulted in forced sales. Survey costs were charged to the Māori owners.

Many sold land rather than go through the humiliating experience of the Land Court. Once a title had been issued, the land could be sold or leased to anyone. The maximum number of owners' names was reduced to 10, for titles of less than 5,000 acres.



*The boundaries of raupatu (confiscated land) by Governor George Grey's proclamation in December 1864, after his invasion of the Waikato. Hapū migrated south of the 'aukati', a pā line alongside the Puniu River near Kihikihi, and soldier settlers moved into their abandoned kainga (villages), creating new militia towns to guard the new frontier. From Te Ara - The Encyclopedia of New Zealand, 2015.*

**1865–1875** Some 10 million acres (15 percent) were taken from Māori by Native Land Court decisions in this period.

## 1866 Oyster Fisheries Act

Prevented Māori from fishing commercially. Hapū commercial fishing enterprises went broke and hapū had to sell land to meet debts.

## 1866 South Taranaki War

After numerous battles in the South Taranaki and Whanganui area in 1864-65, in January 1866 Major-General Chute and 600 men marched around Taranaki Maunga (Mt Egmont), to destroy the capacity of Taranaki hapū to fight, by burning their villages and destroying their livestock (*see D1*).

**1866 East Coast Land Titles Investigation Act;  
1868 East Coast Act**

Authorised the issue of proclamations of confiscation, which were used to force unwilling sellers in the Urewera to accept offers for their land, under threat of confiscation (*see D1*).

### 1867 Native Schools Act

Provided for the setting up of schools in Māori villages if the hapū provided the land, half the cost of the buildings and 25

percent of the teachers' salaries (*see* 1871). English was to be the only language of instruction, and later this English-only policy was rigorously enforced.

## 1867 Māori Representation Act

Set up four Māori electorates to remove the threat of Māori out-numbering Pākehā in some areas where individualised titles had given some Māori a vote, and to prevent parliament from moving to Christchurch. If this had been done proportionately to the Māori population, there would have been 14-16 seats (NZ History, 2024, *see* G2).

## 1868–1869 Titokowaru's War

As settlers moved into South Taranaki and land was confiscated, Ngā Ruahine Methodist lay preacher, Riwha Titokowaru, vowed to defend Māori land. A disagreement over cutting rights ultimately led to Titokowaru's War in Taranaki (Keenan, 2022).

## 1868-72 War on the East Coast

Te Kooti Arikirangi Te Tūruki was arrested in 1865 on suspicion of spying, which was never proved. Despite an appeal for a court hearing which was ignored, Te Kooti was exiled to Rēkohu, a breach of Article 3. After his escape from the island, Te Kooti landed south of Tūranganui-a-Rua (Poverty Bay). His return alarmed the government, which was determined on his recapture. Their pursuit resulted in the East Coast war (Keenan, 2022).

## 1869 Treaty rewrite requested

The government requested a new Māori version of the English text. 'Kāwanatanga' in Article 1 was replaced by 'Ngā mana Katōa o te Rangatiratanga', inferring an absolute cession of Māori authority.

## 1869 Survey of Ōrākei block

The Native Land Court surveyed the Ōrākei block, awarding it to 13 owners, effectively disowning the rest of the 100-strong hapū. This removed hapū control of the land and their ability to use the land for the economic benefit of the whole hapū.

**1870s** Non-violent resistance to oppression was central to the vision of leaders Te Whiti o Rongomai and Tohu Kākahi in Parihaka, Taranaki (*see* D3 & 1881 Parihaka).

## 1871 Native Schools Amendment Act

Required instruction in Native Schools to be in English. Hapū were no longer required to provide money for buildings or salaries (which was beyond the capability of most, as war and confiscations had devastated their economies) but had to provide land for schools, to be held in school trusts as endowments.

## 1872 Land below the high water mark

Following the Kauwaeranga decision (see below) a Proclamation prevented the Native Land Court from hearing claims to land below the high water mark in the Auckland province. This breached Article 2, which recognises rangatira and hapū control.

*By Dr Harpreet Singh, 2026, who writes: "Every line is a specific law coded to strip Māori of their ancestral land. Calculated, cold, and devastating."*

| COMPREHENSIVE LEGISLATION DISPOSSESSING MĀORI OF LAND (AOTEAROA NEW ZEALAND) |             |                                                                                              |                                |
|------------------------------------------------------------------------------|-------------|----------------------------------------------------------------------------------------------|--------------------------------|
| Act Name                                                                     | Year Passed | Primary Mechanism of Dispossession                                                           | Active/Impact Period           |
| New Zealand Settlements Act                                                  | 1863        | Legalised the confiscation (raupatu) of land from tribes deemed to be in "rebellion."        | 1863–1867 (Core confiscations) |
| Suppression of Rebellion Act                                                 | 1863        | Allowed for military action and land seizure by suspending habeas corpus.                    | 1863–1865                      |
| Public Works Lands Act                                                       | 1864        | Allowed the Crown to compulsorily take land for infrastructure, often without compensation.  | 1864–Present (various updates) |
| Native Lands Act                                                             | 1865        | Established the Native Land Court and the "10-owner rule" to individualise communal title.   | 1865–1873                      |
| Native Land Act                                                              | 1873        | Forced all owners onto titles; high legal and survey costs often forced immediate sales.     | 1873–1909                      |
| West Coast Settlement Act                                                    | 1880        | Legalised the invasion of Parihaka and confiscation of Taranaki land via "perpetual leases." | 1880–1892 (Impact remains)     |
| Native Lands Rating Act                                                      | 1882        | Imposed taxes on land; unpaid rates allowed local councils to seize and sell the land.       | 1882–1904                      |
| Native Land Purchase and Acquisition Act                                     | 1893        | Empowered the Crown to compulsorily purchase land if owners refused a voluntary sale.        | 1893–1909                      |
| Native Land Court Act                                                        | 1894        | Re-established Crown Pre-emption, giving the government a monopoly on land purchases.        | 1894–1909                      |
| Native Townships Act                                                         | 1895        | Allowed the Crown to compulsorily acquire land to build townships in the interior.           | 1895–1910                      |
| Urewera Native District Reserve Act                                          | 1896        | Originally a "protective" act for Tūhoe, later bypassed to allow illegal land purchasing.    | 1896–1921                      |
| Māori Lands Administration Act                                               | 1900        | Vested land in "Land Councils" which could lease or sell land against owner wishes.          | 1900–1905                      |
| Maori Land Settlement Act                                                    | 1905        | Allowed the Crown to take "unused" Māori land and vest it in Boards for settler leasing.     | 1905–1909                      |
| Native Land Settlement Act                                                   | 1907        | Mandated that "surplus" land held by boards be 50% sold and 50% leased to settlers.          | 1907–1909                      |
| Native Land Act                                                              | 1909        | Consolidated laws and removed Crown pre-emption, making it easier for the Crown to buy land. | 1909–1953                      |
| Native Land Rating Act                                                       | 1924        | Updated laws to make it even easier for councils to claim Māori land for unpaid rates.       | 1924–1967                      |
| Māori Affairs Act                                                            | 1953        | Permitted the Court to vest "uneconomic" or "unused" land in trustees for sale.              | 1953–1993                      |
| Counties Amendment Act                                                       | 1961        | Forced owners to set aside portions of land for public reserves during any land partition.   | 1961–1970s                     |
| Maori Affairs Amendment Act                                                  | 1967        | The "Last Land Grab"; converted land with 4 or fewer owners to General Land for easier sale. | 1967–1974                      |
| Foreshore and Seabed Act                                                     | 2004        | Extinguished Māori rights to seek customary title to the foreshore, vesting it in the Crown. | 2004–2011                      |

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**LATE 1860s** Hapū had built fishing structures on the foreshore near Thames, Whenuakite. When they realised that gold might be found on the seabed and foreshore, they appealed to the Native Land Court to protect their rights. In the Kauwaeranga decision of 1870, Chief Judge Francis Dart Fenton did not dispute the evidence of prolonged Māori use of the tidal flats for fishing, but concluded: *'I cannot contemplate without uneasiness the evil consequences which might ensue from judicially declaring that the soil of the foreshore of the colony will be vested absolutely in the natives, if they can prove certain acts of ownership.'* He does, however, recognise an exclusive fishing right. Māori prepared further claims to lands below the sea in Whenuakite.

## 1873 Native Reserves Act

Took control of the Māori reserved land away from the owners. The Governor appointed a (Pākehā) Native Reserves Commissioner for each district. Māori residents could elect three assistant commissioners, who formed a Board with the Commissioner as chair.

## 1873 Native Land Act

Titles could no longer be held by iwi or hapū. All individuals with an ownership interest had to be named on the title. Individual Māori received blocks of land that were partitioned and repartitioned into uneconomic parcels of land. Fragmentation and loss of land continued.

## 1877 Māori title nullified

Chief Justice Prendergast declared te Tiriti 'a simple nullity' in the *Wī Parata v Bishop of Wellington* case. He said there was no legal Māori title to land – contradicting UK common law recognition of native title – and that the Treaty could have no bearing on the case because treaties with 'barbarians' lacked legal validity. This ruling remained in place until challenged in the mid-1980s (Williams, 2011; *see D2*).

## 1878 Native Land Act Amendment Act

Laws on trusteeship and admissible evidence were changed to allow small farmers easier access to Māori land.

## 1879 Māori Prisoners Trial Acts

## 1880 Māori Prisoners Act

## 1880 Māori Prisoners Detention Act

Postponed and finally dispensed with trials for those accused of hindering surveying of land in Taranaki, and allowed detention without trial, breaching Article 3. Under these Acts, 200 Māori were arrested in Parihaka for preventing the surveying of confiscated land, and imprisoned indefinitely without trial.

