



TE WHARE WĀNANGA O TE ŪPOKO O TE IKA A MĀUI



VICTORIA
UNIVERSITY OF WELLINGTON

Te Kawa a Māui

MAOR 216

**Te Tiriti o Waitangi
The Treaty of Waitangi**

**Trimester Three
2008 – 2009**

IMPORTANT

**Please read and note the information
on the back page of this course outline**

MAOR 216
Te Tiriti o Waitangi
Trimester 3 Course Outline 2008 – 2009

1 COURSE ORGANISATION

- 1.1 **Ko Ngā Pūkenga
Course Coordinators**
- Associate Professor Danny Keenan
Room 212, 50 Kelburn Parade
04 463 5468
danny.keenan@vuw.ac.nz
(November / December 2008)
- Ms Marie Cocker
c/- School Office, Room 102
50 Kelburn Parade
04 463 5314 and 04 974 4367
marie.cocker@nfte.org.nz
(January / February 2009)
- 1.2 **Ko Te Kaiako
Tutor**
- Philip Best
- Phil's office is located in 48 Kelburn Parade.
Marie has an office at Rutherford House,
Level 10, Room 1024.
- Please note that Danny will be on leave
(teaching in the USA) from 15 December, at
which point Marie will take over as Course
Coordinator.
- 1.3 **Additional Course Information**
- This will be posted on the notice board at
48 Kelburn Parade. A **Blackboard** site will
also be established for students. This will
contain lecture and tutorial notes, and other
notices of interest.

1.4 Lecture and Tutorial Rooms

Lectures: Murphy Building MYLT102

Tutorials: Murphy Building MY103 and MY107

1.5 Lecture Schedule

Teaching will be arranged over **three weekends** as follows:

Saturday 22 November 2008		
9:00am	Introductions / notices Lecture No. 1: Pre Contact Māori Society	Danny
10:30am	Morning tea	
11:00am	Lecture No. 2: Pakeha Arrive in New Zealand	Marie
12:00pm	Lunch	
1:00pm	Tutorial No. 1: Introductions Pre Contact Māori Society	Phil
2:30pm	Afternoon tea	
3:00pm	Lecture No. 3: Declaration of Independence	Danny
4:30pm	Finish	
Sunday 23 November 2008		
9:00am	Beginning / notices Lecture No. 4: Treaty Making	Danny
10:30am	Morning tea	
11:00am	Lecture No. 5: Origins of the Treaty	Marie
12:00pm	Lunch	
1:00pm	Tutorial No. 2: Declaration of Independence	Phil
2:30pm	Afternoon tea	
3:00pm	Lecture No. 6: The Day the Treaty was Signed: The Texts	Danny
4:30pm	Finish	
Saturday 13 December 2008		
9:00am	Introductions / notices Lecture No. 1: Protecting Maori	Danny
10:30am	Morning tea	
11:00am	Lecture No. 2: Grey and the New Constitution	Danny
12:00pm	Lunch	
1:00pm	Tutorial No. 1: A Contradictory Treaty?	Phil
2:30pm	Afternoon tea	
3:00pm	Lecture No. 3 – Māori King Movement	Marie
4:30pm	Finish	

Sunday 14 December 2008		
9:00am	Beginning Lecture No. 4: New Zealand Wars / Aftermath	Danny
10:30am	Morning tea	
11:00am	Lecture No. 5: Māori Parliaments	Danny
12:00pm	Lunch	
1:00pm	Tutorial No. 2: Māori King Movement	Phil
2:30pm	Afternoon tea	
3:00pm	Lecture No. 6: Urbanization	Marie
4:30pm	Finish	
Saturday 10 January 2009		
9:00am	Introductions / notices Lecture No. 1: Protest Era 1960s – 1970s	Marie
10:30am	Morning tea	
11:00am	Lecture No. 2: Establishing the Waitangi Tribunal	Marie
12:00pm	Lunch	
1:00pm	Tutorial No. 1: Urbanization	Phil
2:30pm	Afternoon tea	
3:00pm	Lecture No. 3: The Tribunal's Jurisdiction	Marie
4:30pm	Finish	
Sunday 11 January 2009		
9:00am	Beginning Lecture No. 4: Māori Economy, Past/Future	Phil
10:30am	Morning tea	
11:00am	Lecture No. 5: The Foreshore and Seabed Act	Marie
12:00pm	Lunch	
1:00pm	Tutorial No. 2: Māori Political and Social Protest	Phil
2:30pm	Afternoon tea	
3:00pm	Lecture No. 6: Māori in Politics	Marie
4:30pm	Finish	

