OFFICIAL

BEFORE THE WAITANGI TRIBUNAL WA

Concerning **THE TREATY OF WAITANGI ACT 1975**

And of a claim by **Edrys Matenga Armstrong** on behalf of herself and the descendants of **Matire Toha** of **Ngati Rahiri KI Waitangi** hapu of **NGA PUHI** relating to constitutional rights of sovereignty and self determination in conjunction with the rights on ongoing exercise of Tikanga within the tribal territory of **NGATI RAHIRI KI WAITANGI of NGA PUHI, confederation,** as kaitiaki of the taonga of the Tomata Mohi, He Whakaputanga and Te Tiriti o Waitangi

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WELLINGTON

STATEMENT OF EVIDENCE

WAIOHAU TE HAARA, Maori Theologian of Paihia

DATED

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I BISHOP WAIOHAU TE HAARA, Maori Theologian of Paihia, says as follows:

> *I was formerly Bishop of Taitokerau. I have been a member of the ministry for more than forty years. I am familiar with the Maori ecclesiastical traditions, and the Bible in both Maori and English. The Bible and the Treaty are inextricable linked and Maori treat the Treaty as a covenant with God and the Crown, Her Majesty the Queen personally. This is reflected in that there is a Maori tradition that the treaty will only be honoured when a person comes with the Treaty in one hand and the Bible in another.*[1]

The Context of Te Tiriti o Waitangi

Covenant

Te Tiriti o Waitangi (Te Tiriti) is often referred to as a covenant. Maori treat this covenant as being a form of combination of the two general meanings:

- covenant, compact, concordat - a signed written agreement between two or more parties (nations) to perform some action.
- covenant - (Bible) an agreement between God and his people in which God makes certain promises and requires certain behavior from them in return.

This arises from the special position that the Queen had as head of the Church of England. It is worth noting that strong advocates for Te Tiriti o Waitangi were rangatira, Eruera Maihi Patuone (Patuone) and his brother Tamati Waka Nene (Waka Nene). Patuone was baptised by Henry Willaims in January 1840 and Waka Nene buried according to Church of England rites in 1871.[2]

[1] Ko te Paipera tapu ki tetahi ringa ko te Te Tiriti O Waitangi ki tetahi ringa. The Holy Bible in one hand and Te Tiriti O Waitangi in the other hand. .see Rima Edwards evidence

[2] Ballara, Angela. 'Patuone, Eruera Maihi ? - 1872'. *Dictionary of New Zealand Biography*, Wellington, 1990. p.96 and Ballara, Angela. 'Nene, Tamati Waka ? - 1871'. *Dictionary of New Zealand Biography*, Wellington, 1990. p. 58.

Both Maori and Pakeha cultures had elements where power (or mana) of the leaders was derived from God/s. Although the divine right of kings was no longer accepted there was a residual element that the regal authority was God given.

For example, some of the symbolism within the coronation ceremony of British monarchs, in which they are anointed with Holy oils by the Archbishop of Canterbury. This is the only European monarch who has holy oils anointing them, enhance the divine nature of the ceremony.

Personal Relationship to Crown

The Rangatira had the sense that the relationship was very personal and direct with the Monarch and his/her descendants.[3] Maori over time became increasingly perturbed as access to the Monarch was restricted and powers devolved from the Monarch or his direct representatives.

It is interesting for example the way the missionary Hobbs who was highly involved in te Tiriti discussions with Maori, and one of the better linguists, was greatly distressed when the administration of dealing with Maori land was taken from the Governor to the local administration.

The meaning of te Tiriti, as it was signed, needs to be understood in the context of other Maori language documents that were known to Maori. The only documents the original signatories in 1840 would have been substantially limited to the Bible and the Whakaputanga.[4]

[3] Brian Mackrell, *Hariru Wikitoria: an illustrated history of the Maori tour of England 1863*, Oxford University Press, 1985 and Thora Parker, *And Not to Yield,* : the story of a New Zealand family, 1840-1940, Auckland, 1987.

[4] Is this Phil Parkinson's thesis or *Books in Maori*?