## 1880 Dog Registration Act

Aiming to prevent Māori kūrī (dogs) worrying Pākehā farmers' sheep, this law required dog owners to pay an annual 10 shillings registration fee, and be issued a dog collar which identified owners. Māori, who had used kūrī for centuries as food and to help hunt birds, were often outside the cash



*Invading troops in formation on the right by the wharehenui (large meeting house), at the substantial Parihaka settlement in 1881. Engraving by an unknown artist from the original edition of the Melbourne-based Australasian Sketcher.*

economy and could not afford the fee. Many began refusing to pay the tax and opposition grew. In 1898, government soldiers marched on Waima in Te Tai Tokerau, one site of protest, and leaders of the resistance were imprisoned (Cumming, 2021).

## 1880 West Coast Settlement (North Island) Act

Any Māori in Taranaki could be arrested without a warrant and jailed for two years with hard labour if they built anything or in any way hindered the surveying of confiscated land.

## 1881 West Coast Settlement Reserves Act

Provided for reserves for Māori within confiscated Taranaki territory to be administered by the Public Trustee, who was given two conflicting goals: to act for the benefit of 'the natives to whom such reserves belong' and to promote European settlement. Inevitably the Trustee favoured European settlement (Johnson, 1997, p106).

## 1881 Parihaka invasion

On 5 November the government sent about 1,600 troops to invade Parihaka in Taranaki. They arrested Te Whiti o Rongomai and Tohu Kākahi, leaders of non-violent resistance to colonisation, as well as 200 men; all were imprisoned indefinitely without trial.

The troops also destroyed much of the village, raped women, wrecked its cultivations, killed livestock, forcibly evicted most of its residents and occupied the remaining village for five years. The government confiscated 5,000 acres of Parihaka land to cover the costs of this invasion.

Several laws were passed over the next two years to validate the illegal arrests and detentions. Native Affairs Minister Bryce sued a journalist for reporting the invasion. The case was heard in the UK Privy Council, and young law student Mohandas Gandhi took a particular interest. The men were released in 1883.

## 1882 West Coast Peace Preservation Act

Applying only to the Taranaki area, this law legitimised the jailing without trial of Te Whiti and Tohu, and enabled any



public meetings exceeding 50 Māori people to be ordered to disperse if they appeared to threaten the government. Anyone refusing to leave such a meeting could be fined up to £50 or imprisoned with or without hard labour for up to 12 months.

### **1882 Public Works Act**

Began a new pattern of harsh and vindictive confiscations of Māori land for roads and other public works, some of which survived for almost a century. Government insistence in pushing roads through without consultation hardened Māori resistance, often expressed by obstructing roads.

Later major public works legislation also clearly reflected settler reaction to Parihaka resistance. Land thefts under this Act helped entrench Pākehā attitudes to the taking of Māori land for many years, and affected Māori attitudes to 'public works' thefts (Marr, 1997, p105).

### **1882 Native Reserves Act**

Aimed to shift control of Māori reserves to the Public Trustee, a government department. Land vested in the Public Trustee extinguished 'native title', and the Trustee collected the rents. The four Māori MPs condemned the Bill as it denied Māori owners access, control, and income.

'It takes away from the Maori everything he possesses, and gives it to another person to control' said Hēnare Tomoana, (Johnson, 1997, p119). This Act also extended lease terms from 21 to 30 years for land and 63 years for buildings, by three renewable terms of 21 years each.

### **1882 Crown and Native Lands Rating Act**

Māori land within five miles of a highway was made liable for local body rates. The Crown passed these rates to the local body, and made unpaid rates debt a first charge if the land was sold.

### **1884 Fisheries Conservation Act**

Omitted a rare early example of Tiriti rights when it replaced the earlier Fish Protection Act 1877. The 1877 law had stated, 'Nothing in this Act contained shall be deemed to repeal, alter, or affect any of the provisions of the Treaty of Waitangi, or to take away, annul, or abridge any of the rights of the Aboriginal natives to any fisheries secured to them thereunder.'

### **1886 Native Land Administration Act**

Provided for Māori land to be held by trustees with the right to sell – in contravention of rights of communal ownership. The government was able to buy land to sell or lease to small Pākehā farmers at minimal rents.

### **1886 Te Whiti re-arrested**

Te Whiti of Parihaka was re-arrested (under the West Coast Settlement Act of 1881) without warrant, charge or trial, and imprisoned. He was released in 1887.

### **1886 Bastion Point theft**

The Crown used the Public Works Act 1882 to take ownership of 13 acres (5.3 ha) at Takaparawhau, Tāmaki Makaurau, on

which it had built a fort the previous year. When the Crown decided in 1941 that it no longer needed this land for defence, it did not return it to Ngāti Whatua, instead giving it to the Auckland City Council.

### **1887 Westland and Nelson Native Reserves Act**

The lease terms were changed to 21 years and European leaseholders were granted automatic right to renew their leases, on the same terms, but with rent reviewed to current market valuation.

Owners had no right to reclaim their land. 'Effectively the land was removed from the control, use, or occupancy of the Maori owners' wrote the Waitangi Tribunal (Johnson, 1997, p130).

### **1888 Native Land Act**

Allowed for further sales, including land formerly designated as reserves for Māori.

### **1888 Assimilation goal**

In a continuation of an ongoing breach, the Inspector of Native Schools reported that their goal remained the complete assimilation of Māori.

**1891** Māori-owned land totalled 11,079,486 acres (16 percent), representing half what they had held in 1860. Māori Life expectancy was 22.5-25 years, compared with 55.5 years for Pākehā, a breach of Article 3.

### **1892-1893 Native Department abolished**

This denied Māori a specialist agency to represent their interests for over a decade, contributing to confusion and less effective administration. The department's functions were dispersed across other government departments, ultimately leading to its re-establishment in 1906.

### **1893 Native Land Purchase and Acquisition Act**

Reintroduced the Crown right of pre-emption, and gave the government new powers to declare any Māori land 'suitable for (Pākehā) settlement'. Examples include the Crown paying five shillings an acre for such land – approximately 0.8 percent of the market rate of £30.

### **1894 Government Advances to Settlers Act**

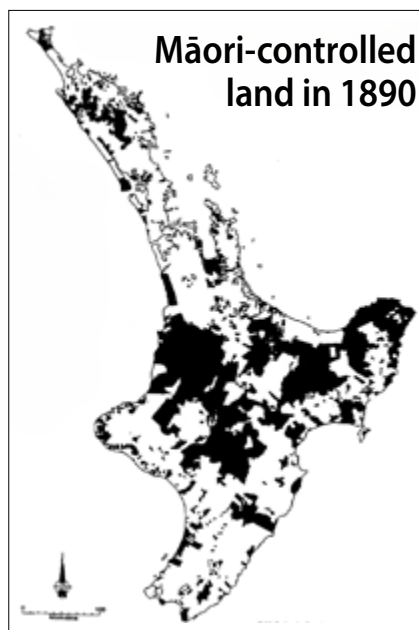
Low interest loans were available only to Pākehā settlers to buy land from the government and develop it. Māori owners were excluded from these loans until the 1930s, a breach of Article 3.

### **1894 Native Land (Validation of Titles) Act**

Legalised any previous illegal Pākehā deals about Māori land.

### **1894 Land Improvement and Native Lands Acquisition Act**

'An Act to make better provision for the preparation of lands for settlement and the acquisition of native lands' by Pākehā settlers (from the preamble).



## Māori-controlled land in 1890

Māori held ~4.7 million hectares (in black), about 40 percent of the land in Te Ika-a-Māui, roughly half of that held 30 years earlier.

This was due to large-scale confiscations after the land wars of the 1860s, and the operations of the Native Land Court.

By the 1860s, the Crown controlled the whole of Te Wai Pounamu, following large-scale land purchases from Ngāi Tahu between 1844 and 1864. The sales were based on the Crown providing land reserves, schools and hospitals, which it never did.

## 1895 Native Townships Act

Promoted settlement by allowing the government to take control of land to establish townships. Where hapū chose not to sell their land, the government established leases and collected lease payments, generally failing to pass them onto the hapū.

**1896** The Māori population declined to 42,000, the lowest recorded. Pākehā numbered 700,000.

## 1896 Native Rights Bill rejected

The Māori MPs had tabled this Bill in Parliament two years earlier, drafted with the help of the pan-tribal movement Te Kotahitanga. It abolished the Native Land Court, gave Māori the right to make their own land laws, and gave Māori control of reserved lands and land development. At the first reading, all non-Māori MPs walked out of the debating chamber (Taonui, 2012).

## 1897 Ploughing protest

Ninety-two Māori were arrested for ploughing Taranaki fields in protest against Public Trustee control of their lands.

## 1898 The Old Age Pensions Act

Those with shares in tribal land were automatically disqualified from pensions from age 65, as were any Asian people, regardless of citizenship. The requirement of a birth certificate to register for a pension meant that few Māori without tribal shares could get one, although magistrates could assess the age of Māori claimants whose births were unregistered.

## 1898 Partition of Ōrākei block

The Native Land Court partitions the Ōrākei block in Tāmaki Makaurau among the 13 'owners' named in 1869, and reclassifies the land as saleable.

## 1900 Māori Lands Administration Act

Failed in its aim to protect Māori land. The Act allowed Māori Land Councils to decide how much land was enough to support the owners, which was then set aside as inalienable reserves, with the rest leased out for production. But the owners lost control of their non-reserve land as it was vested in and administered by Māori Land Councils.

