Waitangi: Treaty and Tribunal

Contents

9.1 Introduction
9.2 The Waitangi Process - Key Books and Articles
  Books
  Articles
  Searching VOYAGER
  Finding journal and newspaper articles
9.3 Waitangi Tribunal claims
  Guides
  Lists of claims
9.4 Law
  Acts of Parliament
  Case law
9.5 Waitangi Tribunal reports
9.6 Māori land history
9.7 Government policy
9.8 Principles of the Treaty
  Land bank
9.9 Treaty of Waitangi (1840) - History and texts
  Text of the Treaty
  Signatories
9.10 Key to Library Locations

9.1 Introduction
This guide is designed to help students find material about the Treaty of Waitangi and the Waitangi Tribunal. It lists key items which appraise the process as a whole, gives relevant subject headings for searching the Library catalogue and Index New Zealand (INNZ), and lists a variety of other more specialized sources.

The Waitangi Tribunal was set up under the Treaty of Waitangi Act 1975 to investigate claims of Māori against the Crown for breaches of the Treaty of Waitangi. An amendment Act in 1985 empowered the Tribunal to investigate claims relating to Crown actions from 1840. In 1993 the Tribunal was prohibited from making recommendations involving privately owned land. By December 2002, approximately 2000 applications had been lodged.

9.2 The Waitangi Process - Key Books and Articles and Electronic Resources

Electronic Resources
The Treaty of Waitangi website is a comprehensive site offering links to a wide range of resources. The material on this website was prepared with the assistance of historians and other specialists, and with the help of key...
Government departments.

Books
[NZ&P 342.0872 B22, also at Davis Law Library]
Contributors include Hekia Parata and Joe Williams.

[NZ&P 323.1199442 D96, also in Short Loan]
Looks at Māori-Government relations over the past decade. Covers self-determination, commercial development, environmental issues, culture and language, fisheries, Treaty issues and Waitangi Tribunal claims.

[NZ&P 995 W144g, also at Davis Law Library]
An overview of the Waitangi process by the minister in charge of Treaty negotiations. Includes a personal account of various events.

[NZ&P 995 W144y, also at Short Loan, Davis Law and Engineering Libraries]
Essays.

[NZ&P 301.451095 W75]
Includes essays on the Treaty, biculturalism and partnership and the Ka Awatea report.

[NZ&P 995 W144m]
An overview of the Treaty process.

[MM 995.02 N57]

[NZ&P 301.451095 S53, also at Short Loan and Davis Law Libraries]
The second edition of 1997 includes a chapter on events between 1990 and 1996. (pp.291-318)

[NZ&P 354 M16]
Papers from the Hirangi hui and the NZ Institute of Advanced Legal Studies conference.

[NZ&P 995 W144k, also in Short Loan and other libraries]
Edited by Hugh Kawharu with contributions from F.M. Brookfield, P.G.HcHugh, David Williams, F.Hackshaw, B. Kingsbury, M.P.K. Sorentson, Waerete Norman, Hugh Kawharu, Tipene O'Regan, Ranginui Walker, Mason Durie and Bruce Biggs.

Articles
[NZ&P 349.95 N53, also at Davis Law Library]

[NZ&P 995.005 B86]

[Davis Law Library Journal]
Reviews the Tribunal, recent settlements including the Fisheries claims and decisions under the Resource Management Act.

[MM, NZ&P 572.99 B93]

Searching VOYAGER
Books held in the University of Auckland Library can be found using VOYAGER, the on-line catalogue.

Some frequently used subject headings, for subject searches, are:

- treaty of waitangi 1840
- new zealand waitangi tribunal
- maori new zealand people claims
- maori new zealand people government relations
- maori new zealand people fishing
- maori new zealand people land tenure
- maori new zealand people government policy
- maori new zealand people mass media
- maori new zealand people politics and government
- maori new zealand people legal status laws
- sovereignty
- indigenous peoples legal status laws etc
- cultural property protection law and legislation
- intellectual property
- new zealand resource management act 1991

Guided keyword searches on VOYAGER may also be useful:

eg waitangi principles

Main Search List  Guided Keyword Search  Course Material Search

Search for:  waitangi principles  all of these  Search in:  Keyword Anywhere

20 records per page  Search  Reset

maori sovereignty
indigenous intellectual property
waitangi fisheries commission
waitangi resource management

See the guides available at each Library Website workstation for more information. You may also sign up for a Voyager Library workshop, or do an online Voyager tutorial.