The Bible and the missionaries had a considerable impact upon Maori and certain Rangatira such as Patuone and Tamati Waka Nene who were early converts to christianity, remained close to the missionaries in this period.

The authors of The Treaty of Waitangi and it's translation were missionaries, or deeply religious men, conversant with the Bible in an everyday sense. These same people had been directly involved in the production of He Whakaputanga o te Rangatiratanga o Nui Tireni (He Whakaputanga). In addition they would have all been familiar with the nature of the ancient world and seen Rome as a parallel to the British Empire.[5]

The only common belief system between the Europeans and Maori was christianity. The common written vessel for that shared belief system was the Bible (Ko te Paipera Tapu). The New Testament was of particular importance in that in 1837 five thousand copies of the Maori translation had been printed and distributed from Paihia.[6]

To communicate concepts not common to each others cultural and world outlook there was a need to look for parallels or analogies in that which is a common belief system, Christianity. When looking to express matters in writing, the Bible (Ko te Paipera Tapu) was that meeting point.

As Colenso put it with respect to the Treaty on the day of the signing of Te Tiriti[7]

> "Yes; and that is the very thing to which I was going to allude. The missionaries should do so; but at the same time the missionaries should explain the thing in all its bearings to the Natives, so that it should be their own very act and deed."

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[5] Parkinson

[6] Philip Parkinson, *Books in Maori, 1815 – 1900: An Annotated Bibliography*. Auckland, 2004

[7] William Colenso *The authentic and genuine history of the signing of the Treaty of Waitangi, New Zealand, February 5 and 6, 1840 : being a faithful and circumstantial, though brief, narration of events which happened on that memorable occasion; with copies of the treaty in English and Maori, and of the three early proclamations respecting the founding of the colony*, Christchurch, 1971.

He Whakaputanga o Te Rangatiratanga o Nui Tireni

The new word 'kawanatanga' was used in He Whakaputanga in 1835.

> a ka mea hoki e kore e tukua e matou te wakarite ture ki **te tahi hunga ke atu,** me te tahi **Kawanatanga** hoki kia meatia i te wenua o te wakaminenga o Nu Tireni
>
> *and we also say that we will never give over law-making power to **any other persons** or any other **governing** body to be spoken of in respect the land of the Confederation.* [8]

The sense of Kawantanga (other governing body) is, a person or body exercising specific governmental powers, a person or body who is a subordinate functionary, a person with a defined authority, an administrator. The power here is clearly not omnipotent, or all powerful, but merely a small element of the overall process of government.

The subordinate nature of the power compares with the earlier article of He Whakaputanga that describes higher levels of authority in terms of mana, Kiingitanga, and Tino Rangatiratanga. For example:

> 2.1 **Ko te Kingitanga ko te mana i te wenua o te wakaminenga o Nu Tireni**
>
> *The kingly authority is the ultimate political power, authority and control of the land of the Confederation of New Zealand*
>
> All sovereign power and authority within the territories of the United Tribes of New Zealand.[9]

and,

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[8] James Busby's translation of He Whakaputanga o te Rangatiratanga o Nui Tireni in Mutu, Margaret, 2004. 'The Humpty Dumpty principle at work: The role of mistranslation in the British settlement of Aotearoa: The Declaration of Independence and He wakaputanga o te Rangatiratanga o nga hapu o Nu Tireni' in Sabine Fenton (editor) *For better or for worse: Translation as a tool for change in the South Pacific.* Manchester, England, 2004

[9] Ibid, p.5

2.2 ka meatia nei **kei nga Tino Rangatira anake i to matou huihuinga**

*and is said here to lie **only with the paramount chiefs at our meeting***

is hereby declared to reside **entirely and exclusively in the hereditary chiefs and heads of tribes in their collective capacity.**

Kiingitanga in this sense pre-dates the 1860s movement and relates, in my opinion, to the aggregation of all Tino Rangatiratanga exercised in the country. This analysis is generally supported in the use of the word for ruler, power and authority in both the Bible and accompanying prayers.