1.6 Tutorial Schedule

The tutorial programme will be as follows:

Number	Date	Topic
1	22 November	What was Māori society like before Pākehā settlement, pre 1800? What system of 'law and order' prevailed? <i>Reading: 'Customary Tenure and Colonization' by I.H. Kawharu</i>
2	23 November	What was the 'purpose' of the Declaration of Independence 1835? What bearing did the Declaration have on the Treaty? <i>Reading: 'Celebrating Te Whakaputanga o Te Rangatiratanga 1835'</i>
3	13 December	To what extent were the Treaty texts of 1840 contradictory? How did the competing texts come about? <i>Reading: 'The Treaty Texts' by Paul Moon and Peter Biggs</i>
4	14 December	The Māori King Movement. Why did Māori feel compelled to set up a Māori King Movement in 1858? <i>Reading: 'The Māori King Movement 1858-1885' by Keith Sorrenson</i>
5	10 January 2009	The New Urban World. What were the concerns of urban based tangata whenua, faced with incoming Māori, during the urbanization era? <i>Reading: 'Immigrants and City Born' by Joan Metge</i>
6	11 January 2009	Māori Political and Social Protest. Why did Māori protest arise in the 1960s? <i>Reading: 'The Rise and Rise of Māori Political Consciousness' by Aroha Harris</i>

2 COURSE AIMS, OBJECTIVES and CONTENT

2.1 Course Aims

Te Tiriti o Waitangi is one of New Zealand's most important documents. The text, the context and the aftermath of Te Tiriti being signed are all subject to continuing scrutiny and controversy.

In this course, students will consider the many ways in which the Treaty is, or has been, framed and the consequences that such different perspectives have had, since 1840, for Māori and non-Māori in New Zealand.

The course also aims to impart to students some of the 'mechanics' of reading, writing and researching history. Tutorials will be based around close reading of documents or various texts, for two purposes: one is to see what additional meanings might be extracted, and the second is to see how historians go about researching such documents and texts.

2.2 Course Objectives

By the end of the course students should be able to:

- understand the historical and contemporary significance of both the Declaration of Independence and the Treaty of Waitangi to Māori and non-Māori
- understand the historical and contemporary Treaty relationship between Māori and the Crown
- discuss the Crown Treaty principles and their continuing impact upon Māori public policy today
- understand the historical origins of contemporary Treaty debates
- demonstrate improved critical reading, writing, comprehension and oral discussion skills.

2.3 Course Content

The course content is essentially historical, and covers the following five themes:

- a) Origins of the Treaty
- b) The Treaty in the 19th Century
- c) The new century and the Treaty
- d) The Treaty in the modern political environment
- e) Reflections on the Treaty.

Lectures will involve a presentation from the lecturer or guest lecturers with time for questions. Tutorials provide space for students to discuss the readings for each section of the course. Students are expected to have read all readings in preparation for tutorials and to have formulated questions to discuss with other students and the tutor.

2.4 List of Key Texts

You can purchase the MAOR 216 Te Tiriti o Waitangi Course Reader from Student Notes Distribution Centre, Ground Floor, Student Union Building. This is the minimum reading for the course.

In addition to the Course Reader, the following text is highly recommended ***though you do not need to purchase:***

Belgrave, M. Kawharu, & D. Williams. (2005). *Waitangi Revisited; Perspectives on the Treaty of Waitangi*. Victoria: Oxford University Press.

See also a list of recommended reading at end of this course outline.

2.5 Websites

- Tino rangatiratanga news and issues www.aotearoa.wellington.net.nz
- Māori news and links www.maorinews.com/karere
- Indigenous Peoples and the Law www.kennett.co.nz/law/indigenous/
- Treaty Issues www.treatyofwaitangi.govt.nz
- Office of Treaty Settlements www.ots.govt.nz
- Waitangi Tribunal <http://www.waitangi-tribunal.govt.nz>

2.6 Other Course Materials and Equipment

Please refer to the course website on Blackboard.

