

# HISTORY HSO3203Y1

## INTERNAL ASSESSMENT ACTIVITY

You will work towards the following standard:

### **ACHIEVEMENT STANDARD AS91435 (VERSION 1) HISTORY 3.2**

Analyse an historical event, or place, of significance to New Zealanders

Level 3, Internal assessment

5 credits

### **STUDENT INSTRUCTIONS**

#### **Overview:**

Te Tiriti o Waitangi – sacred compact or scrap of paper?

For Achievement Standard 91435 History 3.2 you will produce a report that analyses the significance of the signing of the Treaty of Waitangi in 1840 and which establishes its significance to New Zealanders by examining how the Treaty has been viewed at three times in New Zealand's history: at the time it was signed, in the late 19th century, and in the early 21st century.

#### **Conditions:**

- This is an individual assessment activity. It is 'open book' but the report that you write must be your own work.
- You have two and a half weeks to complete the task.
- You may do your own additional research before completing the assessment.

#### **Supervisor requirements**

You and the supervisor (if applicable) must sign the cover sheet at the back of the assessment to verify that the work is your own.

# ACHIEVEMENT CRITERIA

## ACHIEVEMENT STANDARD AS91435 (VERSION 1) HISTORY 3.2

Analyse an historical event, or place, of significance to New Zealanders

Achievement	Achievement with Merit	Achievement with Excellence
Analyse an historical event, or place, of significance to New Zealanders	Analyse, in depth, an historical event, or place, of significance to New Zealanders	Comprehensively analyse an historical event, or place, of significance to New Zealanders

NZQA

### ASSESSMENT INFORMATION FOR HISTORY 3.2

For **Achievement** you must:

- analyse the evidence to communicate key historical ideas concerning the signing of the Treaty of Waitangi in 1840
- establish the significance of the Treaty by examining how it was viewed: at the time it was signed, in the late 19th century, and by New Zealanders in the early 21st century.

For **Achievement with Merit** you must:

- analyse the evidence to explain key historical ideas concerning the signing of the Treaty of Waitangi in 1840
- support the key historical ideas with in-depth evidence
- establish the significance of the Treaty by examining how it was viewed: at the time it was signed, in the late 19th century, and by New Zealanders in the early 21st century.

For **Achievement with Excellence** you must:

- analyse the evidence to present well-considered judgements drawing on a sound understanding of the primary and secondary evidence concerning the signing of the Treaty of Waitangi in 1840
- support the key historical ideas with comprehensive evidence and well-considered comments and conclusions from an historian's perspective
- establish the significance of the Treaty by examining how it was viewed: at the time it was signed, in the late 19th century, and by New Zealanders in the early 21st century.

# ASSESSMENT RESOURCES

## SOURCE A

6 FEBRUARY 1840

As soon as Hobson was seated, he announced he was ready to take signatures. Henry Williams read the treaty again and invited the chiefs to come forward. No one moved. The missionary printer William Colenso queried Hobson as to whether the natives understood what they were being asked to sign. Colenso insisted they ought to understand it in order to make it legal. Hobson exonerated himself, saying it was no fault of his if they did not understand it, they had heard it read by Mr Williams. Busby tried to mollify Colenso by quoting what Hone Heke said the previous day, that 'the native mind could not comprehend these things; they must trust to the advice of the missionaries.' Colenso was equal to this evasion, saying that he put the responsibility on the missionaries to explain the Treaty in all its bearings in case there was a reaction and they would be blamed. The impasse was broken by Busby, who hit upon the idea of calling chiefs by name to come forward. Hone Heke was called first and the signing commenced. Of the forty-three chiefs who signed that day twenty-three belonged to the Confederation of United Tribes, while the rest came from other tribes. One of the latter was Iwikau, the younger brother of Te Heuheu, the paramount chief of Taupo. He was at Waitemata on a musket-buying expedition when Hobson's emissary arrived with the invitation to attend the meeting at Waitangi. As each chief signed, Hobson shook hands, saying, 'He iwi tahi tatou' (We are one people), thereby laying down the ideology of assimilation that was to dominate colonial policy well into the twentieth century. Each chief who signed the Treaty was given two blankets and some tobacco.

Since the real meaning of the Treaty was concealed by imprecise translation, grave doubts arise as to whether the chiefs signed with their 'free and intelligent consent'. Furthermore, the association of Treaty signing with gratuities raises the question whether the chiefs were prompted as much by cupidity\* as by the promised benefits of British protection. Iwikau, for one, thought he had done well securing two blankets by the simple act of putting his mark on the Treaty. At subsequent signings other chiefs exhibited mercenary motives. One was Te Rauparaha, who signed twice when the Treaty was hawked around the country by the missionaries and Hobson's other emissaries. One chief of Tauranga said, 'Pay us first and we will write afterwards.'

\**cupidity* – excessive desire to acquire or possess more (especially more material wealth) than one needs or deserves.

Ranginui Walker, *Ka Whawhai Tonu Matou: Struggle Without End*, Auckland, 2004, pp. 95–96.