Finding Journal and Newspaper Articles

Individual articles in journals and newspapers are not listed separately on VOYAGER, the on-line catalogue. You must search various special indexes, or full-text databases, or look at bibliographies in other published works on the subject. The sources listed below are the most useful for finding sources in this field. Databases can be found on Library Website by clicking on Subject Guides > Māori Studies > Databases

Index New Zealand (INNZ) 1987-[Library Website]
Look for recent journal and newspaper articles in Index New Zealand (INNZ). It is updated daily. The first search screen is a relevance keyword search. The question mark ? is the truncation symbol. The plus symbol + indicates that the term is required. Speech marks "..." around a term indicate a phrase search.Try the searches:

"waitangi tribunal"
"treaty of waitangi"
"maori land rights"
+waitangi +principles
+waitangi +law +constitutional
+waitangi +law +administrative
+waitangi +fisheries
+waitangi +health
"resource management" +waitangi
"maori custom? law"
+maori +independence
"tino rangatiratanga"
"fiscal envelope"
"indigenous people?" 
"intellectual property" + maori

Research (academic) level material can be sorted out from general interest material by adding the words and tara research to the Command search option, as in the example below.

Simple Search

Search for waitangi and tara research

Using Command

25 records per page

Search

Quick limits None

Choose Limits

Index to New Zealand periodicals 1941-1986

The precursor of INNZ, the Index to New Zealand periodicals, indexes only journals, including the Māori Affairs Department publication, Te Ao Hou. It covers the years 1941-1986 and is kept on the NZ&P Quick Reference shelves. Look under Māoris.

Newztext 1995 [Library Website > Subject Guides > Māori Studies]

Provides full text of articles from newspapers owned by INL (Independent Newspapers Ltd) for which INL has the copyright (1985 to present). Covers the New Zealand Herald from November 1998 to the present.

Newzindex, 1985 [Library Website > Subject Guides > NZ&P]

Provides references to articles in journals, magazines and newspapers. Coverage includes business and trade journals. Main emphasis is on business subjects.

LexisNexis [Library Website > Databases and Article > B > Butterworths Online]

Via Butterworths Online. Indexes articles in all the major New Zealand law journals and some overseas ones. Linxplus includes headnotes for a very wide range of New Zealand case law (coverage varies for particular courts and dates). Updated daily.

See also the journals


Nga korero o te wa : a summary of decisions, events and plans throughout New Zealand. 1995- [NZ&P 079.95 N57]

A monthly summary of Māori news and views. Unindexed.

Te Manutukutuku 1989- [NZ&P 301.451095 M29] Also at Davis Law Library. Newsletter of the Waitangi Tribunal. Includes lists of new claims and progress on earlier claims.

9.3 Waitangi Tribunal Claims

Guides

A general guide to the meaning of the Treaty, the claims process and membership of the Tribunal is:


Guides for claimants with information about researching and presenting claims and practical information on planning and budgeting are:


Te Ara tirohanga : a guide for researchers into Māori claims. Rev. ed. 1993 [NZ&P 354.95 W144o 3]

The Waitangi Tribunal web pages, which can be accessed via the Library Website network, include similar material.

Lists of claims

Lists of claims heard and pending to 1991, membership etc. can be found in

Official, New Zealand, Waitangi Tribunal 1992 [NZ&P 354.95 W147o] lists of cases heard, etc.

Official, New Zealand, Waitangi Tribunal 1992 [NZ&P 354.95 W147o 3] lists of cases heard, etc.
Lists of new claims and progress on earlier claims are published in the newsletter of the Tribunal Te Manutukutuku [MM 301.451095 M29].

9.4 Law

Acts of Parliament

New Zealand Statutes are held at NZ&P 346.3 N56s.


Butterworths Online is a database that allows you to keyword search current legislation. Select NZ Legislation in the menu screen. Gives full text of all New Zealand Principal Acts currently in force, including repealed sections and schedules. An historical summary at the end of each Act outlines the effect of each later amending Act. Also gives full text of selected repealed Acts (mainly 1960 on). The Status Regulations database, also within Butterworths Online, covers statutory regulations.

Case law

The following databases are on Library Website:

- BRIEFCASE indexes New Zealand reported and unreported cases. It includes citations for older and overseas cases mentioned in recent New Zealand case law. Published in New Zealand by Law Library Management. Coverage is from 1986 to the present. Updated fortnightly.

- LexisNexis. [Library Website > Databases and Article Searching> B > Butterworths Online] Via Butterworths Online. Indexes articles in all the major New Zealand law journals and some overseas ones. Linxplus includes headnotes for a very wide range of New Zealand case law (coverage varies for particular courts and dates). Updated daily.