3 ASSESSMENT

3.1 Assessment Requirements, Method of Assessment

The assessment programme comprises both internally assessed work and a final examination. The internal assessment (two essays and tutorial attendance) is worth 50% of the total marks. *The first essay is worth 20% and the second essay is worth 20% (so that student aegrotat provisions can be met)*. Tutorial attendance and participation will comprise 10% of your internal marks.

The final examination is worth 50% of the total marks (see below for further information).

Written work may be in Māori or English. If you wish to use te reo, please let us know in advance so that we can arrange a marker without delay.

Students will be assessed on the following:

- quality of approach and argument – inclusion and analysis of key issues, logic of argument, understanding of subject
- presentation style – structure, clarity of expression, standard of presentation
- use of sources – content and scope of bibliography, use of textual referencing.

3.2 Internal Assessment 50%

3.2.1 Essay One Topics DUE: MONDAY, 1 DECEMBER 2008 20%

Choose ONE of the following topics, to write an essay of 1500–1800 words.

- 1 “Pākehā-Māori relations, in the early years, were surprisingly peaceful.’ (James Belich) Why do you think early Māori-settler relations were so peaceful; and over what issues did conflict arise (when it did)?
- 2 It has often been said by historians that, in 1840, ‘Māori did not fully understand the importance of the Treaty’. Do you agree, or disagree (or both)?
- 3 Describe and discuss the key differences between the words and phrases used in the English and Māori versions of the Treaty? What were some of the impacts of these differences, as experienced by Māori?
- 4 ‘The New Zealand Constitution Act 1852 was colour blind’ (Keith Sinclair). In what ways did the Constitution Act fail to meet the sovereign interests of Māori?
- 5 Why did Māori at large unite behind a Māori King movement in 1858?

3.2.2 Essay Two Topics DUE: FRIDAY, 23 JANUARY 2009 20%

Choose ONE of the following topics to write an essay of 1500–1800 words.

- 1 Describe and discuss the reasons why you think Māori and the Crown went to war between 1843 and 1872.
- 2 To what extent were Māori aspirations for political autonomy realised through the Kotahitanga Movement founded in 1889?
- 3 Over what issues did urban Māori protest arise in the 1960s – 1970s?
- 4 For what reasons did the government establish the Waitangi Tribunal in 1975; and why was its jurisdiction extended back to 1840 in 1985?
- 5 Why did the Crown establish its own set of “Treaty principles’ in 1989?

3.2.3 Tutorial Attendance and Participation 10%

3.3 Final Examination 50%

A three-hour closed book written examination will be held during the **Third Trimester Examination Week (16-20 February 2009)**. The date, time and venue will be announced when this information becomes available.

Note that the relative weighting for in-term assessment is 50% of the total grade and 50% for the final examination.

3.4 Examination Procedure

For further information concerning academic requirements for passing this course, you are advised to consult the Assessment Statute regarding examination procedures, reconsideration of exam scripts, an aegrotat pass, compensation pass or a special pass.

3.4.1 Special Requirements

Students with special requirements must contact the course coordinator at the start of the course so that appropriate support can be arranged.

3.5 Handing in Assignments

Assignments should be handed in to the Assignment Drop Box located outside the Administrator's office on the ground floor at 50 Kelburn Parade. Please DO NOT give your assignment to anyone else. It is your responsibility to ensure the safe passage of your work. Remember to keep a copy for yourself. By special and prior arrangement with the tutors, students may be able to post in their assignments.

3.6 Penalties

Marks may be deducted for lateness. By prior arrangement and for good reasons, an extension might be granted. Requests for extensions on the basis of illness or tangi/bereavement should be accompanied with written documentation, i.e. a medical certificate or a bereavement notice.

3.7 Relationship between Assessment and Course Objectives

3.7.1 Tutorial Project Presentation

Tutorials will provide an opportunity for students to develop group working and presentation skills that will be useful in many situations. Tutorials will be designed to foster presentational abilities and to foster effective communication.

3.7.2 Written Essays

The essay assignments aim to improve student's critical reading and writing skills.

3.7.3 Final Examination

The final examination comprises questions requiring short answer and essay answers. Exam questions will be designed so that students can demonstrate their abilities in respect of all the course objectives.