## SOURCE B

### **NORMANBY'S INSTRUCTIONS TO HOBSON**

William Hobson arrived in New Zealand on 29 January 1840. As lieutenant-governor of a colony that did not yet exist and the extent of which had not been decided, his task was to take possession of it with the consent of the Maori chiefs. Hobson had no draft treaty to guide him, but the colonial secretary, Lord Normanby, had given him instructions that James Stephen of the Colonial Office had prepared:

*All dealings with the Aborigines for their Lands must be conducted on the same principles of sincerity, justice, and good faith as must govern your transactions with them for the recognition of Her Majesty's Sovereignty in the Islands. Nor is this all. They must not be permitted to enter into any Contracts in which they might be ignorant and unintentional authors of injuries to themselves. You will not, for example, purchase from them any Territory the retention of which by them would be essential, or highly conducive, to their own comfort, safety or subsistence. The acquisition of Land by the Crown for the future Settlement of British Subjects must be confined to such Districts as the Natives can alienate without distress or serious inconvenience to themselves. To secure the observance of this rule will be one of the first duties of their official protector.*

Missionary Henry Williams and his son Edward, both of whom knew the Maori language, had the job of translating the document. It was an important task, but it had to be rushed. They received the document on the evening of 4 February, and it was needed for the meeting of the chiefs on the next day. Henry Williams realised that his role was critical. Like many others, he thought that Maori would be better off under British sovereignty. He knew that the chiefs would not agree if a treaty took too much power from them. The translation was key to getting Maori agreement. This may be why the words used in the translation had certain emphases and were not a mirror of the English but a particular type of missionary Maori language that would be familiar to the chiefs.

'Making the Treaty of Waitangi', [www.nzhistory.net.nz/politics/treaty/read-the-treaty/drafting-the-treaty](http://www.nzhistory.net.nz/politics/treaty/read-the-treaty/drafting-the-treaty) (Ministry for Culture and Heritage), updated 30 August 2012.

## SOURCE C

### THE CHIEFS' DEBATE

For over five hours, through the heat of the day, chiefs spoke for and against the proposal. There were men from the northern tribes, mainly from the Bay of Islands and its hinterland. Their main concerns were about their authority, their land and trade dealings. Colenso took rough notes of the debate, translating Maori speeches as he did so. The following account is based on his notes:

*"Rewa said: The Maori people don't want a governor! We aren't European. It's true that we've sold some of our lands. But this country is still ours! We chiefs govern this land of our ancestors." Kawiti and others echoed his comments.*

*'Governor,' said Hakiro, striding up and down, "some might tell you to stay here, but I say this not the place for you. We are not your people. We are free. We don't need you and we don't want you.*

*Tareha joined in; "We chiefs are the rulers and we won't be ruled over. If we were able to have a rank equal to you, that might be acceptable. But, if we are going to be subordinate to you, then I say, get back to your ship and sail away".*

*Many objected to the land purchases that Europeans, especially the missionaries, had made. Hobson promised that all lands unjustly purchased would be returned to their Maori owners. "That's good", said Moka. "That is as it should be. But we'll see what happens."*

*Hobson sensed that the feeling of the meeting was running against him. Only a few chiefs had welcomed him. Rawiri Taiwhanga, one of the first Christian converts, was one. "It's a good thing that you have come to be Governor of us," he said. "If you stay, we will have peace". Hone Heke was another. "Governor," he said, "You should stay with us and be like a father. If you go away then the French or the rumsellers will take us Maori over. How can we know what the future will bring? If you stay we can be 'all as one with you and the missionaries.'"*

*Then the Hokianga chief, Tamati Waka Nene rose and turned towards the chiefs, "I'm going to speak first to you. Some of you tell Hobson to go. But that is not going to solve our difficulties. We have already sold so much of our land here in the North. We have no way of controlling the Europeans who have settled on it. I'm amazed to hear you tell him to go! Why didn't you tell the traders and grog-sellers to go years ago? There are too many Europeans here now and there are children that unite both our races. He looked at Hobson. "Don't be too concerned with what these others are saying. We need you as a friend, a judge, a peacemaker and as a governor. You must preserve our customs, and never permit our lands to be taken from us. Uruera Mahi Patuone, his brother, agreed.*

*But Te Kemara leapt up and cried: "No! Go back to your own land! It would be all right if we were going to be equal in rank and power, but if you are going to be above us, I say no. Will we end up like this?" And he crossed his wrists as if handcuffed ...*

Claudia Orange, *An Illustrated History of the Treaty of Waitangi*, Wellington, 2004, pp. 29–30

## SOURCE D

### PROCLAMATION OF SOVEREIGNTY MAY 1840

# PROCLAMATION.

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IN the Name of Her Majesty VICTORIA, Queen of the United Kingdom of Great Britain and Ireland. By WILLIAM HOBSON, Esquire, a Captain in the Royal Navy, Lieutenant-Governor in NEW-ZEALAND.

WHEREAS I have it in Command from Her Majesty Queen VICTORIA, through Her principal Secretary of State for the Colonies, to assert the Sovereign Rights of Her Majesty over the Southern Islands of New-Zealand, commonly called "The Middle Island", and "Stewart's Island"; and, also, the Island, commonly called "The Northern Island," the same having been ceded in Sovereignty to Her Majesty.

Now, therefore, I, WILLIAM HOBSON, Lieutenant-Governor of New-Zealand, do hereby proclaim and declare to all men, that from and after the Date of these Presents, the full Sovereignty of the Islands of New-Zealand, extending from Thirty-four Degrees Thirty Minutes North to Forty-seven Degrees Ten Minutes South Latitude, and between One Hundred and Sixty-six Degrees Five Minutes to One Hundred and Seventy-nine Degrees of East Longitude, vests in Her Majesty Queen VICTORIA, Her Heirs and Successors for ever.

Given under my Hand at Government-House, RUSSELL, Bay of Islands, this Twenty-first day of May, in the Year of Our Lord One Thousand Eight Hundred and Forty.

