

Te Tiriti o Waitangi / The Treaty of Waitangi

The Tiriti o Waitangi was initiated by Governor Hobson and first signed at Waitangi on 6 February 1840, then subsequently at the Wesleyan Mission station at Mangungu (with John Hobbs acting as interpreter). It was then taken to many other venues throughout the country, ultimately being signed by 482 rangatira. Historically it is of a different order to the Declaration of Independence. It was the initiative of a foreign power whose agenda was settlement of its nationals in this land. It was necessary in order to sanction colonisation. Like the Declaration it too was about mana i te whenua and te tino rangatiratanga, being an endorsement of the Declaration of Independence. Te Tiriti guaranteed Maori their tino rangatiratanga. In the words of the English translation of the Maori version, the Queen agreed to the rangatira and the iwi retaining full power and control (tino rangatiratanga) of their lands, their villages and all their taonga including the Maori way of life. (See Appendix II for the text of the Maori version of the Treaty.)

The Maori version of Te Tiriti confirmed tino rangatiratanga or Maori sovereignty over all things Maori in article 2. It granted to the Crown in article 1, kawanatanga, which is a transliteration of governorship. Maori would have been in no doubt as to the meaning of rangatiratanga, and on the basis of its being guaranteed in Te Tiriti, willing to sign it. In 1840 Maori had no desire and no need to give away their mana i te whenua and tino rangatiratanga affirmed just a few years earlier in the Declaration of Independence. What they gave to the Crown was limited power to control new settlers. That power was kawanatanga. In retaining tino rangatiratanga it was clear to Maori that their ability to control their own destiny was not diminished. In granting kawanatanga they saw that they would benefit from limited controlled immigration and the introduction of new technology. So Maori were to retain the substance of the land while the Queen was to have the shadow. Article 3 did not make Maori into British subjects. Rather it recognised the continuing right of Maori to enjoy their own laws, customs and lifestyle, just as British subjects enjoyed their own. There was some advantage however for Maori in being regarded as British. For instance it made travel overseas a lot easier. This was reinforced in article 4 which is part of the recorded tradition of the Treaty, where the Governor agreed to protect Maori ritenga or custom; also the choice of religion with particular reference to the Church of England; the

Wesleyan Church and the Church of Rome.

However the English text of the Treaty which successive governments have relied on for their legitimacy, or their own unilateral proclamation of sovereignty, assumes that Maori gave away all their sovereign power to the Crown. Such an idea would never have been acceptable to Maori. 200,000 Maori had no need whatever to concede any power to just 2,000 settlers. They signed the Maori text because they knew what it meant. Their sovereignty was to remain intact.

When calling for recognition of the Declaration of Independence the chief executive of the Maori Congress, Tu Williams stated, the Treaty of Waitangi could not have been entered into without the Declaration, because treaties were made between nation states. He went on to say that both documents provide "*a constitutional basis for a respectful relationship between the Crown and Maori tribes*".⁴

On the incorrect assumption that Maori ceded sovereignty, successive governments have set about usurping their mana i te whenua and tino rangatiratanga. A significant step was the imposition and establishment of a Westminster style parliament in the 1852 Constitution Act, which deprived Maori of the right to control their own destiny by transferring power to the settlers. The denial of mana i te whenua and tino rangatiratanga has most recently been expressed in Treaty claims settlements policy, government social and economic ideology, electoral reform, republicanism, globalisation and GATT and in discussions on a proposed United Nations Declaration on the Rights of Indigenous Peoples.

From Cultural Awareness-Decolonisation. Te Pumaomao-Reclaiming Mana Maori.
Takawai Murphy Ngati Manawa

⁴ The Evening Post, 28 October 1993.