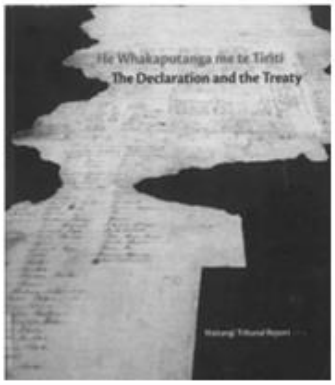
The meaning of Te Tiriti

Excerpts from the 2014 Waitangi Tribunal Report on Stage 1 of its inquiry into Te Paparahi o te Raki (the great land of the north) Treaty claims.



When rangatira gathered at Waitangi, Waimate, and Mangungu, they brought with them an understanding of the world that was based on whakapapa; on the values of whanaungatanga, manaakitanga, kaitiakitanga, and rangatiratanga; on the imperatives of mana, tapu, and utu … They came from a world in which each hapū was autonomous and exercised power over its own territories, retaining that autonomy even when acting in alliance or concert with other hapū.

The rangatira brought also their own individual experiences and concerns, based on the interests of their hapū; on their relationships with the traders, missionaries, sawyers, whalers, and others who had visited or settled in their lands; and on their engagement with the ideas those people had brought.

The British brought their own perspectives and motivations, which typically included belief in an omnipotent God; in individual rights to life, liberty, and property; in the importance of commerce as a means of personal advancement; in the superiority of British institutions of law and government, under which Parliament held sovereign power; and in their own roles as agents of civilisation.

In February 1840, the leaders of those two worlds established a formal relationship with each other through the mechanism of the treaty. It is our task to determine the nature of that relationship as each party understood it and indeed to determine whether there was any common understanding at all. (Section 1.1)

Summary of Conclusions

We have arrived at conclusions about the treaty's meaning and effect in February 1840. The agreement can be found in what signatory rangatira (or at least the great majority of them) were prepared to assent to, based on the proposals that Hobson and his agents put to them, and on the assurances that the rangatira sought and received. Here, we summarise our conclusions.

- The rangatira who signed te Tiriti o Waitangi in February 1840 did not cede their sovereignty to Britain. That is, they did not cede authority to make and enforce law over their people or their territories.
- The rangatira agreed to share power and authority with Britain. They agreed to the Governor having authority to control British subjects in New Zealand, and thereby keep the peace and protect Māori interests.
- The rangatira consented to the treaty 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 detail of how this relationship would work in practice, especially where the Māori and European populations intermingled, remained to be negotiated over time on a case-by-case basis.
- The rangatira agreed to enter land transactions with the Crown, and the Crown promised to investigate pre-treaty land transactions and to return any land that had not been properly acquired from Māori.
- The rangatira appear to have agreed that the Crown would protect them from foreign threats and represent them in international affairs, where that was necessary.

In the explanations of the texts and in the verbal assurances given by Hobson and his agents, it (Britain) sought the power to control British subjects and thereby to protect Māori. That is the essence of what the rangatira agreed to.

Waitangi Tribunal – Te Paparahi o te Raki Inquiry