**1901** The Māori population increased to 45,549, 5.6 percent of a total population of 815,862, following public health work in Māori papakāinga led by Dr Māui Pōmare, Dr Te Rangi Hīroa (Peter Buck), Apirana Ngata, and others. The three eventually became Members of Parliament.

## 1902 The Titles Protection Act

Prevented Māori using the courts to challenge historical land titles held by European settlers. It was a hostile response to the Privy Council acknowledging Māori customary law and its potential to be recognised under common law principles in the case of *Nireaha Tāmaki v Baker*. The Privy Council ruling contradicted the earlier case of *Wi Parata v The Bishop of Wellington*.

## 1905 Māori Land Settlement Act

## 1907 Māori Land Settlement Act Amendment Act

Renamed Māori Land Councils as Māori Land Boards. The Government appointed board members rather than allowing elections, and vested Māori 'surplus' land in the boards, which were required to establish inalienable reserves and lease remaining land for settlement.

This was compulsory in the Tai Tokerau and Tairāwhiti Māori Land Districts, but voluntary in other areas. Māori land owner decisions about leasing and sales had to be approved by the boards.

## 1906 English only

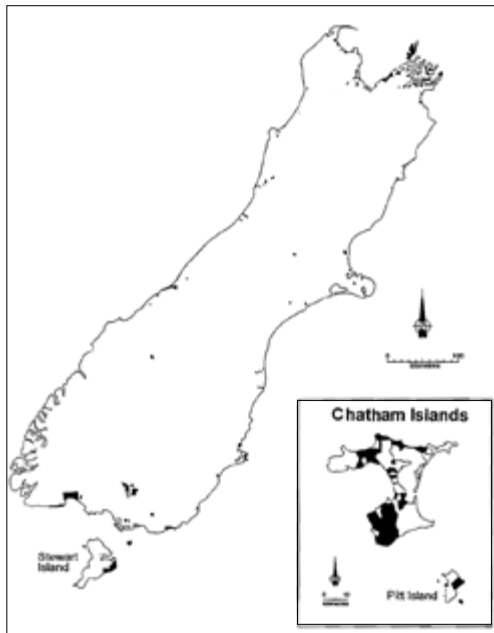
The Inspector of Native Schools, in his annual report, includes, 'the necessity of encouraging children to talk English in the playground'. School leaders interpreted this as a complete ban on speaking te reo Māori at school, to be enforced by corporal punishment.

## 1907 Suppression of Tohunga Act

The practices of tohunga, experts in Māori rongoā (medicine) and mātauranga (knowledge), were outlawed as a threat to assimilation, and to British medical practices. Nine tohunga were convicted and imprisoned under this Act.

This act was thought to be a response to the success of the prophet Rua Kēnana in convincing his people to remove their children from the debilitating influence of European schools. The Act also aimed to reduce the negative effect of some rongoā practitioners. The Act was not repealed until 1962.





## Māori-controlled land in 1910

*Almost all of Te Waipounamu, and Rakiura (Stewart Island), had been 'purchased' by 1859, except for 175,000 acres of reserves and exempted land.*

*Māori held nearly 27% ~3.1 million hectares, (in black) of Te Ika-a-Māui; very little in Tāmaki Makaurau, Hauraki, Waikato, Taranaki, Tūranganui-a-Rua, Te Matau-a-Māui (Hawke's Bay), Wairarapa, and Te Whanganui-a-Tara, despite high Māori populations in most of these areas.*



## 1907 Māori Land Claims Adjustment and Laws Amendment Act

To adjust and protect claims and interests in, and to further amend laws about, Māori lands. For example, compensation owed to Māori under the Public Works Act was now to be paid to the Public Trustee; and land defined by the Urewera District Native Reserves Act 1896 and its amendments was made subject to the Mining Act.

## 1907 Native Land Settlement Act

Required Māori Land Boards to sell 50 percent of surplus lands vested in them and lease 50 percent.

## 1908 Infants Act

Legislated for the guardianship and custody of infants, and the adoption and protection of children. It excluded the custom of whāngai (familial adoption) within Māori communities. The Act also made it illegal to keep an infant for breastfeeding by wet nurses for more than seven days, unless kept by a licensed foster parent. This Act was in place until 1989.

**1908 Infants Act context:** Dr Pomare, Chief Māori Health Officer and Dr Buck, Māori Health Officer, lament the Māori infant death rate caused by the decline in breastfeeding among Māori women (*New Zealand Times*, 8 October, p2). They attribute this to the example of European mothers who bottle-fed milk to their babies.

Cows and tinned milk were rarely available in Māori communities, so women mixed flour and water as a substitute, and some babies starved to death. Dr Buck said: 'The introduction of the feeding-bottle into the Māori home has caused as many deaths as the guns of Hongi'.

## 1908 Auckland and Suburban Drainage Act

Enabled the Government to take land at Ōkahu Bay in Tāmaki Makaurau, against the wishes of Ngāti Whātua, to lay a sewer across the beach. This blocked drainage from the last iwi papakāinga (village), and turned the papakāinga into a swamp in heavy rain (*see box next page*).

## 1908 Public Works Act

Authorised the taking of Māori land for public works. European land owners had rights to object and were entitled to compensation, but neither applied for Māori land until 1974.

## 1909 Removing Māori health inspectors

The government disestablished the roles of Māori health inspectors and officers. This first generation of Māori community workers was established in 1903 at the first conference of Māori Councils to improve housing, sanitation and water supplies.

## 1909 Native Land Act

Consolidated 69 existing Acts, again making land sales direct to settlers possible, and enabling sales and leases to be decided by a majority vote of Māori shareholders.

Also prohibited whāngai adoption. This Act, along with the 1908 restriction on length of breastfeeding, is likely to have undermined whāngai-ū (wet nursing) and the parenting of infants by other whānau members, and to have reduced breastfeeding.

The Act required Māori marriages to comply with the Marriage Act or have an officiating minister, at a time when most Māori marriages were still arranged traditionally (Cook, 2017).

**1911** Māori-controlled land was 7,137,205 acres (10.7 percent).

## 1912 Land Laws Amendment Act

Conditions under which Crown and Māori leases could be converted into freehold were relaxed to encourage sales to settlers. This fulfilled Massey's election promise: 'I want to see the settlers of this country not tenants of the Crown or private individuals, not afraid of a government agent or a private landlord, but sturdy freeholders farming their own land.'

## 1913–1928 Ōrākei land grab

The government bought most of Ngāti Whātua land at Ōrākei, Tāmaki Makaurau, during this time. This was not a simple dispossession: “In a long running battle to resist the state and save the land, [Ngāti Whātua took] eight actions in the Māori Land Court, four in the Supreme Court, two in the Court of Appeal, two in the Compensation Court, six appearances before Commissions or Committees of Inquiry, and 15 Parliamentary Petitions. In the end the state prevailed.” (Walker, 2004, p217).

**1913** Ninety percent of Māori school children attending ‘native’ schools were estimated to speak only te reo Māori at home.

## 1915 Discharged Soldiers Settlement Act

During WWI the government announced that soldiers returning from the war would have the opportunity to settle on farms of their own. As well as providing soldiers with employment, the government wanted larger farms to be subdivided to increase food production. The Act gave the government authority to purchase private land for this, as well as using some Crown-owned land.

Māori land was also included, either through gifts or other acquisition processes – leading to some Māori veterans’ ancestral lands being taken and given to others. The Act did not provide for Māori soldiers, assuming they had shares in tribal land. Ngāti Awa are documenting the impacts of this Act, and others, on their people. (Soutar, 2019).

## 1916 Native Land Amendment and Native Land Claims Adjustment Act

Part of a series of annual ‘adjustment’ acts designed to finalise land disputes and move more land into Pākehā ownership or management.

**1920** Māori-controlled land was 4,787,686 acres (7 percent).

**1924** Te reo Māori became an examinable BA subject at the University of New Zealand. Actual teaching at the Auckland University College didn’t start until 27 years later, in 1951 in the Anthropology department.

## 1928 Public Works Act

Authorised the government to take land for forestry, airports, roads, development and subdivision, including Māori customary land, without telling owners about impending confiscations (*see D2*).

## 1930 Māori education

The Director of Education blocked an attempt by the national Federation of Teachers to have te reo introduced into the curriculum; he said that “the natural abandonment of the native tongue involves no loss to the Māori ... education should lead the Māori lad to be a good farmer and the Māori girl to be a good farmer’s wife” (The Audit Office, 2012).

## 1930 Māori health blow

Māori health workers were discontinued by the closing of the Division of Māori Hygiene within the Department of Health.

## Events affecting Te Whenua Rangatira, the 700-acre Ōrākei Block in Tāmaki Makaurau

From Te Tai, *Taking of the land*.

### 1837

Apihai Te Kawau’s people re-established occupation.

### 1859

Nine acres taken at Takaparawhau Point for the military.

### 1873

A court order stipulates that a 700-acre block of land at Ōrākei be made ‘absolutely inalienable (not able to be sold) to any person in any manner whatsoever’. This also included the Takaparawhau block taken for military purposes in 1859.

### 1879

Te Kotahitanga, the first Māori parliament, is held at Ōkahu. Rangatira from Waikato, Ngāpuhi and Tāmaki Makaurau attended. They discuss mana Māori, Treaty grievances, land loss, laws, and the lack of Māori representation in local government and Parliament.

### 1882

Trustees of the Ōrākei Block lease land under the powers of the Ōrākei Native Reserve Act 1882. Communal cultivation continues and rents and profits benefit the hapū.

### 1886

13 acres on Kohimarama (now known as Bastion Point) are taken for military purposes.

### 1898

The Native Land Court partitions the Ōrākei Block among the owners and reclassifies it as alienable (saleable).