Kawana and Kawanatanga in the Bible

Those words kawana or kawanatanga are used in about 160 verses of Ko Te Paipera Tapu. The term is most frequently used to be mean governor. It is also used to mean deputy, or lieutenant. Kawantanga is used for province. The nature of authority is in the sense of a subordinate to a higher king, ruler or other official. The power is constrained by geography and authority. It clearly is not the absolute of sovereign power, but an element of sovereignty or qualified sovereignty.

Attached at Appendix I-IV is a complete set of extracts. Below are a set of the more illustrative quotes where the terms are used in a comparative context.

Quote 1

51. Esther 3:12

Katahi ka karangatia nga karaipi a te kingi i te marama tuatahi, i te tekau ma toru o nga ra o taua marama, a ka tuhituhia nga mea katoa i whakahaua e Hamana ki nga **kawana** a te kingi, ratou ko nga **kawana** iti o tenei **kawana**tanga, o tenei **kawana**ta nga, ki nga **rangatira** hoki o tenei iwi, o tenei iwi; ki tenei **kawana**tanga, ki tenei **kawana**tanga, he mea whakarite ki to reira reo; i tuhituhia i runga i te ingoa o Kingi Ahahueruha, hiri rawa ki te mowhiti o te kingi. Esther 3:11-13 (in Context) Esther 3 (Whole Chapter)

[12]Then were the king's scribes called on the thirteenth day of the first month, and there was written according to all that Haman had commanded unto the king's **lieutenants**, and to the **governors** that were over every **province**, and to the **rulers** of every people of every **province** according to the writing thereof, and to every people

after their language; in the name of king Ahasuerus was it written, and sealed with the king's ring.

Note the relative superiority of the term Rangatira and the subordinate nature of the kawana within the extract emphasizing the hierarchy of terms.

Quote 2

52. Esther 8:9

Katahi ka karangatia nga karaipi a te kingi i taua wa, i te toru o nga marama, ara i te marama Hiwana, i te rua tekau ma toru o nga ra o taua marama; a ka tuhituhia nga mea katoa i whakahau ai a Mororekai ki nga Hurai, ki nga **kawana**, ratou ko nga **kawana** iti, ko nga rangatira ano o nga **kawana**tanga, o Inia mai ano a tae noa ki Etiopia, kotahi rau e rua tekau ma whitu nga **kawana**tanga; ki tenei **kawana**tanga, ki tenei **kawana**tanga, he mea whakarite ki ta ratou tuhituhi; ki tenei iwi, ki tenei iwi, he mea whakarite ano ki to ratou reo; ki nga Hurai ano, he mea whakarite ki ta ratou tuhituhi, ki to ratou reo.
Esther 8:8-10 (in Context) Esther 8 (Whole Chapter)

[9]Then were the king's scribes called at that time in the third month, that is, the month Sivan, on the three and twentieth day thereof; and it was written according to all that Mordecai commanded unto the Jews, and to the **lieutenants**, and the **deputies** and **rulers** of the **provinces** which are from India unto Ethiopia, an hundred twenty and seven provinces, unto every province according to the writing thereof, and unto every people after their language, and to the Jews according to their writing, and according to their language.

Note the subordinate nature of the authority described, deputies, lieutenant, and provincial governors.

Quote 3

53. Esther 9:3

A, ko nga rangatira katoa o nga **kawana**tanga, me nga **kawana**, me nga **kawana** iti, me nga kaimahi i te mahi a te kingi, i awhina i nga Hurai; no te mea kua tau te wehi o Mororekai ki a ratou.
Esther 9:2-4 (in Context) Esther 9 (Whole Chapter)

[3]And all the rulers of the **provinces**, and the **lieutenants**, and the **deputies**, and officers of the king, helped the Jews; because the fear of Mordecai fell upon them.

Note the absence of a variety of words to describe various types of official of a subordinate nature but that the subordinate nature of kawanatanga is clear.

Quote 4

54. Isaiah 22:21

Ka whakakahuria ano ia e ahau ki tou kakahu, ka whakakahangia hoki ki tou whitiki, ka hoatu ano tou **kawana**tanga ki tona ringa: a hei matua ia ki nga tangata o Hiruharama, ki te whare ano o Hura. Isaiah 22:20-22 (in Context) Isaiah 22 (Whole Chapter)

[21]And I will clothe him with thy robe, and strengthen him with thy girdle, and I will commit thy **government** into his hand: and he shall be a father to the inhabitants of Jerusalem, and to the house of Judah.

