

Stretching Maori meaning too far

This article by Bruce Beetham, who is the Wanganui-Manawatu Regional Council's representative on its Maori (Iwi) Liaison Committee "Te Roopu Awhina" and holds master's qualifications in constitutional history, is a follow-up to the series he wrote some months ago on this subject.

Radical Maori activists are quite wrong in interpreting and claiming "tino rangatiratanga" as "Maori sovereignty" in any of the several senses they are giving to the term.

"Tino rangatiratanga" has never meant sovereignty.

"The proof of this lies in the very first Maori constitutional document ever written - the 1835 Declaration of Independence by the chiefs of the Northern Confederation. That document used the word 'rangatiratanga' on its own to mean 'independence' and the two words 'tino rangatira' to mean 'hereditary chieftainship'."

A quite different word - "kingitanga" is used to mean "Maori

sovereignty". This was the term coined for the northern chiefs in 1835 by the drafter of their Declaration (the British Resident, James Busby) because the chiefs themselves at that time, largely due to incessant inter-tribal warfare, had no concept of collective sovereignty (i.e. anything beyond their own tribal areas), certainly no concept of such over all of Aotearoa and therefore certainly no word or phrase whatsoever at that point to describe it.

"Kingitanga" was coined to express the "European" notion of "kingship" or "sovereignty" which Hongi developed some limited appreciation of following his visit to England.

Present Maori radicals therefore have either deliberately or by accident misinterpreted the Declaration in quite wrongly claiming that it substantiates their interpretation of "tino rangatiratanga" as "Maori sovereignty". It plainly does not.

Moreover, whether the 1835 Declaration of Independence was legally valid and whether, therefore, Maori sovereignty and independence over the "northern parts" of New Zealand, ever legally existed in the eyes of either the British Government or international law, is now completely irrelevant



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because five years later, in February 1840, that previously claimed sovereignty and independence was with "free and intelligent consent" knowingly, voluntarily, comprehensively, absolutely and indefinitely surrendered to the British Crown by that self-same confederation of chiefs and others.

Collective sovereignty over much of the rest of the country had never been claimed by the chiefs. That is

why Britain herself had to claim it by proclamation on the basis of discovery rather than on the basis of chiefly consent through the treaty.

That the word "kawanatanga" (meaning "rule", "governance" or "government") was used in clause one of the Treaty of Waitangi rather than "kingitanga" is immaterial because "governance" or "rule" can only proceed from the possession of sovereignty. The sovereignty rule or governance ceded was not simply over the European settlers, as some of the radicals now claim, but over the "lands" of the chiefs as well, as clause one, through the use of the term "their lands" in the Maori-to-English translations, states clearly and unmistakably.

Because the original meaning of "tino rangatiratanga" became limited by clause one of the treaty, it cannot in clause two mean "independence" or "self-determination", even if it carried these meanings in addition to "chieftainship" before the treaty was signed.

"Tino rangatiratanga" now means, and can only mean, tribal or iwi possession and ownership of and control over unsold Maori lands, forests, fisheries and other treasures (taonga) and the right to use and manage, or not, their land and assets as they choose according

to their customs, traditions, values, preferences and "tikanga", but still subject to the sovereign laws of the land.

However, "tino rangatiratanga" as it appears in the treaty does, in addition to normal property and ownership rights, confer on iwi a special status as "tangata whenua" which can be met by appropriate consultation, participation, and in particular by revocable delegations of decision-making authority to them by the Government.

Such delegation is already happening in many areas such as health, education, welfare and aspects of resource management, and is, in fact, apart from justifiable land claims needing remedy, a full discharge of the Government's obligations under clause two of the treaty.

In summary then, "tino rangatiratanga" does not provide (and never has provided) for sovereign Maori rule over Maori or for "self-determination" or "independence". Rather it provides, in the context of the Treaty of Waitangi and within the limitations clause one imposes, a "special status" for iwi, by comparison with all other groups in New Zealand, with regard to the decision-making process in matters affecting their interests.