### 1908

The Government passes a special Act of Parliament to take land across the beach in front of the Ōkahu papakāinga (settlement) for a sewage pipe, which blocks its drainage to the sea.

### 1914

Raw sewage from Tāmaki Makaurau is discharged into Ōkahu Bay, contaminating the major food resource of the hapū. The flood-prone papakāinga becomes a swamp of raw sewage whenever it rains.

### 1951

The Government takes the remaining 12½ acres of land. Aside from a quarter-acre designated as an urupā (cemetery), the hapū is left totally landless.

### 1952

The Ōkahu papakāinga is razed to the ground and the people evicted. It is deemed an eyesore and cleared in anticipation of a visit from Queen Elizabeth II in 1953. Many elders die due to the extreme trauma, sorrow and anguish they experience.



These workers were closely linked to their communities, skilled in cultural approaches to health, and provided effective leadership.

## 1935 Benefit discrimination

Discrimination persisted, despite the Labour government abolishing unequal benefit rates. Official papers state that where Māori received benefits, they were paid at lower rates. Officials justified this persistent practice by claiming that Māori communal sharing meant their living expenses were lower.

**1939** Māori-controlled land was 4,028,903 acres (6 percent). The Māori population had doubled over the previous 50 years to 82,000, as did Pākehā, to 1.5 million.

## 1945 Māori Social and Economic Advancement Act

Designed to manage the rapid urbanisation of Māori, improve health and social welfare while retaining government control of independent Māori initiatives; attempted to avoid the rise of Māori nationalism (NZ History, 2017).

## 1950 Pepper-potting

As Māori urban migration continued, the Department of Māori Affairs implemented a policy of assimilation by using housing allocation policies to 'pepper-pot' Māori families in predominantly Pākehā suburbs, so rural whānau would learn to live 'like Pākehā'.

## 1950s Racist streaming in education

As a result of the education system's racist streaming (for example, Māori were not admitted to grammar schools, and thus unable to sit University Entrance exams), the majority of the Māori workforce was considered 'unskilled' and only six percent of Māori held recognised qualifications. Many Māori parents decided that their children would benefit more if raised as English, rather than as te reo Māori, speakers.

**1951** Auckland University College began teaching te reo Māori.

## 1951 Ngāti Whātua evicted

The government forcibly bought the Ngāti Whātua papakāinga at Ōkahu Bay, Tāmaki Makaurau, evicting the remaining 35 whānau, burning their houses and demolishing the village. Whānau were forced to move to state houses built for smaller nuclear families on their own illegally stolen land up the hill, further undermining their extended family living.

One reason for the demolition was the Queen's forthcoming drive-by on her official visit, past what the government thought 'a dreadful eyesore' (Waitangi Tribunal, undated).

**1953** 26 percent of Māori school children could speak te reo Māori, compared to 90 percent 40 years earlier.

## 1953 Māori Affairs Act

Allowed the government to compulsorily buy Māori land deemed 'uneconomic', at state valuation. The Māori Trustee (a government department) was able to compulsorily sell Māori land worth less than £50 without owners' consent. If the owners couldn't or wouldn't develop land to 'European standards', the Trustee could insist that the land be leased, used or developed by someone else.

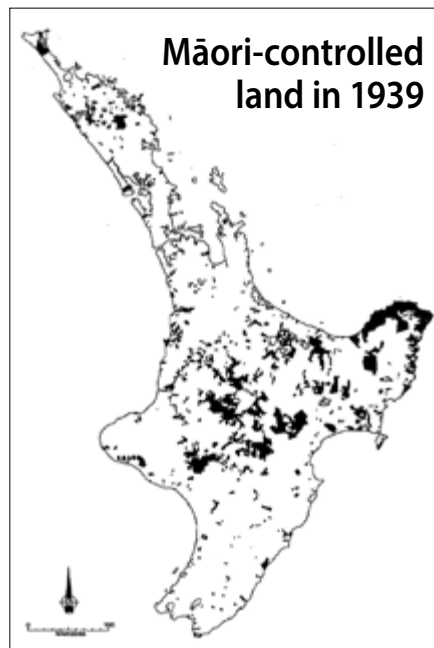
If the original owners wanted the land back at the end of the lease, they had to pay compensation for improvements. If they couldn't raise the capital for the improvements, they lost the land. Tens of thousands of acres were leased to forestry companies who have exploited the land for maximum profit through perpetual leases.

## 1953 Town and Country Planning Act

Made it illegal for rural hapū to build new houses on their land, forcing many to move – 60 percent of hapū members moved to towns and cities between 1950 and 1980.

## 1950s – 1980s State care

Four out of five of the approximately 100,000 children taken from their families and put into state care were Māori (for minor reasons like truanting), generally without the consent of their whānau. The children lived in prison-like conditions and were subjected to physical and sexual violence. This human rights violation breached Article 3.



*This map does not appear to show Māori-owned land under perpetual leases as Māori land.*

## 1955 Māori Reserved Land Act

Vested ownership of reserved land in the Māori Trustee 'for the benefit of the Māori owners' and standardised the reserves' leasing and administration. The Act supported a system of perpetual leases at very low, fixed rentals. These rents were criticised by bodies like the Māori Reserved Land Commission in 1975 and the Waitangi Tribunal in its Ngāi Tahu Report.

## 1959 Ongoing discrimination

Dr Henry Rongomau Bennett, a senior medical officer in a hospital in Tāmaki Makaurau, was refused a drink in a hotel bar because he was Māori. Māori were usually excluded from drinking in lounge bars, and some hotels refused bookings from Māori. Rental properties were advertised for 'Europeans only', and in some places Māori were separated from Pākehā in cinemas and swimming pools. This discrimination is a breach of Article 3.

In Pukekohe, just south of Tāmaki Makaurau, hundreds of Māori babies and children died in slums on the edge of town where they had been forced to live. Māori residents weren't allowed to do their shopping without a Pākehā person making purchases for them, and had no access to healthcare. Māori weren't allowed to go to the hairdressers, were allowed only in certain parts of the cinema, attended one school specifically for Māori, and weren't allowed to swim in the 'public' pool until Fridays after which the water was treated.

## 1960 Increasing assimilation

The Hunn Report, by Jack Hunn, a top civil servant, recommended increasing assimilation to improve Māori educational achievement and reduce other social and health disparities, to 'close the gaps' in outcomes.

## 1960 Rugby vs apartheid

The New Zealand Rugby Football Union organised a tour of South Africa by an 'all white All Blacks' team, as South Africa did not allow mixed-race sports teams to tour their country until 1970.

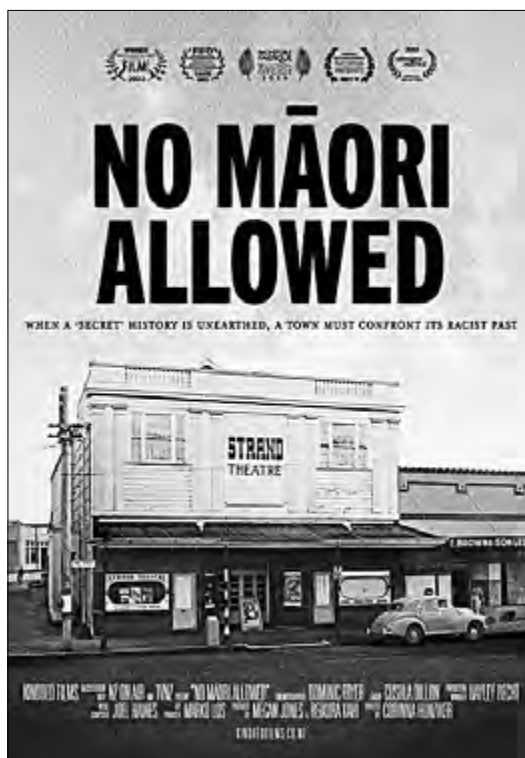
Two weeks after the Sharpeville Massacre, where 69 South Africans were shot in the back protesting apartheid pass laws, Prime Minister Walter Nash said, 'It is not the place of the Government to interfere in the affairs of a sports body'.

Nearly 160,000 New Zealanders signed the Citizens' All Black Tour Association petition 'No Maoris – No Tour', which failed to stop the tour. The United Nations later designated the date of the massacre, March 21, as Race Relations Day.

1961 Māori population was 167,000.

## 1963 Customary rights

The New Zealand Court of Appeal decided in *Re the Ninety-Mile Beach* that Māori customary rights in the



*Systemic racism and segregation in Pukekohe and across New Zealand was documented in a book by Robert E. Bartholomew, and a documentary of the same name by Kindred Films, both featuring testimony by Māori residents.*

foreshore (between high and low water marks) were extinguished, except where there was contiguous Māori land ownership down to the foreshore. Māori owners were not compensated for this confiscation.

1965 The systematic process of stripping Māori of their land achieved its ends. In this year, only an estimated 3,680,585 acres (5.5 percent) remained in Māori control. Of that, 271,226 acres were classified as 'probably of no use'; 915,970 acres were unoccupied and unsuitable for farming or forestry; and 1,281,240 were on long-term leases, most of which were unlikely to return to Māori control. That left 695,063 acres (just one percent of the total land area) still in actual Māori occupation.

## 1967 Māori Affairs Amendment Act

Enabled Māori land with fewer than four owners to be converted to general land. The Act opened membership of Incorporation Trust Boards to people other than owners, including the Māori Trustee. The Trustee could seek sales from individual owners to the Crown. Once sufficient numbers were obtained, the way was open to freehold the land.

## 1967 Rating Act

Enabled local bodies to lease or sell Māori land where rates were outstanding, even though the land was not producing any income for its owners.

