

I. MAORI VERSION OF THE TREATY**Ko te tuatahi**

Ko nga Rangatira o te Wakaminenga me nga Rangatira katoa hoki ki hai i uru ki taua Wakaminenga ka tuku rawa atu ki te Kuini o Ingarani ake tonu atu te Kawanangatangakatoa o o ratou wenua

Ko te tuarua

Ko te Kuini o Ingarani ka wakarite ka wakaae ki nga Rangatira ki nga Hapu ki nga tangata katoa o Nui Tirani te tino rangatiratanga oo ratou wenua o ratou kainga me o ratou taonga katoa. Otiia ko nga Rangatira o te Wakaminenga me nga Rangatira katoa au ka tuku ki te Kuini te hokonga o era waahi 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 meatiaa nei e te Kuini hei kai hoko mona.

Ko te tuatoru

Hei wakaritenga mai hoki tenei mo te wakaaetanga te Kawaanatangao te Kuini. Ka tiakina e te Kuini o Ingarani nga tangata maori katoa o Nui Tirani ka tukua ki a ratou nga tikaka katoa rite tahi ki ana mea ki nga tangata o Ingarani.

**III. A LITERAL ENGLISH TRANSLATION OF THE MAORI TEXT
(NZ Court of Appeal, 29 June 1987, credited to Professor I H Kawharu)****The First**

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.

The Second

The Queen of England agrees to protect the Chiefs, subtribes and all the people of New Zealand in the unqualified exercise of their chieftainship over their lands, villages and all their treasures. But on the other hand the Chiefs of the Confederation and all the Chiefs will sell land to the Queen at a price agreed by the person owning it and by the person buying it (the latter being) appointed by the Queen as her purchase agent.

The Third

For this agreed arrangement therefore concerning the Government of the Queen, the Queen of England will protect all the ordinary people of New Zealand and will give the same rights and duties of citizenship as the people of England.

Maori Text version signed by 512 Chiefs and by William Hobson, Consul and Lieutenant Governor.

III. ENGLISH VERSION OF THE TREATY

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 retain 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.

English Text version signed by 30 Chiefs and by William Hobson, Consul and Lieutenant Governor.

TREATY PRINCIPLES

Section 8 of the Resource Management Act states that:

“In achieving the purposes of this Act all persons exercising functions and powers under it in relation to managing the use, development and protection of natural and physical resources shall take into account the principles of The Treaty of Waitangi”.

A set of principles developed by the Court of Appeal and the Waitangi Tribunal have aimed to overcome the problems of literal translation and varying interpretations.

“The differences between the texts and the shades of meaning do not matter for the purposes (of interpreting the Principles of the treaty). What matters is the spirit.”

(P Cooke, *New Zealand Maori Council v the Attorney General* (1987) pg 663).

PRINCIPLE ONE – THE ESSENTIAL BARGAIN**Court of Appeal**

The ceding of Maori sovereignty to the Crown was in exchange for the Crown accepting the principle of rangatiratanga (rakatirataka).

Waitangi Tribunal

The right of the Crown to make laws was exchanged for the obligation to protect Maori interests.

PRINCIPLE TWO – TRIBAL SELF REGULATION, EXCLUSIVE POSSESSION AND RANGATIRATANGA (RAKATIRATAKA)**Court of Appeal**

Maori were to retain chieftainship over their resources and taonga (taoka) and to have all the rights and privileges of citizenship.

Waitangi Tribunal

The Crown has an obligation to recognise tribal rangatiratanga (rakatirataka) which incorporates the right to make, alter and enforce decisions pertaining to the way a resource is to be used and managed.

Taonga (taoka) has been defined as “all things highly prized” and includes tangible and intangible associations.

Taonga (taoka) are a vital source of personal and tribal identity and are essential for the maintenance of community order.

PRINCIPLE THREE – THE TREATY RELATIONSHIP – PARTNERSHIP**Court of Appeal**

The Treaty requires a partnership and the duty to act reasonably and in good faith in accordance with each party's fiduciary duty and does not comprise an unreasonable restriction on the Crown's right to govern.

Waitangi Tribunal

The Treaty implies a partnership exercised with utmost good faith and adapted to meet new circumstances. The courtesy of early consultation is a partnership responsibility.

PRINCIPLE FOUR – ACTIVE PROTECTION

Court of Appeal

The duty is not merely passive and extends to active protection of Maori people in the use of their resources and other guaranteed taonga (taoka) to the fullest extent practicable.

Waitangi Tribunal

The Maori interest should be actively protected by the Crown. The Crown cannot evade Treaty obligations by conferring an inconsistent jurisdiction on others.

TREATY PRINCIPLES AND THE DISTRICT PLAN

The five Maori marae on Maori reserved lands currently established in Horomaka (Banks Peninsula) are:

Hapu	Marae	Runanga
Ngati Wheke	Wheke	Rapaki
Ngati Tutehuarewa	Tutehuarewa	Koukourarata
Ngati Irakehu	Onuku	Akaroa
Ngati Irakehu	Mako	Wairewa
Ngai Te Ruahikihiki	Ngati Moki	Taumutu

Consultation on tangata whenua issues would be, in the first instance, with one, some or all of the Runanga listed above. The extent of the consultation would depend on the issue under consideration. Applying the principle of partnership, issues specific to one Runanga may involve consultation only with that Runanga. More general issues would involve wider consultation, initiated either by the Council or tangata whenua.