(Signed,)

**WILLIAM HOBSON, LIEUTENANT-GOVERNOR.**

By His Excellency's Command,

(Signed,) WILLOUGHBY SHORTLAND, Colonial Secretary.

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PAIHIA: Printed at the Press of the Church Missionary Society.

While the Treaty was still making the rounds of the country, the newly arrived English settlers at Port Nicholson – today Wellington – started setting up their own, unauthorised government.

William Hobson, the only person with the right to set up a British colony in New Zealand, was alarmed. As Lieutenant Governor, he quickly proclaimed British sovereignty over the whole country in May.

That month, he sent Police Magistrate Willoughby Shortland to the Port Nicholson settlement to read the proclamation, and demand allegiance to the Crown.

Proclamation of sovereignty, 1840. Hobson proclaimed sovereignty over all of New Zealand on 21 May, while copies of the Treaty were still circulating. New Zealand was a dependency of New South Wales until November 1840, when it became a separate colony. National Library of New Zealand Te Puna Mātauranga o Aotearoa, Alexander Turnbull Library, Wellington (Ref: F81956 1/20) [www.treaty2u.govt.nz/the-treaty-up-close/treaty-trail/index.htm](http://www.treaty2u.govt.nz/the-treaty-up-close/treaty-trail/index.htm)

## SOURCE E

### A TREATY – MICHAEL KING

In 1840, however, the document served its original purpose. It enabled William Hobson, as the representative of the British Crown, to proclaim British sovereignty over the country and bring it into that family of nations known as the British Empire. Whether the Treaty meant *more* at the time is debateable. Hobson would have been utterly unable to govern the country, with a mere £4000, 39 officials and eleven ‘alcoholic’ New South Wales police troopers, had Maori not given their consent. At any time Maori could withdraw their consent, as they did on various occasions in the 1840s and 1860s, and the civil and military authorities were unable to establish or fully regain control of those parts of the country where ‘rebellions’ had occurred.

In 1840, however, the Treaty appeared to offer Maori certain guarantees, and many Maori had formed their own view of what those guarantees were and pronounced them acceptable. This degree of assent enabled Hobson to declare British sovereignty over the country and to set about the business of ‘governing,’ ...

**Late 19th Century:** What effects did the New Zealand Wars and the resistance movements that immediately followed them have on the country as a whole? Most European New Zealanders (but not all) viewed them as a decisive demonstration that sovereignty rested with ‘the Crown’ – that is, with the New Zealand government of the day – and not with Maori. That, after all, was their view of what the Treaty of Waitangi had been all about. There was little understanding among Pakeha at this time that Maori might feel that the Treaty had been dishonoured by the Crown in its seizure, for example, of confiscated territories; or in the many other dubious ways that governments or companies or individuals had used to acquire Maori lands or resources.

Michael King, *The Penguin History of New Zealand*, Penguin, Auckland, 2003, pp.165, 220–221.

## SOURCE F

### 1860 KOHIMARAMA CONFERENCE – GOVERNOR THOMAS GORE BROWNE

I may frankly tell you that New Zealand is the only Colony where the aborigines have been treated with unvarying kindness. It is the only Colony where they have been invited to unite with the Colonists and to become one people under law. In other colonies the people of the land have remained separate and distinct, from which many evil consequences have ensued. Quarrels have arisen, blood has been shed, and finally the aboriginal people of the country have been driven away or destroyed. Wise and good men in England considered that such treatment of aborigines was unjust and contrary to the principles of Christianity. They brought the subject before the British parliament, and the Queen's Ministers advised a change of policy towards the aborigines of all English colonies. New Zealand is the first country colonised on this new and humane system. It will be the wisdom of the Maori people to avail themselves of this generous policy, and thus save their race from evils which have befallen others less favoured. It is your adoption by Her Majesty as her subjects which makes it impossible that the Maori people should be unjustly dispossessed of their lands or property. Every Maori is a member of the British Nation; he is protected by the same law as his English fellow subject; and it is because you are regarded by the Queen as a part of her own especial people that you have heard from the lips of each successive Governor the same words of peace and goodwill. It is therefore the height of folly for the New Zealand tribes to allow themselves to be seduced into the commission of any act which, by violating their allegiance to the Queen, would render them liable to forfeit the rights and privileges which their position as British subjects confers upon them, and which must necessarily entail upon them evils ending only in their ruin as a race.

Appendix to the Journals of the House of Representatives, 1879, Session II, G-08  
[atojs.natlib.govt.nz/cgi-bin/atojs?a=d&d=AJHR1879-II.2.1.8.11](http://atojs.natlib.govt.nz/cgi-bin/atojs?a=d&d=AJHR1879-II.2.1.8.11).



## SOURCE G

### THE PRENDERGAST DECISION 1877

One of Prendergast's important achievements was the clarification of the land transfer system during its first years of operation. Although this was a significant initiative, he had greatest influence in relation to Maori land law. His most notable judgement was *Wi Parata v. Bishop of Wellington*, a Maori land case. He took the view that 'native' or 'aboriginal' customary title, not pursuant to a Crown grant, could not be recognised or enforced by the courts. He also claimed that the Treaty of Waitangi was a 'simple nullity' because the Maori were 'primitive barbarians' who were 'incapable of performing the duties, and therefore of assuming the rights, of a civilised community'.