## 1970s Punished for speaking te reo

'In many rural areas, half or more of the adults interviewed ... reported having been punished at school for speaking Māori' (Benton, 1978), an ongoing Tiriti breach.

1960: A Citizens All Black Tour Association (CABTA) rally in Te Whanganui-a-Tara against the all-White All Black tour of South Africa. Photo, D.R. Armstrong.



**1971** The Māori population was 289,887, 10.1 percent of the total population, 2,862,630.

## 1973 Reduction of te reo fluency

Only about 70,000 Māori, 18-20 percent of the population (mostly elderly) were fluent Māori speakers, according to a detailed national survey by the New Zealand Council for Educational Research (Benton, 1978). This was the cumulative result of constant Tiriti breaches in the education system.

**1975** Māori land ownership was at its lowest – 3 million acres. Dame Whina Cooper led the Māori Land March from Cape Rēinga to Parliament in protest, using 'Not one acre more of Māori land' as its catchcry. The march was organised by the Ngātiwai Land Retention Committee, led by Witi McMath.

## 1975 Treaty of Waitangi Act

Led by Matiu Rata, this Act established the Waitangi Tribunal, with members selected by the Crown, to inquire into Crown breaches of the Treaty on or after 1975. Unlike Rata's original vision of ratifying te Tiriti, the Tribunal could only recommend compensation or redress to claimants, which the government does not have to accept, and it must take both texts of the Treaty into account (*see D4*).

## 1976 Sale of leased land

From 1880 to 1976 the Māori Trustee sold 75 percent of the Taranaki land vested in the Trustee for leasing. In response, the Parininihi ki Waitōtara Incorporation was established to administer its own lands and to further resist land sales.

**1981** The Māori population of 385,2217 was 12 percent of the total.

## 1983 Scaling School Certificate results

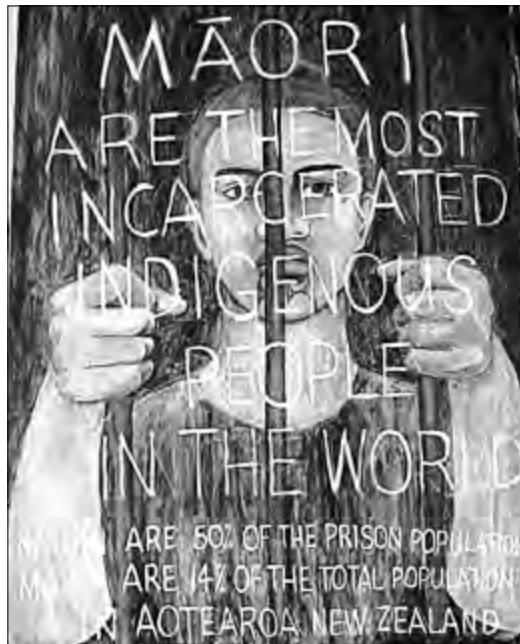
The Ministry of Education scaling system allowed only 38 percent of candidates sitting School Certificate Te Reo Māori to pass, while allowing passes for 80 percent of those sitting Latin, German or French.

## 1984 Kia ora

The Post Office demoted national tolls operator, Naida Glavish of Ngāti Whātua, for greeting callers with 'Kia ora' and refusing to use only formal English greetings. After widespread public support she was reinstated, and the prohibition overturned.

## 1985 Te Reo Māori claim

Decline in the use of the Māori language led to a claim to the Waitangi Tribunal, which ruled that Treaty obligations required



*'Incarcerated', 2022, by Robyn Kahukiwa (Ngāti Porou, Te Aitanga-a-Hauiti, Ngāti Hau, Ngāti Kōhohi and Te Whānau a Ruataupare, 1938 – 2025).*

affirmative action to protect and sustain the language.

Legal action over the next 20 years, funded by the Māori Council (including Sir Graham Latimer mortgaging the family home), resulted in a Privy Council ruling forcing the government to commit funds to Māori language broadcasting and te reo immersion schooling. This eventually led to the establishment of Māori Television.

## 1986 Ongoing disadvantage

Twelve percent of the total population identified themselves as being of iwi descent. Less than 50 percent of people of iwi descent owned their own homes, compared with 75 percent of all other people. The justice system imprisoned people of iwi descent at 10 times the rate of non-Māori. These ongoing inequities are breaches of Article 3.

## 1986 Fishing quota management system

The Crown created a new property right with the introduction of the quota system by amending the Fisheries Act 1983, without inquiry into pre-existing Māori fishing rights.

## 1986 State Owned Enterprises Act

Provided for the transfer of Crown land to state-owned corporations. This step towards the privatisation or sale of Crown assets reduced the possibility of publicly-owned resources being returned to settle Treaty claims. The Act also included a new set of 'Treaty principles'.

After the Māori Council appealed Treaty breaches in the Act, in 1987 the Court of Appeal required the Government to consult Māori before public assets were transferred, and to introduce a caveat allowing claimed land to be repurchased. The Court's ruling also created another set of principles.

## 1986 Constitution Act

Repealed the New Zealand Constitution Act 1852, including Section 71 which provided for Native Districts to be declared where 'Māori laws, customs and usages' could be maintained.

**1987** Māori Language Act made te reo Māori an official language and recognised it as a taonga under the Treaty. It also established Te Taura Whiri i te Reo Māori (the Māori Language Commission).

## 1988 Port Companies Act

Allowed privatisation of Harbour Boards and the right to sell assets, including Crown land and foreshore, thus placing these assets outside the jurisdiction of the Waitangi Tribunal.

## 1989 *More 'principles'*

The Labour government announced its set of 'Principles for Crown Action on the Treaty of Waitangi', despite Māori rejection of the concept (*see D8*).

## 1989 *Local government rejection*

The Minister of Local Government rejected recommendations that a Treaty clause be included in local government reform legislation.

## 1989 *Māori Fisheries Act*

Māori legal challenges to the fisheries quota system, with the Waitangi Tribunal's Muriwhenua report (1988), forced the Crown into negotiations about Treaty fishing rights under Article 2, which guarantees hapū the 'full, exclusive, and undisturbed possession of their lands, estates, forests and fisheries'.

The Māori Fisheries Act, however, reduced Māori ownership of fisheries to a cash payment and 10 percent of the total quota. Distribution of the quota to iwi was controlled by government appointees to a Māori Fisheries Commission. The Crown continued to sell property rights in a resource belonging to hapū (*see question D12 in ADD online*).

## 1989 *Radio Spectrum*

The government disagreed with the claim over the radio spectrum and legislated a new system for selling licences to broadcast frequencies. Claimants argued that the spectrum was an undiscovered taonga that had existed in 1840 and was covered by Article 2. The Tribunal supported the claim after hearings in 1990. The 'Spectrum case' (Wai 150) resulted in low-quality FM frequencies being put aside for Māori radio in 1991.

## 1989 *Broadcasting Act*

Prohibited any allocation of time or money for electoral advertising by any political party contesting less than 10 seats. No exception was made for parties such as Mana Motuhake, contesting only the four Māori seats. The prohibition was reduced in 1996 to contesting less than five seats, and was repealed entirely in 2004.

## 1990 *Runanga Iwi Act*

Encouraged corporate structures for iwi with the aim they be empowered to deliver government programmes. The approach was criticised for overlooking pan-iwi organisations in urban areas. Developed by the government alone, it dictated how Māori were to be organised and represented.

## 1991 *'Principles' rewrite*

The government rewrote the Crown 'Treaty principles'. In relation to charters for education providers, the Minister of Education said that references to the Treaty of Waitangi (and equity), made obligatory by the previous government, would now become optional.

## 1992 *Treaty of Waitangi (Fisheries Claim) Settlement Act*

Known as the Sealord Deal, this Act extinguished "forever" all Māori commercial fishing rights in exchange for a cash settlement of \$150 million to purchase part of Sealord Products Limited, plus 20 percent of new species quota.

All present and future fisheries Treaty claims by Māori were cancelled, while a vital section of the Fisheries Act 1983 which stated that "nothing in the Act will affect Māori fishing rights" was removed. This Act led to the Māori Fisheries Act 2004.

However, in 2025 the Waitangi Tribunal found that successive governments had not allocated new species quota to Māori as required under the 1992 Act (Ratana, 2025; *see D12 in ADD*).

## 1993 *Wai 11 report*

The Waitangi Tribunal report on Te Reo claim (1993, p38) says: 'Judged by the system's own standards Māori children are not being successfully taught, and for this reason alone, quite apart from a duty to protect the Māori language, the education system is being operated in breach of the Treaty'.

## 1993 *Treaty of Waitangi Amendment Act*

Defined 'private land', then prohibited the Waitangi Tribunal from recommending either the return to Māori of any private land, or the purchase by the Crown of any private land to return it to Māori.

It was proposed by northern MPs John Carter and Ross Meurant to support the newly formed anti-Treaty-rights group Hobson's Pledge, and Maunganui Bluff farmer, and convicted arsonist, Allan Titford.

The Tribunal had recommended an urupā (cemetery) on his land should be able to be accessed by Te Roroa. Titford burnt down his own farm building and blamed it on Te Roroa, and also held out for an excessive payment from the Crown. Previously, farmers had sold claimed land to the Office of Treaty Settlements, which had used it for settlement purposes.

## 1993 *Te Ture Whenua Māori Act*

Required almost all dealings with Māori land to be examined and approved by the Māori Land Court, involving constraints and complex rules that do not apply to private landowners.

However, for the first time, the importance of the hapū relationship to land and the need for land retention was acknowledged in law. This Act prevented further alienation of communally owned Māori land, for example, from unpaid rates. It provided for land to be retained in the hands of its owners, their hapū and descendants, and promoted Māori owners developing and controlling their land.