4 WORKLOADS and MANDATORY COURSE REQUIREMENTS (TERMS)

4.1 Workload

The workload for MAOR 216 is consistent with other FHSS Faculty 22 points courses for which students would be expected to allow on average some 15 hours per week. This weekly average, which includes class contact hours, will ensure that each student can maintain satisfactory progress. A modularised summer course such as this will therefore require more intensive study.

4.2 Mandatory Course Requirements

In order to meet the academic requirements for passing this course, students must:

- attend no less than 75% of the total number of lectures
- attend no less than 75% of the total number of tutorials
- complete and submit the written assignments by the due date
- sit the final exam.

5 RECOMMENDED TEXTS

Please note that you are not expected to purchase these books for the course.

Barlow, C. (1991). *Tikanga Whakaaro, Key concepts in Māori culture*. Auckland: Oxford University Press.

Belgrave, M. M. Kawharu, & D. Williams. (2005). *Waitangi Revisited; Perspectives on the Treaty of Waitangi*. Victoria: Oxford University Press.

Blank, A. (et. al.), (1985). *He Korero Mo Waitangi*. Auckland: Te Runanga o Waitangi.

Boast, R. P (1989). *The Treaty of Waitangi. A Framework for the Resource Management Law*. Wellington: New Zealand Planning Council and Victoria University of Wellington Law Review.

Byrnes, G. (2004). *The Waitangi Tribunal and New Zealand History*. Melbourne: Oxford University Press.

Coates, K. S & P.G. McHugh (1998). *Living Relationships, The Treaty of Waitangi in the New Millennium*. Wellington: Victoria University Press.

Cleave, P. (1989). *The Sovereignty Game: Power, Knowledge and Reading the Treaty*. Wellington: Institute of Policy Studies for Victoria University Press.

Colenso, W. (1890). *The Authentic and Genuine History of the Signing of the Treaty of Waitangi*. Reprinted 1980. Wellington: Government Print.

- Commission for the Environment. (1988). *Environmental Management and the Principles of the Treaty of Waitangi*. Report on Crown Responses to the Recommendations of the Waitangi Tribunal 1983–1988. Wellington: Te Kaitiaki Taiao Parliamentary Commissioner for the Environment.
- Court of Appeal (1987). *The New Zealand Māori Council and Latimour v Attorney-General and Others*. NZAR Vol. 6 Part 12, pp 353–427; also in NZLR Vol. 1, pp 641–719.
- Douglas, E. & M. Henare (1988). 'Nga Take i Puawai mai i Nga Wananga. Issues Raised in Discussion.' *The Report of the Royal Commission on Social Policy*. Vol. III Part One – *Future Directions Associated Papers*. Wellington: Royal Commission on Social Policy, pp 221–278. see also 'Te Reo o Te Tiriti o Waitangi mai Ra ano. The Treaty Always Speaks.' Vol. III Part One, pp 79–220.
- Facsimiles of the Declaration of Independence and the Treaty of Waitangi* (1976). Wellington: Government Printer. First printed 1877.
- Harris, Aroha (2004). *Hiko: Forty Years of Māori Protest*, Wellington: Huia Publishers.
- High Court of NZ (1987). *Huakina Development Trust v Waikato Valley Authority and R.P. & S.J. Bowater*. Judgement of Chilwell, J. M 430/86, 29 May. Also, in NZLR Vol. 1, 1987, p 188.
- High Court of NZ (1994). *Atawhai Tairaroa and Others v The Hon. the Minister of Justice, The Chief Registrar of Electors and the Attorney-General*. Judgement of McGechan, J. CP No 99/94, 4 October 1994.
- Jackson, M. (1987, 1988). *The Māori and the Criminal Justice System*. Study Series 18, Part 1, February, & Part 2, November. Christchurch: Centre for Pacific Studies, University of Canterbury and Institute of Pacific Studies, University of the South Pacific.
- Kawharu, I H (edit) (1989). *Waitangi : Māori and Pākehā Perspectives on the Treaty of Waitangi*. Auckland: Oxford University Press.
- Kelsey, J. (1990). *A Question of Honour: Labour and the Treaty*. Wellington: Allen & Unwin.
- Kernot, B. & A McBride (edits) (1989). *Te Reo o te Tiriti Mai Rano: The Treaty is Always Speaking*. Wellington: Tertiary Christian Studies Programme of the Combined Chaplaincies, Victoria University.
- Kirch, P. (1986). 'Rethinking East Polynesian Prehistory.' In *The Journal of the Polynesian Society*. Vol. 95, pp 9 – 40.
- Lambourn, A. (1988). *The Treaty-makers of New Zealand. Heralding the Birth of a Nation*. Sussex: The Book Guild.
- Levine, H. (1987). 'The Cultural Politics of Māori Fishing: An Anthropological Perspective on the First Three Significant Waitangi Tribunal Hearings.' In *JPS*, Vol. 96 (4), pp 421–443.