It has been suggested that *Wi Parata v. Bishop of Wellington* was the start of a line of authority in which the New Zealand courts, contrary to established common law and international law principles, refused to recognise and enforce 'native title ... His judgements have been instrumental in the alienation of much Maori land, but it is not necessarily true that Prendergast interpreted the law incorrectly or wrought it greatly out of shape. He was, rather, a man of his times in his inability to conceive of the Maori people as deserving the recognition accorded to 'civilised' nations.

JGH Hannan and Judith Bassett. 'Prendergast, James - Biography', from the *Dictionary of New Zealand Biography*, *Te Ara - the Encyclopedia of New Zealand*, updated 1 September 2010, [www.TeAra.govt.nz/en/biographies/1p29/1](http://www.TeAra.govt.nz/en/biographies/1p29/1)

## SOURCE H

### PETITION FROM CERTAIN MAORI CHIEFS TO QUEEN VICTORIA 1883

In the year 1881, a new plan was devised by the Government to enkindle strife in respect to the Maoris. Armies were sent to Parihaka to capture innocent men that they might be lodged in prison; to seize their property and their money, to destroy their growing crops, to break down their houses, and commit other deeds of injustice. We pored over the Treaty of Waitangi to find the grounds on which these evil proceedings of the Government of New Zealand rested, but we could find none. Some of the European inhabitants of this Island disapproved of these injurious doings to Maori men; and it was vaguely rumoured that Sir Arthur Gordon, the Governor, refused to approve of these acts. Many other evils have been discovered by our hearts, therefore have we considered right, O mother, the Queen, to pray that you will not permit increased evil to come upon your Maori children in New Zealand, but to graciously sanction the appointment of a Royal English Commission to abrogate the evil laws affecting the Maori people, and to establish a Maori Parliament which shall hold in check the European authorities who are endeavouring to set aside the Treaty of Waitangi, to put a bridle also in the mouth of Ministers for Native Affairs who may act as Ministers have done at Parihaka, so that all may be brought back to obey your laws; and to prevent the continued wrongs of land matters which are troubling the Maori people through days and years; and to restore to the Maoris those lands which have been wrongfully confiscated according to the provisions of the Treaty of Waitangi; and to draw forth from beneath the many unauthorised acts of the New Zealand Parliament the concealed treaty, that it may now assert its own dignity.

In this year 1881, we, O the Queen, built a House of Assembly at the Bay of Islands, and the great symbol there is a stone memorial, on which has been engraved the articles of the Treaty of Waitangi, so that eyes may look thereon from year to year. Two invitations were sent to the Governor, requesting him to unveil the Stone Treaty Memorial. He did not accede to the request. Perhaps his disinclination arose from the fact that the Europeans had disregarded the principles embodied in the treaty, because in you, O Queen, is vested the sole authority affecting the Waitangi Treaty. Should you authorise, O mother, the Queen, the appointment in England of a Royal English Commission under your queenly seal, to investigate the wrong-doings of both races, then will you rightly be informed, O mother, as to what is just and what is false.

New Zealand Parliament House of Representatives appendix to the Journals, A6 1883, p 2,  
[atojs.natlib.govt.nz/cgi-bin/atojs?a=d&d=AJHR1883-I.1.334&cl=&srpos=0&l=mi&e=-----10--1-----0--](http://atojs.natlib.govt.nz/cgi-bin/atojs?a=d&d=AJHR1883-I.1.334&cl=&srpos=0&l=mi&e=-----10--1-----0--)

## SOURCE I

### **MĀORI RESPONSES TO THE TREATY 1880–1900**

#### **Debating the treaty**

Māori looked closely at the promises made to them in the treaty to try and solve problems arising from settlement and land loss. From the 1870s many conferences debated issues of law and authority, land and fisheries. Ngāti Whatua, a tribe in the Auckland region led by the chief Paora Tūhaere, held major gatherings for this purpose in 1879 and the early 1880s. At Waitangi, Te Tii marae became a key place to deliberate on treaty issues. At each of these conferences, strategies were adopted to redress the power imbalance between the Crown and Māori authority, and regain control of Māori affairs. Māori sent hundreds of petitions on treaty-related grievances to the government, to no avail.

#### **Petitioning the Crown**

In 1882, 1884, 1914 and 1924, deputations of Māori travelled to England to take petitions based on the treaty to the British monarch and the government. Each of these petitions asked for treaty rights to be observed. They were all referred back by the Crown to the New Zealand Parliament, which denied breaching the treaty. Parliament clearly had no intention of upholding the treaty as Māori understood it.

#### **Parliamentary representation for Māori**

The first four Māori members of Parliament, elected in 1868, were not able to exert influence in a Parliament dominated by settler politicians. The Māori MPs introduced a long string of bills seeking to give effect to the treaty and to obtain greater control for Māori over their own affairs. These were voted down by the other MPs.

#### **Māori parliaments**

Māori set up alternative institutions to assert their treaty rights. A pan-tribal Māori parliament, Te Kotahitanga o te Tiriti o Waitangi (the union of the Treaty of Waitangi), was formed in 1892. Its supporters hoped that a unified Māori voice might support the Māori MPs and be heard by the Parliament in Wellington. However, politicians ignored the Kotahitanga parliament and it ceased meeting early in the 20th century.

The King movement had also established a parliament, Te Kauhanganui, in the 1880s. This grew more active in the early 20th century, and remained in existence in the 21st century. In 2008 representatives of Te Kauhanganui signed an agreement with the government leading to co-management of the Waikato River.