Note the powers are bestowed by those that have the power, and that the power relates to a limited area.

Quote 5

55. Jeremiah 51:57

Na ka whakahaurangitia e ahau ona **rangatira**, ona tangata whakaaro nui, ona **kawana**, ona **ariki,** ona marohirohi hoki; a ka moe ratou i te moe roa, te korikori, e ai ta te Kingi, ko tona ingoa nei ko Ihowa o nga mano. Jeremiah 51:56-58 (in Context) Jeremiah 51 (Whole Chapter)

[57]And I will make drunk her **princes**, and her wise men, her **captains**, and her **rulers**, and her mighty men: and they shall sleep a perpetual sleep, and not wake, saith the King, whose name is the LORD of hosts.

The word ruler is normally, but not exclusively,used for Rangatira, in this instance ariki is used. If kawanatanga is used it is for a subordinate lower tier form of rule. The kawana is subject or subordinate to the Rangatira, who in this instance is a prince. A prince as we know can be a ruler.

Kawanatanga, First Principles

The literal translation of kawanatanga is governorship, or governor's powers. On a first principles basis kawanatanga could be explained by analogy or example. Maori had been exposed to two main forms of governorship: that practiced by Gipps in New South Wales which had been firmly and broadly rejected in numerous speeches by the Rangatira; and

that found in the Bible. I also refer to the evidence of Dr Jones. The example of Pilate as a governor was the clearest and most detailed in the Bible. Pilate is the only governor whose activities are addressed in detail showing the actual functions undertaken. The functions exercised had many appealing features to Maori. The features of Kawana Pilate will be discussed in detail later, submission, but suffice to say that it displayed parallel undertakings of the administration of law, as compared to the making of law, which the Tiriti signatories had already allocated to the Whakameninga.

Prayers and Power

This hierarchy can also be seen in other uses of mana, rangatiratanga, and ariki in the Bible and the prayer book.

XXXVII. *Mo nga Kai-whakahaere Ture.*

KEI te Kuini te **tino mana ki te Kingitanga** o Ingarani, ki era atu whenua hoki ona; ko ia hoki te tino Kaiwhakahaere Ture mo nga tautohetohe katoa a nga tu tangata katoa o tona Kingitanga, a te iwi, a nga Minita hoki o te Hahi: kahore he mana o tetahi tangata iwi ke e eke mai ki runga ki a ia, kahore hoki e tika kia eke mai.

I te mea e kiia nei ko te Kuini te tino Kaiwhakahaere Ture, (e whakahengia nei tenei ki e etahi tangata whakapae) kahore e tukua ka o matou Kangatira te minitatanga o ta te Atua Kupu, o nga Hakarameta ianei; kua marama rawa hoki tenei i nga Whakahau i whakapuakina i mua ake nei e to tatou Kuini, e *Erihapeti*; engari ko taua mana anake, e kite nei tatou i roto i nga Karaipiture tapu, i tukua i nga wa katoa e te Atua ra ano ki nga Kingi karakia katoa; ara ko te whakahaere ture mo nga tu tangata katoa i tukua nei e te Atua ki a ratou, mo te iwi, mo nga tohunga karakia hoki; ko te pehi hoki ki te hoari i nga tangata whakakeke, tutu.

Kahore he mana o te Pihopa o Roma ki tenei Kingitanga o Ingarani.

E ahei ano i nga Ture o te Kingitanga te whakamate i te tangata Karaitiana mo etahi hara nanakia.

He mea tika i te mea e whakahaua ana e **te Rangatira** kia mau patu te Karaitiana, kia ura ano ki te whawhai.