- Levine, H. (1989). *Constructing Treaty Rhetoric*. In *Sites* No. 18. Winter, pp 17–22.
- Mahuta, R. T. (1989). *Race Relations in New Zealand. 150 Years After the Treaty of Waitangi*. Hamilton: Commemorative Symposium, Rhodes House, Oxford. Centre for Māori Studies and Research, University of Waikato.
- Hugh, P. (1991). *The Māori Magna Carta. The New Zealand Law and the Treaty of Waitangi*. Auckland: Oxford University Press.
- McKenzie, D. F. (1985). *Oral Culture, Literacy and Print in Early New Zealand. The Treaty of Waitangi*. Wellington: Victoria University Press with the Alexander Turnbull Library Endowment Trust.
- Methodist Church of New Zealand (n.d.). *Towards a Bi-Cultural Church. A Resource Book*. Auckland: Methodist Education Division.
- Mikaere, Ani. (2004). "Are we all New Zealanders Now?" Bruce Jesson Memorial Lecture. <http://www.brucejesson.com/lecture2004.htm>
- Mulgan, R. (1989). *Māori, Pākehā and Democracy. 1989 Bicultural Democracy: Some unsolved Problems*. In *Sites. No. 18, Winter*, pp 57–60.
- NZ Law Commission (1989). *The Treaty of Waitangi and Māori Fisheries Mataitai: Nga Tikanga Māori Me Te Tiriti o Waitangi*. Preliminary Paper No 9. Wellington: NZ Law Commission.
- NZ Māori Council (1983). *Kaupapa: Te Wahanga Tuatahi*. Wellington: New Zealand Māori Council.
- NZ Planning Council (1988). *Pākehā Perspectives on the Treaty*. Proceedings from a Planning Council seminar 23 & 24 September, Quality Inn, Wellington.
- Oliver, W H (1991). *Claims to the Waitangi Tribunal*. Wellington: Waitangi Tribunal Division, Department of Justice.
- Orange, C. (1987). *The Treaty of Waitangi*. Wellington: Allen & Unwin Port Nicholson Press with assistance from the Historical Publications Branch Department of Internal Affairs.
- (1990).
An Illustrated History of The Treaty of Waitangi. Wellington: Allen & Unwin in association with the Port Nicholson Press.
- O'Regan, T. (1989). *Partnership Dialogue. A Māori Consultation Process He Korero Rangapu*. Wellington: State Services Commission.
- Renwick, W. (1990). *The Treaty Now*. Wellington: Government Print Books.
- Ross, R. M (1972). *Te Tiriti o Waitangi: texts and translations*. In *NZJH*, 6 (2), pp 129–157.