## 1994 *Fiscal envelope policy*

The National government developed a 'fiscal envelope' policy, limiting all settlements to a total of \$1 billion – even before claims were heard by the Waitangi Tribunal – and unilaterally decided on a settlement negotiation process, despite Māori opposition to both concepts. The policy remains in force,

leaving the average value of compensation at about two percent of losses (*see D11 in ADD online*).

**1996** Māori – 523,371 – were 14.5 percent of the population.

## 1997 Māori Reserved Land Amendment Act

After more than five years of reviews showing the dissatisfaction of Māori land owners at their lack of control over their land, this Act aimed to balance the relationship between owners and lessees. But the 1994 policy – that the properties could revert to landowners after 42 to 63 years – was not included.

Instead, under the Act, owners of leased properties that are offered for sale will have first right of refusal to purchase the lease (including improvements) at market value (unless the transfer of the lease was to a spouse and/or child).



*The government's unilateral fiscal envelope policy limited Tiriti 'settlements' to less than two percent of what had been taken, and Māori organisations were united in opposition. The*

*policy contrasted starkly with generous government bailouts of tauiwi companies:*

- 1989, Bank of New Zealand, \$634+ million
- 2008, Nine finance companies, \$2 billion
- 2013, overseas multinational Rio Tinto, \$30 million and in 2024, \$2 billion in electricity subsidies (New Zealand Aluminium Smelters, Bluff)
- 2024, Ruapehu Alpine Lifts (Whakapapa skifield), \$27 million in loans and grants (Crimp, RNZ, 2024; Daalder, RNZ, 2024; Wikipedia, 2025).

## 2000 Constitutional omission

The government called a public meeting on the constitution at Parliament. Lawyer Annette Sykes and others pointed out that the Treaty was not on the agenda, and the talks went nowhere.

**2001** Almost 15 percent (one in seven) of the population identified themselves as being of Māori descent: 526,281. Their median age was 22 years, and median annual income was \$14,800. Fifty percent owned their own homes, compared with 70 percent of tauiwi. The justice system was three times more likely to apprehend Māori for an offence, and four times more likely to convict them than tauiwi accused of the same offence, the result of ongoing te Tiriti breaches in the justice system.

## 2002 Local Electoral Amendment Act

Introduced regular reviews of representation in local authorities, and provided for wards to ensure representation for communities of interest. However, it provided for a right to demand a universal poll only in respect to the creation of Māori wards – not for rural or any other wards – if petitioned for by five percent or more of all electors (*see G3*).

## 2003 Fresh water

The government established a Sustainable Water Programme of Action without addressing whether or not fresh water belonged to hapū and iwi.

## 2003 Cession still promoted

The Treaty Information Unit (part of the State Services Commission) produced a timeline saying that the Treaty transferred sovereignty to the Crown, despite attempts by educators and others to correct it to show that Māori never ceded sovereignty. (Funding for the unit was withdrawn in 2006.)

## 2003 Supreme Court Act

Despite Māori opposition, the right of appeal to the UK Privy Council was removed. It was replaced by a New Zealand Supreme Court 'to enable important legal matters, including legal matters relating to the Treaty of Waitangi, to be resolved with an understanding of New Zealand conditions, history and traditions'. The Privy Council had made rulings important to Māori (such as the reo claim) after claimants appealed decisions by local courts.

**2004** National Party leader Don Brash delivered a speech in Ōrewa calling for an end to what he called 'race-based' policies. Brash's poll ratings rose, encouraging other parties to sideline Māori rights for decades.

## 2004 Renaming 'Closing the Gaps'

This 2002 policy aiming to reduce gaps between Māori, Pasifika people and Pākehā in income and health, was renamed Reducing Inequalities and then underfunded by the Labour government after Don Brash's Ōrewa speech, because targeted health spending for Māori and Pasifika people was perceived as a political liability.

## 2004 Call for constitutional change

A Constitutional Arrangements Committee was set up to undertake a review of New Zealand's existing constitutional arrangements, and called for public submissions in early 2005. The Committee's August report said, 'the demand for constitutional change to give effect to the Treaty of Waitangi has been persistent and from a variety of sources'. However, no government has yet acted on this demand.

## 2004 The Foreshore and Seabed Act

Gave the Crown ownership of the foreshore and seabed not already held in private hands, in the largest land confiscation so far. Foreshore is the land between high and low water marks at mean spring tides; seabed is the land covered by the sea out to 12 nautical miles (the country's territorial waters). Privately-held land (mainly owned by tauiwi) was protected, while Māori customary rights and title to the foreshore and seabed were extinguished, being replaced with the government's version of customary rights, and with no financial compensation to affected hapū.

The UN Committee on the Elimination of Racial Discrimination found that the law breached the International





*Activists organised mass national protests about successive laws confiscating the foreshore and seabed. This 2004 hikoi was crossing the harbour bridge in Tāmaki Makaurau on its way south to Parliament House in Te Whanganui-a-Tara.*

Convention on the Elimination of All Forms of Racial Discrimination, which New Zealand had signed (*see D2, & D13 in ADD online*).

## 2005 Education funding withheld

The government withheld part of Te Wānanga o Aotearoa's funding, then took control of the university. It also reduced funding for non-degree courses at Māori tertiary institutions.

## 2006 Special Rapporteur on foreshore law

After his 2005 visit (at the invitation of the government), the Special Rapporteur on the Situation of Human Rights and Fundamental Freedoms of Indigenous Peoples judged the 2004 Foreshore and Seabed legislation to be discriminatory, and recommended it be repealed or amended. The government dismissed the report as unbalanced, and said it would not act on its recommendations.

**2006** The Principles of the Treaty of Waitangi Deletion Bill, proposing a Tiriti breach, was introduced by the government and sent to a select committee as part of the Labour/New Zealand First agreement. One hundred and sixty submissions were opposed, out of 171 received. The Bill was voted out 17 months later at its second reading.

## 2006 Treaty of Waitangi Amendment Act

Set a deadline of 1 September 2008 for lodging historical claims for Crown actions (before the arbitrary date of 21 September 1992) to the Waitangi Tribunal. Any new claim after September 2008 could only be about Crown breaches that occurred after 21 September 1992. Claims flooded in to the Tribunal.

## 2006 Te Arawa Lakes Settlement Act

The government returned ownership of lake beds to Te Arawa, but not its water or aquatic life, except for plants attached to the lake beds, breaching the Article 2 guarantee that Māori would retain control of all that was important to them.

**2006** In the census, Stats NZ stated that Māori ethnicity and descent are different concepts, a departure from previous practice. In 2006 there were 643,977 people of Māori descent (17.7 percent of the population usually living in Aotearoa). Stats NZ also added New Zealander as an ethnicity, which made research into ethnic inequities much more difficult (Cormack & Robson, 2010).

## 2006 The New Zealand Curriculum

The new draft curriculum did not refer to te Tiriti. The majority of responses commented on its absence, and the minimising of te reo Māori and Māori concepts and content. After protests, in 2007 a Ministry of Education official acknowledged the Ministry was wrong, and said references to the Treaty will be included in the final version.

## 2006 Ministry of Health directives

The Ministry of Health wrote to all District Health Boards saying that the government has given clear directions that there will no longer be any direct references to the Treaty of Waitangi or its principles in new policy, actions, plans or contracts in the health and disability sector.

## 2007 Flag refused

Transit New Zealand, a government agency, refused a request to fly the Māori sovereignty flag on the Auckland Harbour Bridge on Waitangi Day.

**2007 Statistics of discrimination** Ministry of Social Development research showed that Māori were below the European average in 16 of 20 indicators of wellbeing in health, housing, work, income, wealth, and safety. The other four indicators were participation in tertiary education, physical activity, cultural and arts activities, and regular contact with friends and family.

## 2007 UNDRIP opposed

New Zealand was one of only four countries to vote against the UN Declaration on the Rights of Indigenous Peoples when it was adopted by the UN General Assembly, without prior consultation with hapū or iwi about this position. The other three opposing countries were also former English settler colonies – Australia, Canada, and the United States; 143 countries voted in favour.

## 2007 Tūhoe raids

Searches and arrests were made in 'anti-terrorist raids' around the country, targeting tauiwi as well as Māori, but Māori individuals, families, and communities were more harshly treated. Tūhoe communities in the Rūātoki valley, including a bus full of kohanga reo children, were locked-down and blockaded by armed and masked police.

## 2008 Policing Act

An amendment stating, "in interpreting and administering this Act, effect will be given to the Treaty of Waitangi" was lost. The Commissioner of Police's Māori Focus Forum considered "the absence of a Treaty clause to be a particular disappointment".

## 2008 Treaty of Waitangi Amendment Act

Section 5 prohibited the Tribunal from making recommendations for compensation or return of Crown forest-licensed land to Māori ownership in the takiwā (territory) of Ngāi Tahu Whānui.

## 2008 Climate Change Response (Emissions Trading) Amendment Act

An amendment 'that this Act should give effect to Treaty of Waitangi' was lost.

**2009** After the Treaty of Waitangi Amendment Act set a closing date of 1 September 2008 for submitting historical claims to the Waitangi Tribunal, more than 1,800 claims were lodged between 1 August 2008 and 1 September 2008. As of 19 June 2009, 529 claims had been registered, making a total of 2,034 claims on the Tribunal's register.