Claudia Orange, 'Treaty of Waitangi – Māori responses to the treaty – 1880 to 1900', *Te Ara – the Encyclopedia of New Zealand*, updated 5 June 2012, [www.TeAra.govt.nz/en/treaty-of-waitangi/5](http://www.TeAra.govt.nz/en/treaty-of-waitangi/5)

## SOURCE J

### **MAORI PROTEST AND PROGRESS IN THE LATE 20TH CENTURY – JAMES BELICH**

Initially, Maori activists were undecided about the Treaty of Waitangi. Was it a fraud or was it a sacred covenant that had been repeatedly breached? Some tried illogically to have it both ways; most tended towards the later view. Waitangi itself, in the Bay of Islands, was often a centre of protest, between 1971 and 1988, on 6 February each year when the signing of the treaty was commemorated. Governors-general were spat at and jostled, and on one occasion the visiting Queen Elizabeth herself received treatment that was arguably worse: a whakapohane, or traditional insult involving the baring of buttocks in the direction of the offender. The buttocks belonged to the idiosyncratic Maori activist Dun Mihaka, who thereby made New Zealand's only original contribution to royal protocol, the 'one-bum salute.' ...

There was a downturn in Maori protest in the late 1980s, and another in the late 1990s. These appear to have been related to the teeth grown at last by the Waitangi Tribunal. In 1985, the restructuring Labour government made the tribunal's remit to hear Maori claims retrospective to 1840, and subsequently conceded the tribunal further powers. In 1986, to the alarm of some politicians on both sides of the House, the courts ruled that the sell-off of state assets had to take account of the Treaty of Waitangi and, therefore, of Maori interests. At last, some real redress followed, with Ngati Whatua receiving land and compensation in 1987 for the loss of Orakei. But it soon seemed that the Waitangi Tribunal would be swamped by the sheer number of claims ... Progress was tortuous and contested, but there were some substantive results. Agreements over fisheries, in 1989-92, over Tainui claims in 1995 and over Ngai Tahu claims in 1998 made over capital and assets worth over \$400 million to some Maori groups. This seemed far too low to some, other groups remained out in the cold completely. But this at last was real money. It was now clear to all that the Treaty of Waitangi was worth somewhat more than the paper it was written on.

James Belich, *Paradise Reforged, a history of the New Zealanders from the 1880s to the year 2000*, Auckland, 2001, pp. 479-480.

## SOURCE K

### **WE ARE ALL NEW ZEALANDERS NOW – TREVOR MALLARD**

Any reasoned debate about race relations requires all of us who participate to understand and reflect on our particular histories in the NZ context. That involves considering the place of the Treaty, the nature of Treaty settlements in New Zealand and the rights and needs of all New Zealanders as we go forward in the 21st century.

First, despite the Treaty having no formal legal status, it has been accorded a kind of constitutional status because it gave legitimacy to the British Crown in New Zealand.

The Court of Appeal emphasised that there were two core principles. These were ‘partnership’ in the sense that they referred to a relationship akin to a partnership, and ‘active protection’. Both the courts and the Waitangi Tribunal have determined that the principle of partnership includes the obligation on both parties to act reasonably, honourably and in good faith.

The principle of active protection has been described as the duty of the Crown to actively protect Maori people in the use of their lands and waters to the fullest extent practicable. This principle arises from the fundamental exchange contained in the Treaty – the cession of sovereignty for the protection of rangatiratanga. This principle is sometimes described as the principle of reciprocity.

A further principle defined by the courts is the principle of redress. It reflects the Crown’s duty to take active and positive steps to redress Treaty breaches. It entails a fair and reasonable recognition and recompense for wrongdoing.

The treaty was open-ended not a straitjacket. It was a preliminary agreement to an on-going relationship under the same law and government. The terms of that relationship have changed over the past 164 years.

New Zealanders know that just throwing out the Treaty is impossible and irresponsible, and that this sort of provocation will cost us all. However, Pakeha New Zealanders also want to be trusted by their Maori fellow-New Zealanders.

New Zealanders do not want to be condemned and cursed as if they are the British imperialist white ascendancy colonialists. We see ourselves as egalitarian, fair-minded people who have little sympathy for elitism.

Excerpts from *We are all New Zealanders Now*, Trevor Mallard, Speech to the Stout Research Centre for New Zealand studies, Victoria University, Wellington 29 July 2004.

## SOURCE L

### **“RELIC OF 1840” OR FOUNDING DOCUMENT? GISELLE BYRNES**

In January 2004, Don Brash, the leader of the National Party, in a now infamous (and often quoted) speech delivered to the Orewa Rotary Club (Brash 2004), described the Treaty of Waitangi as an outmoded historical artefact, a relic of 1840. The leader of the National Party is not alone in espousing this view; recent surveys have revealed that many New Zealanders consider the Treaty to be an oddly quaint, but outdated historical anomaly. Yet this opinion is clearly at odds with interpretations of the Treaty made by the Waitangi Tribunal over the past two decades.

The Treaty of Waitangi has been described as “the Maori Magna Carta”, “the great charter of Maori rights”, and in 1877, as “a simple nullity”. More recently, Pakeha and Maori political activists have vilified the Treaty as a “fraud” and a “sham”. Since the signing of the Treaty, there have been two separate but concurrent histories of the Treaty—a history of remembering, and a history of forgetting—and these narrative traditions are defined principally by political, rather than cultural, differences.