- Royal Commission on Social Policy (1988). *The Treaty of Waitangi: Directions for Social Policy. "Te Tiriti o Waitangi: Te Kaupapa Mo Nga Ahuatanga a Iwi. The April Report.* Report of the Royal Commission on Social Policy, Vol. II Future Directions, pp 25–151.
- Rutherford, J (1949). *The Treaty of Waitangi and the Acquisition of British Sovereignty in New Zealand, 1840.* Auckland University College Bulletin No 36, History Series No 3. Auckland: Auckland University College.
- Sharp, Andrew (1990). *Justice and the Māori; Māori Claims in NZ Political Argument in the 1980's.* Auckland: Oxford University Press.
- Simpson, Miria (1990). *Nga Tohu o Te Tiriti. Making a Mark. The signatories to the Treaty of Waitangi. A companion to Nga Wharangi o Te Tiriti, a Facsimile of the Treaty of Waitangi.* Wellington: National Library of New Zealand – Te Puna Matauranga o Aotearoa.
- Smithies, Ruth (1990). *Ten Steps Towards Bicultural Action. A Handbook on Partnership in Aotearoa–New Zealand.* Wellington: Catholic Commission for Justice Peace and Development Aotearoa–New Zealand.
- Sorrenson, M P Keith (1987. 'Towards a Radical Reinterpretation of New Zealand History: The Role of the Waitangi Tribunal" in *NZJH*, 11 (1), pp 173–188.
- Steering Committee for the Treaty of Waitangi Hui 4–6 February 1985 (1985). *Nga Korero Me Nga Wawata Mo Te Tiriti o Waitangi, Waitangi 1985.* Facsimile Report of the Treaty of Waitangi Hui – Waitangi 1985. Whangarei: Department of Māori Affairs.
- Temm, P. (1990). *The Waitangi Tribunal. The Conscience of the Nation.* Auckland: Random Century.
- Vasil, R. (1988). *Biculturalism: Reconciling Aotearoa with N Z.* Wellington: Victoria University Press for the Institute of Policy Studies.
- Yensens, H. (et. al.) (1989). *Honouring the Treaty. An Introduction for Pākehā to the Treaty of Waitangi.* Auckland: Penguin Books.
- Young, Ramari (1991). *Mana Tiriti: The Art of Protest and Partnership,* Wellington: Daphne Brasell Associates Press.

MAOR 216 Te Tiriti o Waitangi
Essay Grading Sheet (Worth 20% of Total Grade)

NAME:

Criteria for Assessment are:

- 1 Understanding and answering the question as asked and providing suitable definitions. 10%
- 2 Style: This includes presentation, structure and systematic referencing. 10%
- 3 Research: The essay must show familiarity with the topic, and provide adequate and relevant examples, selection, relevance, depth and coverage. 25%
- 4 Analysis – inclusion of essential points, analysis and logic of argument, presentation of arguments and points of view and the use of theories – eg, Māori, indigenous, mana wahine; examples, illustrations or quotations to support these. 35%
- 5 Originality and insight – the ability to integrate your own ideas and perceptions into your essay. 20%

Grade:

A+	=	(85% or over)	B-	=	(60-64%)
A	=	(80-84%)	C+	=	(55-59%)
A-	=	(75-79%)	C	=	(50-54%)
B+	=	(70-74%)	D	=	(40-49%)
B	=	(65-69%)	E	=	(below 40%)

Mark =

6 GENERAL UNIVERSITY STATUTES AND POLICIES

Students should familiarise themselves with the University's policies and statutes, particularly the Assessment Statute, the Personal Courses of Study Statute, the Statute on Student Conduct, and any statutes relating to the particular qualifications being studied; see the Victoria University Calendar available in hardcopy or under "about Victoria" on the Victoria homepage at:

http://www.victoria.ac.nz/home/about_victoria/calendar_intro.html

Information on the following topics is available electronically under "Course Outline General Information" at:

<http://www.victoria.ac.nz/home/about/newspubs/universitypubs.aspx#general>

- Student and Staff Conduct
- Academic Grievances
- Academic Integrity and Plagiarism
- Meeting the Needs of Students with Impairments
- Student Support.

7 WITHDRAWAL DETAILS

Have you changed your mind about the courses you want to do this trimester? If you do not withdraw from a course in time, you will receive a fail grade. A fail grade stays permanently on your academic record. You can avoid the fail grade by withdrawing properly from courses before it is too late!

It is not enough just to stop attending lectures and tutorials, or to tell your lecturer or school administrator. You must complete a change of course form, available from your Faculty, Student and Academic Services Office, and submit it by the following deadlines.

Third Trimester Courses, November 2008 to February 2009

The dates below apply to the **third trimester offering of MAOR 216**.

No addition of third trimester courses permitted after **course start date**.

Withdraw before **Monday, 24 November 2008** and you will get a full refund of fees.

Any student wishing to withdraw from **MAOR 216** after **Thursday, 18 December 2008** will require approval from the Associate Dean.

8 HUMAN ETHICS

Students writing essays, theses, or any kind of assignment that involves the interview of, or consultation with informants must seek the approval of the Māori Studies Human Ethics Committee before the commencement of your work. Your Course Coordinator and Tutors will be able to provide the relevant forms and advice for you. If in doubt – ask.