## 2010 UNDRIP revisited

Following a coalition between National and the Māori Party, New Zealand announced limited support for the UN Declaration on the Rights of Indigenous Peoples. However, the Prime Minister described the UN Declaration as "an expression of aspiration; it will have no impact on New Zealand law and no impact on the constitutional frameworks". Of the three other UK settler colonies that originally opposed it, Australia announced its support in 2009, with Canada and the USA following New Zealand in 2010 (*see 2023 next page*).

## 2011 Marine and Coastal Area (Takutai Moana) Act

Repealed the Foreshore and Seabed Act 2004 and replaced Crown ownership with a new 'common marine and coastal area', a legal fiction as the Crown retains the authority to grant mineral licences and resource consents.

It retained most of the discriminatory aspects of the 2004 Act, treating Māori property differently from others, limiting their control and authority, and effectively extinguishing customary title. While it returned the right to go to court, the bar for proof of customary title was set so high that in most cases hapū would be unable to prove their claim (*see D13 in ADD online*).

## 2012 Kōhanga Reo claim

The Waitangi Tribunal found that Te Kōhanga Reo Trust's claim 'was well founded in that the Ministry of Education was destroying the kaupapa of the movement in imposing Crown criteria on Māori Taonga' (*see G4*).

## 2012 Privatisation of SOEs

The government confirmed it was preparing to remove four state-owned enterprises (SOEs) from the State-Owned Enterprises Act 1986 to partially privatise them, and drafted new legislation that did not include the Treaty provisions in the SOE Act.

A hui of more than 700 representatives of Māori organisations passed a resolution calling on negotiations before the sale of shares in state-owned power companies. The government ignored this and continued its partial privatisation programme.



*Kohanga reo in Tokomaru Bay in 1986, by Jill Carlyle; O.028011, Museum of New Zealand Te Papa Tongarewa.*

## 2012 State-Owned Enterprises Amendment Act and 2012 Public Finance (Mixed Ownership) Amendment Act

Enabled partial privatisation of state-owned assets. It inserted into the Public Finance Act: 'Nothing in this Act shall permit the Crown to act in a manner that is inconsistent with the principles of the Treaty of Waitangi (Te Tiriti o Waitangi)', but that this 'does not apply to persons other than the Crown', therefore allowing assets and resources to be sold to companies that are free to breach the Treaty.

## 2012 Freshwater and Geothermal

The Waitangi Tribunal held urgent hearings for the National Freshwater and Geothermal Resources Inquiry (Wai 2358) and was pressured by the government to issue its findings within one month. The Tribunal's Stage I Interim Report said, "the recognition of the just rights of Māori in their water bodies can no longer be delayed. The Crown admitted in our hearing that it has known of these claims for many years, and has left them unresolved."

It concluded that: "If the Crown proceeds with its share sale without first creating an agreed mechanism to preserve its ability to recognise Māori rights and remedy their breach...it will be in breach of Treaty principles."

## 2012 Educational qualifications

The highest qualification for 30 percent of Māori school leavers was less than NCEA level 1; compared with only 11 percent of Pākehā students. Over half of Pākehā school leavers (54 percent) had achieved University Entrance, compared with a quarter (26 percent) of Māori. This breached Article 3.

## 2013 Resource management

A Te Puni Kōkiri survey found that local authorities tended to preserve their own authority and status, and relegated Māori to a minor role in decision-making over resource management issues.

## 2013 Constitutional review

The Government's Constitutional Advisory Panel report recommended that the government continue a public constitutional conversation. The Prime Minister stated, "there

is no sense of urgency or widespread desire for change”.

In contrast, from 2013 Maori held their own widespread constitutional consultation, resulting in the groundbreaking *Matike Mai* report in 2016.

## 2014 Sovereignty report

The Waitangi Tribunal released its first report on WAI 1040 Te Paparahi o te Raki (Ngāpuhi Stage 1) inquiry. It found that Ngāpuhi leaders **did not agree to give up** their sovereignty when they signed te Tiriti in 1840. The government response at the time was ‘nothing would change’ (*see C4*).

**2017** (In)Justice system: Research showed Māori made up 50.9 percent of the total prison population. Police were three times more likely to arrest Māori than tauwiwi, and up to four times more likely to charge them. The court system was 11 times more likely to remand Māori in custody than tauwiwi; four times more likely to convict them; and seven times more likely to imprison them than tauwiwi for the same offence.

## 2018 Te Reo lacks resourcing

Despite the passing of Te Ture mō Te Reo Māori in 2016, the Council for Educational Research found that government policy to support te reo Māori in kura and schools lacked cohesion and had not addressed the shortage of teachers of te reo or those able to teach other subjects in te reo Māori.

## 2018 Child Poverty Reduction Act

Regular reports required by this Act found that median incomes of households with children of predominantly Māori and Pacific peoples still lagged below European households.

## 2019 Hauora Inquiry

The Waitangi Tribunal Hauora Inquiry found that the Crown had breached the Treaty many times in health legislation, policy, funding, monitoring and delivery.



*‘The Crown’s Dirty Washing 2023-25’, 33 op-shop pillowcases showing legislation breaching te Tiriti, illustrated by Jacqui Brooks for public display by the Green Party, 2026.*

## 2020 UN Report on Tiriti basis for housing

The UN Special Rapporteur on the Right to Adequate Housing in New Zealand urged the nation to consider its roots in te Tiriti o Waitangi as a source of rights and expectations for all New Zealanders. She stated: ‘Using the Treaty in a meaningful way necessitates an exploration of the State’s history of colonisation, land dispossession, forced assimilation, and racism and the contemporary consequences of these on and for Māori’ (*see G6*).

## 2023 Tauranga Council land sold

Tauranga City Council sold Smith’s Farm in Bethlehem to a private developer in October, despite mana whenua, Ngāi Tamarāwaho, offering to purchase the land to build affordable housing. Months earlier, the council had reclassified the land for strategic disposal, which removed the need to offer mana whenua first right of refusal (*see D6*).

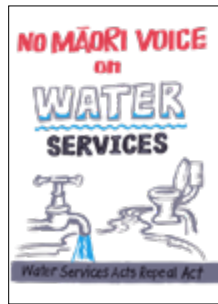
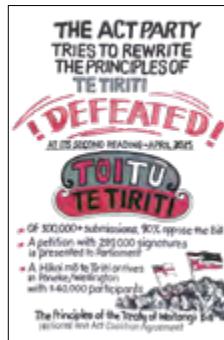
**2023** The National Party (48 seats, 39 percent), the ACT Party (11 seats, 9 percent) and the New Zealand First Party (8 seats, 6.5 percent) formed a coalition government, and began to undo much of what had been achieved in honouring te Tiriti. Often legislation was passed under urgency or with very tight deadlines for the public to submit on the proposals. Examples follow.

## 2023 UNDRIP de-recognised

The government said it will not recognise the UN Declaration on the Rights of Indigenous Peoples as having any binding effect on New Zealand (*see G6*).

*The 33 pillowcases of breaches along the fence at Waitangi on Waitangi Day 2026. Photo by Jacqui Brooks.*





## 2023 He Puapua abandoned

The *He Puapua* report of 2019 provided a plan to realise the UN Declaration on the Rights of Indigenous Peoples in Aotearoa. The report was received by the Labour Government in 2019 but was not acknowledged as Labour policy or released publicly until the National Party did so in April 2021. After the 2023 election, the National Party's coalition agreement with New Zealand First included 'Stop all work on *He Puapua*' (see G6, & G23 in ADD online).

## 2023 Name changes for Ministries

The coalition agreement between National and New Zealand First required public service departments to 'have their primary name in English, except those specifically related to Māori'. Waka Kotahi and Te Whatu Ora were the first to change their names to New Zealand Transport Agency Waka Kotahi and Health New Zealand Te Whatu Ora.

## 2023 Resource Management (Natural and Built Environment and Spatial Planning Repeal and Interim Fast-track Consenting) Act

Reduced tangata whenua role in environmental decision-making, threatening Māori rights, diluting protections for ancestral lands and waterways, and weakening te Tiriti-based participation in decision-making.

## 2024 Water Services Acts Repeal Act

Repealed several Acts, removing provisions for Māori representation on decision-making bodies that had previously been included in Labour's Three Waters legislation.

## 2024 Pae Ora (Disestablishment of Māori Health Authority) Amendment Act

Disestablished Te Aka Whai Ora – the independent Māori Health Authority formed in 2022 to respond to Māori health needs – before it could have an impact. The amendment instead requires Health New Zealand to have systems to engage with and report to Māori 'from time to time'. In December 2023 a claim was lodged with the Waitangi Tribunal challenging the dissolution (see G1).

## 2024 Budget

Introduced tax cuts that benefited Pākehā (with higher median incomes) more than Māori (on lower median incomes); reduced funding for performing arts festival Te Matatini; reduced the budgets for Te Puni Kōkiri/the Māori Development Ministry and

for Whānau Ora, and almost halved the funding for Matariki public holiday activities.

2024 For the year ended June, Pākehā had the highest median individual net worth at \$222,000. Māori median net worth was \$52,000, and Pacific peoples' median net worth was \$26,000 (see H1).

## 2024 Local Government (Electoral Legislation and Māori Wards and Māori Constituencies) Amendment Act

Brought back public polls to decide Māori wards (abolished by the previous government). The Human Rights Commission stated that the legislation was discriminatory and would undermine local decision-making, as it would result in Māori being under-represented in local government (see G3).

