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**DIRECTORATE-GENERAL FOR EXTERNAL POLICIES OF THE UNION
DIRECTORATE B
- POLICY DEPARTMENT -**

BACKGROUND NOTE

ON

MAORI AFFAIRS

Abstract:

With a view to the EP delegation visit to New Zealand, this note summarises the historical background of the 1840 Treaty of Waitangi, the modalities of claim settlement since 1975, as well as recent developments.

*This note has been prepared for the information
of Members of the European Parliament.*

*Its contents do not necessarily reflect the opinions of
the author or the position of the European Parliament.*

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- ***Early days***

As far as can be ascertained, the Maori, migrated to the islands of today's New Zealand from their ancestral Polynesian homeland around the 10th century AD. In the early 19th century, their numbers were estimated at around 100,000. The first European immigrants were whalers, traders and missionaries. Many missionaries supported the "humanitarian" treatment of indigenous peoples and detested what they thought was the immoral and lawless behaviour of other European residents. The missionaries had strong support with the Colonial Office in Britain.

By the 1830s Britain was actively regulating settlers' behaviour, and in 1832 James Busby was appointed as official representative in the Bay of Islands. Although the British were reluctant to acquire sovereignty, they did not want rival European powers to annex the country.

- ***Declaration of Independence***

In 1835 Busby persuaded several northern chiefs to sign a Declaration of Independence. This asserted the sovereign power and authority of the "United Tribes of New Zealand", but had little practical effect. Pressure increased for Britain to be more active.

- ***The Treaty of Waitangi, 1840***

By 1839 the British Government could no longer ignore the situation. In August William Hobson was sent out to negotiate with the Maori to cede sovereignty over as much of the country as he saw fit. Hobson arrived in the Bay of Islands in January 1840 and announced the investigation of all previous land purchases. The Treaty document, translated into Maori, was signed by some 40 chiefs at Waitangi in February 1840. By September 1840 some 500 chiefs had signed copies of the Treaty around the country. Nearly all signed the Maori version.

- ***The issue of sovereignty***

Historians have debated the differences between the Maori and English translations. Maori recognised that the Treaty gave the Crown rights of governance. However historians debate whether this extended to their own affairs (rather than those settlers) or whether Maori understood the yielding of sovereignty contained in the English version of the Treaty. The signing of the Treaty of Waitangi, which saw New Zealand become a British colony, had an enormous effect on the New Zealand population. British migrants were offered a paid passage to New Zealand, and 40,000 arrived here between 1840 and 1860. By 1858 Maori and *Pakeha* (Europeans) were nearly equal in numbers.

- ***Loss of land and influence***

More settlers were arriving, and the 1852 constitution granted them their own government. The Treaty relationship deteriorated. Until 1867 Maori were not represented in Parliament. They were alarmed by the shift in power from governor to settlers. Land loss also worried many

chiefs. By the 1860s, Maori had lost most of the South Island and about one-fifth of the North Island.

War began in Taranaki in 1860, spread to Waikato in 1863 and across the central North Island until 1872. Under legislation of 1863 the government confiscated the lands of Maori "rebels". This caused widespread resentment, especially when Maori who were neutral, or had fought for the Crown, found their lands taken.

The Native Lands Act of 1862 allowed settlers to purchase Maori lands after investigation of customary ownership. It had envisaged Maori participation in the process, but the Act was replaced in 1865. A more formal court system emphasised British legal processes and gave colonial judges greater powers. By 1900 there were over half a million *Pakeha* in New Zealand, while war and disease had seen the Maori population decline to only about 40,000.

▪ *Addressing grievances : 1890s-1970s*

Increasingly, Maori looked to the Treaty for protection from what they considered were unjust actions of the Crown, but they were unable to obtain its ratification. A Maori Parliament was established in the 1890s but was not officially recognised.

Apirana Ngata, Maui Pomare, Peter Buck and other members of the young Maori Party achieved some success in the first part of the twentieth century, including funding to develop the remaining Maori lands. In the 1920s the first steps were taken to address historical Maori grievances, and compensation was paid for some lakes.

Maori made some progress after 1935, and rates of infant mortality and other social indicators began to improve.

▪ *Settling claims since 1975*

The Treaty of Waitangi Act of 1975 officially recognised the Treaty in law. The Waitangi Tribunal was set up to investigate Maori grievances, but could only make findings and recommendations on events dating from 1975. In 1985 the Tribunal's jurisdiction was extended back to 1840. The settlement of grievances against the Crown, either for actions despoiling Maori or failure to act in protection of Maori rights, became a major focus for Maori.

Settlements usually include:

1. an apology to the claimant group for breaches of the Treaty;
2. commercial redress for wrongs done by the Crown – usually a combination of property and cash;
3. cultural redress, which may include provision for access to traditional food sources; provision of opportunities for the claimant group to have a say in the management of sacred sites and resources on Crown land; and recognition of traditional place names; and
4. an agreement from the claimant group that the settlement is fair and final – that means the tribe can't revisit its claims in future.

September 1992 was set as the reference date for what is termed "historical claims", to be processed by the Waitangi Tribunal. More recent grievances may be negotiated directly with the relevant government department. The details of Treaty settlements are outlined in deeds of settlement. Parliament usually passes laws to finalise them.

Between September 1992 and April 2005, there have been 18 settlements of historical Treaty claims, with a total value of about NZ\$ 718 million. The financial volume of individual settlements varies greatly, from NZ\$ 170 million each for the three largest ones to a few hundred thousand dollars.

During the electoral campaign in August 2005, Prime Minister Helen Clark announced that under new policy, all historical claims would have to be lodged by 2008, for settling by 2020. Though in part an attempt to neutralise the opposition National Party, which had said it wanted the claims settled by 2010, the new policy addresses the genuine problem of a rising backlog of claims and the need to provide a measure of legal certainty for investors.

- ***The Maori Party***

Beyond supporting settlement claims and campaigning for better social conditions, the Maori Party focuses on upholding indigenous rights, on establishing and defending the notion of "partnership" between Maori and the Crown based on the Treaty of Waitangi, as well as on maintaining a distinction between Maori and others, both in ethnic and in constitutional terms.

Four seats in the 121-strong New Zealand Parliament are reserved for Maori representatives and held by the Maori Party. Since 1975 however, voters of Maori descent can choose whether to register for the reserved Maori vote or with the general electorate.

