

# Te Tino Rangatiratanga

## What is the problem ?

There are problems arising out of the fact that the English version of the Treaty of Waitangi does not say the same thing as Te Tiriti O Waitangi, the latter has the most signatures, is in the indigenous language and under international law takes precedence

- The English version gives more to the Crown and secures less for the Maori than the Maori version does
- The Crown view is that the Treaty cedes sovereignty, that power was to be transferred  
The Maori view is that Te Tiriti shares sovereignty, that power was to be shared  
(Maori attempts at power sharing have been seen as rebellion and "put down")
- In article one of the Treaty the Maori signed away governance kawanatanga. In article two the Maori were guaranteed Te Tino Rangatiratanga
- The Treaty of Waitangi is not the source of Rangatiratanga but a recognition of it

## So what is Te Tino Rangatiratanga ?

Literally it is "the highest chieftainship". A chief held the mana of his people and the land. He was the trustee for his tribal group, entrusted with the authority and power in matters legal, moral, political, social, economic and spiritual. Many facets go into the making up of Te Tino Rangatiratanga

- The authority, the power to **initiate, make policy and manage** the economy, resources and cultural, social, legal, and spiritual matters
- power over resources-full exclusive and undisturbed possession of lands, estates, forests, fisheries and other properties
- self determination, autonomy, prestige, accountability back to the people, sovereignty

The Treaty guarantees the right to maintain Te Tino Rangatiratanga and to develop it from 1850 onwards and, this is the essence of biculturalism to do it in accordance with Maori custom and preference

## What has blocked Te Tino Rangatiratanga ?

- Parliament and
- the law. The law has been - and is still being - used to deprive Maori of resources, mana and their culture
- Land wars. This proved a very expensive method in terms of money, people and morale - pakeha - and using the law proved cheaper and more effective

Suggested reading : "The Treaty of Waitangi" Claudia Orange, Allen & Unwin  
"The New Zealand Wars" James Belich, Auckland University Press

- The method of Maori representation on policy/decision making/ management groups is what is known as "tokenism"  
"Asking, consulting and representatives" all fall far short of Te Tino Rangatiratanga and the partnership guaranteed in the Treaty

## Implementing the Treaty now

The Crown, if it views itself as a Treaty partner at all, it views itself as the senior Treaty partner and it acts as its own adviser as to if and when 'consultation' is necessary. This is also the behaviour of most institutions. Most of the institutions have been unilaterally set up by pakeha, and they are monocultural - e.g. schools, universities, hospitals, churches, etc.

Go through the exercise on Institutionalised Racism to see how to implement the Treaty in your work place

## The five principles

and lastly another element of confusion - "The Five Principals of The Treaty of Waitangi" Let us consider this in relation to Te Tino Rangatiratanga

- "In 1975 the Government gave the Waitangi Tribunal sole right to decide what the Treaty meant, including the differences between the two texts - and in vestigating breaches of the 'principles' of the Treaty. Between 1983-86 the Tribunal firmly but cautiously developed a set of basic principles. It drew on international rules for interpreting treaties and some of English law's own rules. Both sources suggested the Treaty should be interpreted in the way the Maori understood it when they signed it". So far so good
- Then came the Maori Council's challenge over the sale of State owned Enterprises. The act governing these sales said that the Government had to comply with "the principles of the Treaty" (not the Treaty itself). So the five Pakeha male judges on the Court of Appeal set about defining these principles. Though it recognised that the Waitangi Tribunal had absolute authority to interpret the 'principles, the Court said it was not bound to follow them, and when it had interpreted the principles, since it was the highest court

in the land, its interpretation would be binding on everyone, including the Tribunal

- The court then established a set of 'principles' which were in direct conflict with those of the Tribunal. The Treaty was redefined to remove the guarantee of rangatiratanga by five Pakeha male judges and to reinforce sovereignty"

from Jane Kesley's article "Rogemomics & The Treaty"

So the law is still being used by one Treaty Partner, unilaterally, to deny the other Treaty Partner what was guaranteed them by the Treaty - Te Tino Rangatiratanga

**It is up to us to make this partnership work**

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