The “history of remembering” tends to coalesce around Maori views of the Treaty. For Maori, the Treaty (Te Tiriti) has been and remains a binding and sacred covenant between Maori and the Crown. In the years since it was signed, however, Maori have consistently claimed that the Crown has failed to honour its Treaty obligations. These allegations of Crown “Treaty breaches” have been the cause of petitions made to parliament and the Queen, and have been the subject of numerous pleas before the courts both in New Zealand and Britain.

The “history of forgetting” aptly sums up dominant (though not exclusive) Pakeha attitudes towards the Treaty of Waitangi. Historically, Pakeha society has tended to downplay the significance of the Treaty, and instead celebrate it as a remnant of beneficence on behalf of the humanitarian colonisers. Until recently, references to the Treaty were virtually absent from school curricula; and when the Treaty was mentioned in history texts, it tended to be overshadowed by tales of the pioneering efforts of the European settlers. This has been remedied in recent years, with a number of publications on the Treaty, and more recently, on the Waitangi Tribunal.

The Treaty of Waitangi *is* a part of New Zealand’s colonial history, but it need not remain in the past as a relic of 1840. Rather, it offers guidance for a positive bicultural future. The Tribunal’s reinterpretation of the Treaty in recent years—most notably the entrenchment of Treaty principles in Tribunal findings and recommendations, its articulation of the Treaty as a developing social contract, and the prioritisation of its “out of time” status—goes some way towards this ... Furthermore, these perspectives of the Treaty are closer to how

Maori have, and still do, remember the relationship. Questions regarding the end date of the modern Treaty claims and settlement process therefore miss the point, as do political calls for the “full and final” settlement of Treaty claims. For if, in fact, the Treaty is an ongoing social contract—as the Tribunal, along with the courts and statutory law have insisted for the past two decades—then it stands to reason that just as the Treaty will always be with us, so too the Waitangi Tribunal ought to remain as a permanent institution, as a “check” on ensuring that the Treaty is honoured. For how can either Treaty partner, Maori or the Crown, guarantee that they will not breach the Treaty in the future?

Excerpts from Giselle Byrnes, “Relic of 1840” or founding document? The treaty, the tribunal and concepts of time’, *Kotuitui: New Zealand Journal of Social Sciences Online*, 1:1, 2006, pp.1-12.

## SOURCE M

### **HISTORIAN BUDDY MIKAERE IMAGINES A WAITANGI DAY THAT WILL MEAN SOMETHING SPECIAL TO ALL NEW ZEALANDERS**

In a few days' time we will mark 172 years since that sunny day on February 6, 1840 when a group of northern chiefs gathered around a tent at Waitangi in the Bay of Islands to sign a treaty between Maori and the British Crown. For most of us, this Waitangi Day will be just another Monday holiday, a chance to get the lawns done and the gardens tidied, wash the car and maybe have a couple of cold ones while fishing or watching cricket replays, or just enjoying winding down.

In between, there will be a dawn service at the Waitangi meeting house; protesters will shout obscure insults at our politicians; we will see people marching with flags and carrying placards; we will see lines of police and sailors; there will be the normal protest around the flagpole or occupation of the Treaty grounds; our new Maori Governor-General will deliver a speech that will be forgotten by dinner time; kids will throw a tennis ball for the dog and the nation's barbies will sizzle and splatter with a million sausages getting readied for a tomato sauce-smothering. The sun will set on mediocre Waitangi Day #172 and we will all go to bed, safe in the knowledge that though the sausages are as horrible as always, never mind. All is well in Kiwiland. God bless.

I am sad that it is largely this way. I am sad we fail to make February 6 a great day for our gutsy little nation and its equally gutsy people. I am sad that we ignore this annual opportunity to celebrate us – you and me. I know that worthy people all around the country will attend lectures and debates on the Treaty, where academics and other notables will recycle the same tired cliches we hear every year. The Treaty and its text have been examined in excruciating minutiae that beggars belief. We can argue forever about the content and meaning of the various articles and the English or Maori versions but in our heart of hearts we all really know what it means in layman terms. The Treaty is all about a fair go. You can dress that up how you like but essentially, that's how I see it, so what more is there to be said? Let's just find out where there wasn't a fair go and deal to it. ...

4 February 2012, *NZ Herald*



## SOURCE N

### **INTERVIEW WITH ANNETTE SYKES**

**This week's newsmaker is Mana Party president Rotorua's Annette Sykes who made submissions at a hui in Rotorua this week regarding proposed asset sales. She is also an activist at Te Tii Marae every Waitangi Day.**

### **WHAT DOES WAITANGI DAY MEAN TO YOU? ANNETTE SYKES**

It is part of a continuum recognising the role Maori have as the first nation peoples who live in co-existence with others to promote peace and social justice, the goals of this founding document. It is a reminder to the New Zealand public of the relationship entered into by Pakeha and Maori which forges an eternal connection for all future generations based on mutual respect and understanding. At its core is the notion of power sharing between these two communities in the governance models over this nation. The document spells out clearly the terms of that sharing.

### **Do you think people appreciate what Waitangi Day is about?**

Maori have certainly become more aware of its significance and it's in the public consciousness a lot more than in the past. The Treaty is not just a document to be appreciated but to be honoured and entrenched in the constitution of the country. I am really overwhelmed by recent polls indicating that Generation Y (our rangatahi) have more understanding of the Treaty and its meaning than other generations. That is a direct consequence of efforts by many for education on Te Tiriti o Waitangi to be an integral part of our education system. I look to them to see the sleeping taniwha in the treaty, the power sharing outcomes in our constitutional arrangements to be given effect in their lifetimes.

