

Looking at What the Articles Say

TOPIC: 5) The Treaty.

TYPE: Overview; review.

LENGTH: 5–8 minutes.

EXPLICIT PURPOSE/S: To get people to engage with what the articles actually say.

IMPLICIT PURPOSE/S: None.

GROUP SIZE: Any.

CHARACTERISTICS: Any.

FACILITATOR KNOWLEDGE NEEDED: Low.

FACILITATION SKILLS NEEDED: Low.

RESOURCES NEEDED:

- Looking at what the Treaty Articles Say;
- Treaty Article Answers.

TECHNOLOGY NEEDED: None.

INSTRUCTIONS:

- *We've been talking a lot about the Treaty, but what does it actually say? [hand out the worksheet]. It's quite a short document - depending on how you count, it's 3, 4 or 5 paragraphs. There is a preamble which some people don't count because in international law, preambles don't have legal force, they simply set the context. There are the three main articles plus a fourth article which we've included, but some people don't because it*

wasn't in the original document read out on the morning of February 5th; it was added later in discussion. Although it's not a very long document, it's still hard for people to get to grips with what it meant then, let alone with what it might mean today. Hopefully this activity will help.

- *The first column is a translation of the Maori Text by Sir Hugh Kawharu; the only change is that Article 2 has been separated into two parts, so there are five sections in the column. The next column is a basic, plain English version of the Maori text. These articles are not in their correct order. Your task is to try to match these simple statements with the original ones in the first column. When you have finished we'll check the answers together. [Allow a few minutes for any questions or clarifications.]*

TEACHING TIPS: Remind people that meanings always change with translations.

COMMONLY ASKED QUESTIONS:

If the hapū ceded the right to govern, isn't that the same as ceding sovereignty?

Did Māori think the British would 'govern' Māori too or just the Europeans?

In Article 2, doesn't 'will sell' indicate that Māori would be required to sell their land?

VARIATIONS: See activities 11 and 12 for extensions of this basic matching activity.

SOURCES OF INFORMATION ABOUT CONTENT: None.

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Māori Text (translated by Sir Hugh Kawharu)	Plain English Version - <i>Tangata Tiriti</i> * (<i>articles not in correct order</i>)
The Chiefs of the Confederation and all the Chiefs who have not joined that Confederation give absolutely to the Queen of England for ever the complete government over their land. (ARTICLE 1)	a) The Queen gives Māori people the same rights as English people. (ARTICLE _____)
The Queen of England agrees to protect the chiefs, the subtribes and all the people of New Zealand in the unqualified exercise of their chieftainship over their lands, villages and all their treasures. (ARTICLE 2, first part)	b) Māori give to the Queen the right to buy land, if they want to sell it. (ARTICLE _____)
But on the other hand the Chiefs of the Confederation and all the Chiefs will sell land to the Queen at a price agreed to by the person owning it and by the person buying it (the latter being) appointed by the Queen as her purchase agent. (ARTICLE 2, second part)	c) Māori give to the Queen of England the right to have a Governor in New Zealand. (ARTICLE _____)

For this agreed arrangement therefore concerning the Government of the Queen, the Queen of England will protect all the ordinary people of New Zealand ¹ and will give them the same rights and duties of citizenship as the people of England. (ARTICLE 3)	d) The Queen agrees that Māori keep their independence and keep control over their lands and everything that is important to them. (ARTICLE _____)
The Governor says that the several faiths (beliefs) of England of the Wesleyans, of Rome and also Maori custom shall alike be protected by him. (ARTICLE 4; added on 5 Feb 1840)	e) The Governor promises to protect Māori customs and the different religions of New Zealand. (ARTICLE _____)

1. New arrangement?	2. If new, who benefits?	Plain English Version - <i>Tangata Tiriti</i> ** (same order as in Treaty - not as on hand-out)	Key Responsibilities (same order as in Treaty - not as on hand-out)
Yes: mainly in relation to the British Crown controlling behaviour of Europeans in their	Everyone was supposed to benefit, enabling all to concentrate on the positives in the relationship.	c) Māori give to the Queen of England the right to have a Governor in New Zealand.	v) The hapū must cooperate with the Government. (ARTICLE _____ ONE __)

interactions with Māori.		(ARTICLE ____ ONE __)	
No: this had already been agreed to in the Declaration of Independence.	Already existed.	d) The Queen agrees that Māori keep their independence and keep control over their lands and everything that is important to them. (ARTICLE ____ TWO __)	i) The Government must ensure that hapū retain control of all they value. (ARTICLE ____ TWO __)
Yes: but Māori already had their own ways of managing land transfers amongst themselves.	This was meant to benefit mainly Europeans, so that they could be sure that when they did buy land it was really theirs.	b) Māori give to the Queen the right to buy land, if they want to sell it. (ARTICLE ____ TWO __)	iv) The Government must ensure land sales are voluntary. The hapū must respect the land sale process set up by Government. (ARTICLE ____ TWO __)
Yes: but Māori already had their own rights so it was really only relevant if they went to England.	This was a statement of good will, meant to benefit Māori, but didn't have much practical application to Māori as they had their own rights here.	a) The Queen gives Māori people the same rights as English people. (ARTICLE __ THREE __)	iii) The Government must ensure Māori people have the same rights and protections as English people (ARTICLE ____ THREE __)
Yes: it was new that Captain Hobson would protect Maori customs, but Māori were already protecting their own .	This was a response to Bishop Pompallier's concern about possible discrimination by Anglicans against Maori Catholic converts – but Māori could protect their own customs at that point in	e) The Governor promises to protect Māori customs and the different religions of New Zealand. (ARTICLE ____ FOUR __)	ii) The Government must ensure that Māori customs are protected. (ARTICLE __ FOUR __)

	time as they were still the overwhelming majority of the population.		
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