E To Matou Matua The Lord's Prayer 1830s translation

E to matou Matua[1] i te rangi Kia tapu[2] tou Ingoa[3] Kia tae mai tou rangatira-tanga[4]. Kia meatia[5] tau e pai ai ki runga ki te whenua, kia rite ano ki to te rangi.	Our Parent in the spirit world Sacred is your Name Bring us Your Chiefly rule; May it happen in the way that is to You, good; may it happen on earth in the same way as in spirit world.	*Our Father which art in heaven,* *Hallowed be thy name. Thy kingdom come, Thy will be done in earth, as it is in heaven.*
Homai ki a matou aianei he taro[6] ma matou mo tenei ra. Murua[7] o matou hara Me matou hoki e muru nei i o te hunga[8] e hara ana ki a matou. Aua hoki matou e kawea kia whaka-waia;[9]	Give us now the food we need this day. . Strip us of our sins; Give us back what we have lost; so that we, the slaves of sin, may be with you again. Do not lead us into temptation;	*Give us this day our daily bread. And forgive us our debts, as we forgive our debtors. And lead us not into temptation,*
Engari whaka-orangia[10] matou, i te kino: Nou hoki te rangatira-tanga, te kaha, me te kororia, Ake, ake, ake. Amine.	~~May we be whole, away from~~ things evil; Through your chiefly position, is the power and the glory. Forever and ever Amen	*but deliver us from evil:* *For thine is the kingdom, and the power, and the glory,* *for ever. Amen*

Rangatira and Christianity

Most of the leading Chiefs who promoted Te Tiriti were Christian. Those that were not Christian would have some knowledge of the teaching and certainly the more important stories. Maori especially in the North had been exposed to Christianity for many years. Patuone and Waka Nene, for example, were christened in 1833 the latter having his niece and other young relations educated by the missionaries. Missionary practice required at least two years of teaching prior to christening. Maori saw many common features of their systems of law to that operated as described in the Bible, especially the Old Testament. The law recorded in the early books of the Bible are those applicable to a tribal society not dissimilar to Maori society. A society like the Biblical Israelites both had been migratory, and did not have an established penal system, but did have established settlements, and complex society with substantial division of labour. This meant that many of the laws expressed in the Bible had a parallel in Tikanga.

In 1837 five thousand of copies of the New Testament in Maori were printed in Paihia and distributed, indicating both widespread literacy and familiarity with the Bible among Maori in the Bay of Islands by 1840. This compares to the total New Zealand Maori population of 100,000. Although not all were immediately distributed a substantial number of books would have been in circulation in the Bay of Islands area.

Some of the laws relating to land dealings beyond the hapu had strong parallels in the Judaic law of jubilee, where tribal land reverted to the tribe in the jubilee year. This has strong parallels in the nature of tuku whenua.

Patuone and Waka Nene are recorded as having extensive conversations with the missionary Hobbs. Hobson subsequently wrote to Hobbs thanking him for his intervention with the Rangatira to convince them to sign.

No record exists as to the conversation. There are, however, traditions that Pontius Pilate was a model for the extent of kawanatanga. According to Heke Pokai and Ngamanu, Henry Williams and Busby explained to the Rangatira that Kawanatanga meant, and was:

> *he matua Kawana i runga i te aroha*
> a parent Governor on the basis of love

The night before the signing Nopera Panakareao asked for an explanation of the scriptures at the Book of Leviticus Chapter 25 verses 23 to 28. These are the provisions which relate to the rules of the jubilee and that land could only be lost to the tribe for at most 49 years.

Hobson on 6 February 1840, Relies on Missionaries

Mr. Colenso:

> *True, your Excellency; but the Natives are quite children in their ideas. It is no easy matter, I well know, to get them to understand--fully to comprehend a document of this kind; still, I think they ought to know somewhat of it to constitute its legality. I speak under correction, your Excellency. I have spoken to some chiefs concerning it, who had no idea whatever as to the purport of the treaty."*
>
> *The missionaries should do so; but at the same time the missionaries should explain the thing in all its bearings to the Natives,* ***so that it should be their own very act and deed***
>
> – William Hobson at Waitangi (emphasis added)

Hobson's Objectives from Normanby Instructions

Hobson had his own objectives:

- Ensure control of strategic resources for the Navy, spars, flax, whale oil i.e. do not pass to foreign powers
- Ensure order with respect to European inhabitants and visitors to Nu Tireni
- Control and regulate the process of settlement.
- Limit resources required to undertake these objectives.

In Colenso's report of his opening statement, his objectives are consistent with gubernatorial/magisterial power.