### **Why is section 9 of the State Owned Enterprises Act 1986 so important?**

The rationale promoted by Treasury and other bureaucrats is that, with settlements, the treaty ceases to be relevant. The attempted removal of section 9 is the evidence of this underlying philosophy a blatant attempt to make the Treaty invisible in the future decision-making of this country. At its heart is the desire to make the Treaty a relic of the past. But the Treaty lives. It is our constitutional foundation stone and there are many Treaty of Waitangi activists like me who will go to all forums, courts, protests, international human rights venues to remind governments of this. It's really important that we get these simple messages out there to people.

### **What would be the biggest thing you have learnt in your career – particularly representing those with cases in the Waitangi Tribunal?**

It's a bit like that korero from one of those advertisements. Change will happen but it won't happen overnight. Despite all of the developments in Treaty law in the last 25 years and all of the korero with whanau, hapu and iwi through the settlements process, the Crown still thinks they have the right to define us and to proscribe the limits of Te Tiriti. They don't.

Extract: 'Newsmaker: Annette Sykes', 11 February 2012, *Rotorua Daily Post*

# ASSESSMENT ACTIVITY

## HISTORY

### TE TIRITI O WAITANGI – SACRED COMPACT OR SCRAP OF PAPER?

#### CONDITIONS

This must be an individual activity. There is no time limit but it is expected the report could be completed in two and a half weeks.

#### STUDENT INSTRUCTIONS

Historian Tom Brooking has written: ‘The Treaty meant different things to Maori and Pakeha in 1840 and has continued to do so ever since. To the Maori it was a sacred compact which suggested the possibility of an equal partnership. To most Europeans it was little more than a scrap of paper which made possible a convenient co-existence.’

(Tom Brooking, *Milestones*, 1988)

Read through lessons 5, 6 and 7 of HSO3203, the resources in HSO3203R and the sources you have been provided with in this assessment. Use this information and anything else you find useful to critically analyse the significance of the signing of the Treaty of Waitangi in 1840 and establish its significance to New Zealanders by examining how the Treaty has been viewed at three times in New Zealand’s history: at the time it was signed, in the late 19th century, and by New Zealanders in the early 21st century.

#### ADDITIONAL SOURCES

Here are some extra possible sources of information that could help you:

- P Moon and P Biggs, *The Treaty and Its Times: An Illustrated History*, Resource Books, Auckland, 2004.
- M King, *The Penguin History of New Zealand*, Penguin, Auckland, 2003.
- C Orange, *An Illustrated History of the Treaty of Waitangi*, Bridget Williams, Wellington, 2004.
- R Walker, *Ka Whawhai Tonu Matou: Struggle Without End*, Penguin, Auckland, 2004.
- Treaty2u, [www.treaty2u.govt.nz](http://www.treaty2u.govt.nz)
- *Te Ara Encyclopedia of New Zealand*, [www.teara.govt.nz](http://www.teara.govt.nz)
- New Zealand History Online, [www.nzhistory.net.nz](http://www.nzhistory.net.nz)
- The Waitangi Tribunal, [www.waitangi-tribunal.govt.nz](http://www.waitangi-tribunal.govt.nz)
- *The Dictionary of New Zealand Biography*, [www.dnzb.govt.nz/dnzb](http://www.dnzb.govt.nz/dnzb)
- Papers Past, [www.natlib.govt.nz/collections/digital-collections/papers-past](http://www.natlib.govt.nz/collections/digital-collections/papers-past)
- Index New Zealand – the index lists information about articles published in over 400 New Zealand newspapers, magazines, and journals.

### TASK FOR HISTORY 3.2

You are to produce a report on the Treaty of Waitangi that examines its significance to New Zealanders. You will do this by **critically analysing** the historical evidence about the signing of the Treaty in 1840 and by examining changing views relating to the Treaty to establish its significance to New Zealanders.

You will need to analyse the historical evidence, read through lessons 5, 6 and 7 of HSO3203, the resources in HSO3203R, the sources you have been provided with in this assessment and anything else that you may find useful. In particular, take note of the **different views held about the Treaty:**

- **at the time it was signed**
- **in the late 19th century**
- **in the early 21st century.**

In your report you will need to:

- write more than a simple description of the signing of the Treaty
- explain key historical ideas that are supported by comprehensive evidence
- include ideas about the accuracy and reliability of sources of evidence and different people's opinions
- present well-considered judgements that show a sound understanding of both primary and secondary evidence about the Treaty from an historian's perspective. You can do this by referring to sources and historians by name in the body of the text, for example:

*At the time of signing, eyewitness accounts of the chiefs' debate give the view that some, like Te Kemara, were cynical about the Governor's motives. Others, like Hone Heke, accepted that the Treaty was necessary to provide stability to the area. According to Dr Ranginui Walker, other Maori like Te Rauparaha and Iwikau signed in order to gain material goods ...*

- establish the significance of the Treaty to New Zealanders by considering:
  - whether the significance of the Treaty has changed over time
  - whether the Treaty continues to be significant today.

Your report should be no more than four A4 pages and must contain the following:

- an introductory paragraph
- a series of paragraphs that **analyse the historical evidence about the signing of the Treaty of Waitangi in 1840, and establish its significance to New Zealanders by examining how the Treaty has been viewed at three times in New Zealand's history:**
  - **at the time it was signed**
  - **in the late 19th century**
  - **in the early 21st century**
- specific supporting historical evidence
- a conclusion.

It should also include:

- a bibliography of the sources you have used in your work for History 3.2.