9.5 Waitangi Tribunal Reports

Copies of all published reports are held in the NZ&Pacific Collection. Most are at NZ&P 354.95 W14. There are also copies in the Davis Law Library. They can be retrieved on VOYAGER with the author search new zealand waitangi tribunal

The full text of the published Waitangi Tribunal reports can be accessed on-line via the Library Website. Click on Subject Guides and on Māori Studies. Click on Databases. The Waitangi Tribunal Reports are listed halfway down the screen. It is possible to keyword search all the reports at once and download and print the pages on which the sought names, words or phrases occur. The database is also freely available on the Internet at http://www.waitangi-tribunal.govt.nz/reports/

Submissions and evidence

The Microtexts Room holds a microfiche copy of evidence presented for the earlier major claims. (Wai 4,8-11,17,22,26,27,32-33 and 150)

New Zealand. Waitangi Tribunal. Waitangi Tribunal records of documents and submissions published on microfiche. [Microfiche 95-113]

Some submissions for Wai 45 and Wai 46 are held in printed form at MM 354.95 W14

9.6 Māori Land History

The Waitangi Tribunal has recently published a series of general reports on the history of Māori land. One 3 volume work gives an overview of the legislative history of Māori land from 1840.

Ward, Alan. National overview. 1997. [MM 354.95 W144r0 Also Short Loan]

Further publications concentrate on particular periods and facets of the land legislation; others cover the country region by region. They are called the Rangahaua whānui series and are held at [MM 354.95 W144]

A full list can be found with the guided keyword search on VOYAGER, the Library online catalogue: rangahaua whanui
9.7 Government Policy

(There is also a summary in English and Māori at MM 354.95 W14cs)

Policy papers and cabinet minutes released under the Official Information Act and covering a range of government policies relevant to Treaty settlements have been published in book form as: New Zealand Policy papers for Crown proposals for the settlement of Treaty of Waitangi claims. 1995 [MM 354.95 W14cp]

See also:

9.8 Principles of the Treaty

The principles have been referred to in numerous Acts but their development has been left to case law. See the following sources:


Further references can be found on VOYAGER, Lexis Nexis and Index New Zealand with a keyword search for waitangi AND principles

Land Bank
Land Information New Zealand maintain a list of blocks of Crown land which have been put aside for settlement of Waitangi Tribunal claims.

9.9 Treaty of Waitangi (1840) -- History and Texts

The standard account which has also been published in condensed and pictorial formats and is widely available around the University Library system is
Orange, Claudia. The Treaty of Waitangi. 1987 [NZ&P 995 W144o]

For an earlier view see
Buick, T. Lindsay. The Treaty of Waitangi: how New Zealand became a British colony. 1933 [NZ&P 995.02 B93]

The most easily accessible eyewitness account first published in 1890 is

Facsimiles of the Treaty


Treaty Principles
As outlined by the Waitangi Tribunal.

Text of the treaty
The official English and Māori texts and an English translation of the Māori text can be accessed via the New Zealand Government website. The Archives New Zealand site contains a short history.
# 9.10 Key to Library Locations

<table>
<thead>
<tr>
<th>Location</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>VOYAGER (the on-line catalogue)</td>
<td>Can be accessed from workstations in all University of Auckland libraries and via the University of Auckland Library home page on the Internet.</td>
</tr>
<tr>
<td>General Library</td>
<td>5 Alfred St, Auckland City</td>
</tr>
<tr>
<td>MM Mātauranga Māori Collection</td>
<td>At the north-side of Level G, following the wooden display shelving on the right.</td>
</tr>
<tr>
<td>Microfilm</td>
<td>Held in the Microtext Reading Room, Level G, to the left of the glass staircase.</td>
</tr>
<tr>
<td>NZ Glass Case</td>
<td>A restricted access collection in Special Collections. Ask at the Special Collections reception desk.</td>
</tr>
<tr>
<td>NZ&amp;P</td>
<td>Books with these letters preceding the call number are held on the open shelves in the NZ&amp;Pacific Collection, Level G of the General Library Building.</td>
</tr>
<tr>
<td>NZ&amp;P Quick Reference</td>
<td>Level G, General Library, on the wooden display shelving at the entrance to the Mātauranga Māori area.</td>
</tr>
<tr>
<td>Short Loan Collection</td>
<td>Level 1, Kate Edger Information Commons</td>
</tr>
<tr>
<td>Special Collections</td>
<td>To the south-side of Level G of the General Library, left of the glass staircase.</td>
</tr>
<tr>
<td>Thesis General Library</td>
<td>Ask for items with this location at the Lending Services Desk, Level G, General Library.</td>
</tr>
</tbody>
</table>

Contact: Māori and Pasifika Services