> "Her Majesty the Queen asks you to sign this treaty, and so give her that power which shall enable her to restrain them.

Missionaries and Maori, and Te Tiriti

1. The evidence is that there were substantial conversations with the missionaries prior to signing Te Tiriti Waka Nene had long conversations with Hobbs the Wesleyan missionary. AlanWard, in his Crown evidence, makes reference to the special status that Hobbs had among the missionaries with respect to Biblical and Rangatira status.
2. Hobson explicitly thanks Hobbs in a subsequent letter for his role.
3. Precise records of those conversations are not available. The Easter story and the trial of Christ is one of the important stories in Christian teaching.
4. One can but speculate as to the extent of parallel analysis the Christian Rangatira would undertake.
5. It would seem natural that a political figure such as a chief would analyse the powers and processes of government as they unfolded within an account of events from a foreign land. There was great curiosity as to methods of government practiced in other parts of the world.
6. The issue of citizenship is important in comparing Pax Britannica with Pax Romana.

Negotiation Process

Henry Williams joined the Rangatira during the evening prior to the signing of Te T Tiriti. There was discussion about the terms. He took the Maori language draft with him. The drafts have been lost and the only version remaining is the final form.

The discussions went on for a long time on the 5th of February. We know that the English translation is inconsistent with the Maori text. We also know that if you swap the operative words around between article 1 & 2 then the English translation reads closer in meaning.

Here is a supposition as to what happened, a supposition which is consistent with the facts and more consistent with the facts than others propose.

If as is suggested Williams had a document with Tino Rangatiratanga as the operative word in Article 1, a possible translation would be sovereignty, although mana is a preferred translation. Williams would be aware that the Rangatira would not surrender mana. The use of kawanatanga to reflect subordinate authority in article 2 is possible.

This would have been rejected out of hand. Williams then swaps the words, explains the limited nature of governorial power, and the rangatira are satisfied.

Williams, I believe, thinks he can justify retention of the official translation. This is due to a number of possible reasons:

- A shortage of time to alter the English Version,
- Everyone was surprised that agreement had been reached and the signing was bought forward by a day
- Unwillingness to inform Hobson that he had to compromise,
- Williams personally believed that it was vital for Maori to come under British protection even if Maori and some administrators had different views, those that knew Maori knew what the constraints were.
- The need to coerce Wakefield into acknowledging British authority,
- Convincing the French not to assert any claims, to limit Catholic involvement and

- Satisfying Governor Gipps demands for rapid proclamation, and establishing of British rule.
- Giving Hobson the right to become a full Governor
- The process was unhinged by Hobson's stroke and his administration being overtaken by Gipps appointed administrators.
- This situation explains the difference of views about Maori sovereignty that continued for the first decades post-Tiriti.

Alternative wordings of Te Tiriti

I have swapped the operative constitutional words round between article 1 and article 2. I believe that if this is translated into English it will quite closely reflect the "official version". In addition I have inserted the wording used in the whakaputanga and inserted in article 1. Translating that may also throw an interesting light on article 1 and kawanatanga.

Ko te tuatahi

Ko nga Rangatira o te wakaminenga me nga Rangatira katoa hoki ki hai i uru ki taua wakaminenga ka tuku rawa atu ki te Kuini o Ingarani ake tonu atu – **te tino rangatiratanga** o o ratou wenua.

Ko te tuarua

Ko te Kuini o Ingarani ka wakarite ka wakaae ki nga Rangitira ki nga hapu – ki nga tangata katoa o Nu Tirani te **Kawanatanga katoa** o o ratou wenua o ratou kainga me o ratou taonga katoa. Otiia ko nga Rangatira o te wakaminenga me nga Rangatira katoa atu ka tuku ki te Kuini te hokonga o era wahi wenua e pai ai te tangata nona te Wenua – ki te ritenga o te utu e wakaritea ai e ratou ko te kai hoko e meatia nei e te Kuini hei kai hoko mona.

Ko te tuatahi

Ko nga Rangatira o te wakaminenga me nga Rangatira katoa hoki ki hai i uru ki taua wakaminenga ka tuku rawa atu ki te Kuini o Ingarani ake tonu atu – **te Kingitanga ko te mana i** te wenua.