# ACKNOWLEDGEMENTS

Every effort has been made to acknowledge and contact copyright holders. Te Aho o Te Kura Pounamu apologises for any omissions and welcomes more accurate information.

National Library of New Zealand Te Puna Mātauranga o Aotearoa, Alexander Turnbull Library, Wellington (Ref: F81956 1/20)  
[www.treaty2u.govt.nz/the-treaty-up-close/treaty-trail/index](http://www.treaty2u.govt.nz/the-treaty-up-close/treaty-trail/index)

Extract: *Ka Whawhai Tonu Matou: Struggle Without End*, R Walker, Penguin, Auckland, 2004, pp. 95–96. Extract only.

Extract: 'Making the Treaty of Waitangi', [www.nzhistory.net.nz/politics/treaty/read-the-treaty/drafting-the-treaty](http://www.nzhistory.net.nz/politics/treaty/read-the-treaty/drafting-the-treaty), (Ministry for Culture and Heritage), updated 30 August 2012. Extract only.

Extract: *An Illustrated History of the Treaty of Waitangi*, C Orange, Bridget Williams, Wellington, 2004. Extract only.

Extract: *The Penguin History of New Zealand*, M King, Penguin, Auckland, 2003, pp.165, 220–221. Extract only.

Extract: Appendix to the Journals of the House of Representatives, 1879 Session II, G-08, AtoJs Online, National Library of New Zealand, Te Puna Mātauranga o Aotearoa, accessed from <http://atojs.natlib.govt.nz/cgi-bin/atojs?a=d&d=AJHR1879-II.2.1.8.11>, 15 November 2012. Extract only.

Extract: 'Prendergast, James – Biography', JGH Hannan and Judith Bassett, from the *Dictionary of New Zealand Biography, Te Ara – the Encyclopedia of New Zealand*, updated 1 September 2010, [www.TeAra.govt.nz/en/biographies/1p29/1](http://www.TeAra.govt.nz/en/biographies/1p29/1). Extract only.

Extract: New Zealand Parliament House of Representatives Appendix to the Journals, A6 1883, p.2, AtoJs Online, National Library of New Zealand, Te Puna Mātauranga o Aotearoa, accessed from [atojs.natlib.govt.nz/cgi-bin/atojs?a=d&d=AJHR1883-I.1.334&cl=&srp os=0&l=mi&e=-----10--1-----0--](http://atojs.natlib.govt.nz/cgi-bin/atojs?a=d&d=AJHR1883-I.1.334&cl=&srp os=0&l=mi&e=-----10--1-----0--), 15 November 2012. Extract only.

Extract: 'Treaty of Waitangi – Māori responses to the treaty – 1880 to 1900', C Orange, *Te Ara – the Encyclopedia of New Zealand*, updated 5 June 2012, [www.TeAra.govt.nz/en/treaty-of-waitangi/5](http://www.TeAra.govt.nz/en/treaty-of-waitangi/5). Extract only.

Extract: *Paradise Reforged: a History of the New Zealanders From the 1880s to the Year 2000*, J Belich, Penguin, Auckland, 2001, pp. 479–480. Extract only.

Extract: 'We are all New Zealanders Now', Trevor Mallard, Speech to the Stout Research Centre for New Zealand studies, Victoria University, Wellington, 29 July 2004. Extract only.

Extract: "'Relic of 1840" or founding document? The treaty, the tribunal and concepts of time', Giselle Byrnes Kotuitui: *New Zealand Journal of Social Sciences Online*, 1:1, 2006, pp. 1–12. Extract only.

Extract: 'Waitangi Day: How can we reclaim the day?', Buddy Mikaere, *The NZ Herald*, [www.nzherald.co.nz/nz/news/article.cfm?c\\_id=1&objectid=10783253](http://www.nzherald.co.nz/nz/news/article.cfm?c_id=1&objectid=10783253), 4 February 2012, accessed 16 November 2012. Extract only.

Extract: 'Newsmaker: Annette Sykes', *The Daily Post*, Rotorua, [www.rotorudailypost.co.nz/news/newsmaker-annette-sykes/1267707/](http://www.rotorudailypost.co.nz/news/newsmaker-annette-sykes/1267707/), 11 February 2012, accessed 16 November 2012. Extract only.

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# ASSESSMENT FEEDBACK

## ACHIEVEMENT STANDARD AS91435 (VERSION 1) HISTORY 3.2

Analyse an historical event, or place, of significance to New Zealanders

Level 3, Internal assessment

5 credits

Fill in your name and ID number. Your teacher will complete the rest.

Student name: \_\_\_\_\_ Student ID: \_\_\_\_\_

### JUDGEMENT CRITERIA

**Excellence** Candidate must meet requirements for excellence in the assessment.

**Merit** Candidate must meet requirements for merit in the assessment.

**Achieved** Candidate must meet requirement for achieved in the assessment.

**Not Achieved** Candidate attempted the assessment and did not meet the standard.

**Not Attempted** Candidate did not attempt any of the tasks.

### GRADE ALLOCATION

Not attempted	
Not Achieved (N)	
Achieved (A)	
Merit (M)	
Excellence (E)	

Resubmission (If appropriate, please indicate.)	Yes/No
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Further Assessment Opportunity	
Is not available	
Is available, please contact your teacher	
Is attached	

Teacher comment (or see attached)

### NOW

- Record your achievement on your record sheet in the Course and assessment guide.
- Read your teacher's comments to get feedback on your assessment.



Contact your teacher if you want to talk about any of this work or query the result you have been given. Freephone 0800 65 99 88