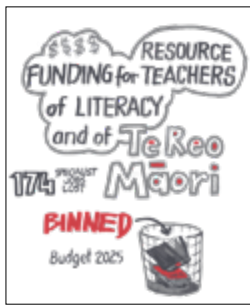
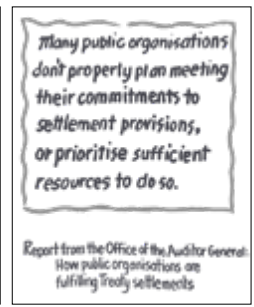
## 2024 Education Review breach

The Waitangi Tribunal found the Crown breached the 'Treaty principles of partnership and active protection in several instances during the Tomorrow's Schools review and reform' process from 2018 to 2022. It recommended establishing a stand-alone Kaupapa Māori education authority; the co-design of specific policies for Kura Kaupapa Māori; and a relationship 'reset' between the Ministry of Education and Te Rūnanga Nui.

## 2024 Review of Treaty clauses

The government began a review of Treaty clauses in 28 Acts, which could lead to their removal. The Waitangi Tribunal suggested the review be put on hold while it was 're-conceptualised through collaboration and co-design engagement with Māori'. The government also intended to exclude te Tiriti clauses in new legislation (see D9).

2024 The Principles of the Treaty of Waitangi Bill rewrote existing Treaty principles and proposed a national referendum for confirmation. The government proposed a Tiriti breach by introducing it to Parliament in November 2024. The Justice Select Committee received more than 300,000 submissions with 16,000 requests for oral submissions; 90 percent of written submissions were opposed. A petition with 289,000 signatures was presented to parliament, and a week-long Hikoi mō te Tiriti arrived in Te Whanganui-a-Tara in November, with participants estimated at up to 100,000. The Bill was defeated at its second reading in April 2025 (see D8 & D9).



## 2024 Fast-track Approvals Act

Gave special status to named projects, which allowed them to proceed without the environmental protections in other acts. While it included the requirement to consult Māori entities before submitting an application, and required the Minister to consider Treaty settlements, it did not require giving effect to the 'principles' of te Tiriti.

## 2024 Smokefree Environments and Regulated Products Amendment Acts

Two acts repealed significant sections of the smokefree legislation. This is likely to have a detrimental impact on Māori health and wellbeing, potentially undoing years of progress in reducing smoking rates. A Waitangi Tribunal claim was lodged against this initiative.

**2024** The estimated Māori population was 922,600, 17.4 percent of the total in June 2024. Almost half (49.1 percent) of all Māori people live in households with a disposable income in the bottom 40 percent of the population. Māori remain significantly over-represented across the criminal justice system, with disproportionately high numbers of Māori in court proceedings, convictions, and prison populations relative to their proportion of the total population. For example, in 2022, 52 percent of imprisoned people were Māori, and in the youth justice system, 81 percent of young people in custody were Māori.

## 2024 Excluding kupu Māori

The Minister for Education decided to exclude all Māori words, except characters' names, from any new books in the Ministry's Ready to Read Phonics Plus series. The Minister's decision also included the withdrawal of one popular book, *At the Marae*, from being available as a reader for students to take home, because it contained six Māori words (Bailey-McDowell, 2025).

## 2025 Funding withdrawal

After a three-week consultation, resource teachers of literacy and Māori will no longer be funded. The NZEI Te Riu Roa took legal action questioning whether the consultation with teachers was fair and genuine, whether the decision was predetermined, and whether the government upheld its obligations under te Tiriti o Waitangi. The High Court agreed to an urgent hearing.

**2025** The government moved a raft of responsibilities from Te Arawhiti (Office for Māori-Crown Relations) to Te Puni Kōkiri (TPK, Ministry of Māori Development), three months after it had cut TPK's budget. Responsibilities included monitoring and reporting on the government's implementation of Treaty settlements; maintaining post-settlement relationships with iwi and managing government relationships with major pan-tribal

Māori organisations; and providing advice on the rights, interests and responsibilities of iwi, hapū and Māori, apart from Treaty settlements (Ratana, 2024).

## 2025 Bowel cancer screening

The government cancelled the planned lowering of the age for Māori and Pasifika from 60 to 50 years, saying the move was needed to fund the universal lowering of the age for free bowel cancer screening from 60 to 58 over four years. As colorectal cancer is the second most fatal cancer for Māori and Pasifika, the early screening for Māori and Pasifika would enhance their survival rates.

## 2025 Fishing Quota erosion

The High Court found that the Crown breached the Fisheries Settlement by enabling the erosion of Māori settlement quota, through the operation of 'section 28N' rights, raising concern about its failure to honour its promises in Treaty settlements over time (Rātana, 2025; *see 1992 Treaty of Waitangi (Fisheries Claim) Settlement Act*).

## 2025 Oranga Tamariki (Repeal of Section 7AA) Amendment Act

Section 7AA outlined the responsibility of Oranga Tamariki to practically respond to the principles of te Tiriti, by partnering with Māori communities. The remaining law fails to provide for partnerships, or require public reporting on measures to reduce disparities for Māori children and young people in state care.

## 2025 Government agencies failing Treaty settlements

Many government agencies are failing to plan to meet their settlement commitments, and have no effective processes for monitoring whether they do so, creating a litigation risk for the government, according to a report by the Audit Office (2025).

About 150 Crown agencies have about 12,000 individual contract and legal commitments after about 80 settlements with 70 Māori groups. The report said public organisations need to change their management of settlements, and treat them as "the basis for long-term relationships with iwi and hapū".

**2025** A review of the Treaty of Waitangi Act 1975 resulting from the coalition agreement between National and New Zealand First, could result in undermining the ability of tangata whenua to hold the Crown to account for breaches (*see D4*).



## 2025 Equal Pay Amendment Act

Altered the pay equality law, extinguishing all 33 claims in process. Changes raised the threshold for proving work had been historically undervalued, making pay equity harder to achieve for those in occupations predominantly held by women, Māori, and Pasifika.

## 2025 Kororāreka declined

Minister for Land Information Chris Penk declined to change the name of Russell, in Te Pēwhairangi, to its original name, Kororāreka, giving no justification.

## 2025 Funding cuts

The May budget's reductions to Māori initiatives, according to Te Kāhui Tika Tangata Human Rights Commission, will undermine the ability of tangata whenua to exercise tino rangatiratanga, and ignores their experience of structural inequity.

## 2025 Government continues to fail Māori students

Over a decade after the 1993 WAI-11 report, most Tai Tokerau and South Auckland students in 'mainstream' schools who sat NCEA literacy and numeracy tests in May 2025 failed (Gerritsen, 2025).

One South Auckland principal said as many as a third of teenagers leaving schools in Tai Tokerau and South Auckland could have no NCEA certificates. These two areas have the highest concentrations of Māori and Pasifika students.

However, students at kaupapa Māori schools were significantly more likely to achieve NCEA credits, more likely to get merit and excellence endorsements, and more likely to achieve University Entrance than all students at comparable English-medium schools, according to a New Zealand Qualifications Authority report (Gerritsen, 2024).

## 2025 Support funding cut

The Tertiary Education Commission removed funding for Māori enrolments. The subsidy had been used to help fund dedicated support services for these students in a Pākehā system.

## 2025 MP suspensions

Parliament's privileges committee suspended three MPs for their haka at the first reading of the Treaty Principles Bill in 2024. The suspensions were the harshest ever imposed, 21 days for co-leaders of Te Pāti Māori, Debbie Ngarewa-Packer and Rawiri Waititi, and a further seven days for Hana-Rawhiti Maipi-Clarke, who had already been suspended for 24 hours for this same incident. Previously the longest suspension had been for three days.

## 2025 Crown Minerals Amendment Act

Resumed oil and gas exploration against the wishes of mana whenua; exploration had been banned in 2018.

## 2025 Local Government (Water Services) Act

Requires water service providers to act consistently only with Treaty 'settlements', not with te Tiriti o Waitangi. It repealed the requirement to give effect to Te Mana o te Wai, the National Policy Statement for Freshwater that put healthy water and healthy people ahead of corporate profit, and provided the most significant protection for drinking water sources against contamination and waterborne illness.

## 2025 Marine and Coastal Area (Takutai Moana Customary Marine Title) Amendment Act

Counteracts the Court of Appeal judgement in October 2023 which interpreted the 2011 Marine and Coastal Area (Takutai Moana) Act to make it easier for iwi and hapū to have customary title recognised by the courts. It makes it even harder for customary title to be established than the original 2004 Act. The Government applied it retrospectively to July 2024.

## 2025 Regulatory Standards Act

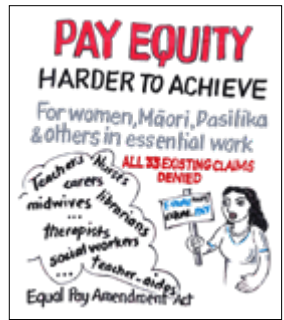
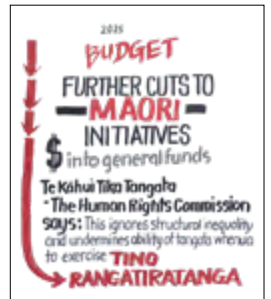
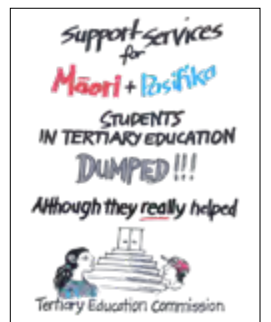
About 150,000 submissions were made against the Bill, arguing that it undermines te Tiriti and puts profit and individual property rights before collective wellbeing, social, and environmental factors.

## 2025 Education and Training (Early Child-hood Education Reform) Amendment Act

Removed the requirement for ECE school boards to give effect to te Tiriti.

## 2025 Education and Training Amendment Act

Removed the requirement for school boards to give effect to te Tiriti. In response, more than 1,840 Boards of Trustees signed a petition to the Minister stating they would commit to te Tiriti regardless.





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