Some Interpretation of Te Tiriti

Article 1, Only that which is held may be imparted

Rangatira could only grant what they had which was an authority which was revocable by the Hapu. Note the wording in Article 1

> all the rights and powers of Sovereignty which the said Confederation or Individual Chiefs respectively exercise or possess

The Crown cannot end up with powers greater than those granted by the Tribe.

This means that the hapu retain the right to revoke the powers granted to the Crow. Or, may be supposed to exercise or to possess over their respective Territories as the sole sovereigns thereof.

This wording I suspect was put in because the Crown actually knew the Rangatira did not have the authority. Rangatira were not sole sovereigns, and this was known to the drafters. The drafters were aware of the limitations.[10]

Note that the document imputes to the Maori word for sovereignty.

Article 3, Not British Subjects

If the land had been ceded to the Crown by act of that cessesion all the inhabitants would become British Subjects.

Article 3 only gives Maori equivalent rights to British subjects, it

> "imparts to them all the Rights and Privileges of British Subjects".
>
> The Queen incrementally gives her royal protection, something that is in excess of what is granted by the Sovereign.

[10] See for example Fitzroy's observations on land tenure in Grant Phillipson, *Bay of Islands Maori and the Crown 1793-1853*, CFRT Wellington, 2005.

In consideration thereof Her Majesty the Queen of England extends to the Natives of New Zealand Her royal protection and imparts to them all the Rights and Privileges of British Subjects.

All of this wording clearly indicates that sovereignty was not ceded but some form of lesser governmental function which some counsel refer to as fundamental territorial jurisdiction.

Maori objectives

1. Maintain independence
2. Maintain land
3. Maintain trade

1. Maintain independence

He Whakaputanga reflects the clear importance of hapu independence to Maori society. It was the principal role of Rangatira to maintain the mana of the hapu.

The Rangatira would be able to assert or recognize the independence of hapu to whom they were related.

They were clearly at the time of the not desiring to loose their independence but merely ensure that the Crown could preclude foreign intervention.

Maori society had been through difficult period during the musket wars but a protracted and concerted period of peace making and stability had ensued following Ika Ranganui in 1826. This involved accords with Tainui, Hauraki and other iwi.

2. Maintain land

3. Maintain trade

Ensure order with respect to the European inhabitants

There is a common need to:

- regulate trade in the strategic goods
- create a structure to enable European inhabitants to be regulated

Maori Views

I record in Appendix II the words as reported by Colenso. This is not a comprehensive report. It was also released decades after the event. It is also a translation, and a summary. There are other versions of some of the chiefs words that add something to the meaning.

Kawanatanga as Gubernatorial Judicial Authority

The general principle is that :

- The Bible was the only shared value system between Maori and European
- Pontius Pilate was the only Governor discussed in detail in the Bible
- Meaning of kawana was one of limited subordinate power, eg governor.
- Kawana , Governor as described in Roman time their principal role was as a judicial officer. Subordinate roles as tax collector and controller of the armed forces
- Consistent with definition of Governor in the Dr Johnston Dictionary, where the first meaning is magistrate.
- Consistent with Pilate's role and other Roman Governors
- Pax Romana Pax Brittanica the belief in the parallel among colonial administrators.

Waka Nene and Te Tiriti o Waitangi

STAY FATHER JUDGE PEACEMAKER

> "O Governor! sit. I, Tamati Waka, say to thee, sit. Do not thou go away from us; remain for us--a father (adviser)[11], a judge, a peacemaker. Yes, it is good, it is straight. Sit thou here; dwell in our midst. Remain; do not go away. Do not thou listen to what [the chiefs of] Ngapuhi say. Stay thou, our friend, our father, our Governor." [12]

Waka Nene was christened in 1833. He lived in close contact with the missionaries throughout the 1830s. There is record that the Missionery Ironside went to his whare every night to read the New Testament in Maori to improve his pronunciation and that Waka Nene corrected him. Ironside accompanied Waka Nene to Waitangi and sat with him in the tent and encouraged him to speak.

An additional quote that Ironside reports Waka Nene making is

> "We only give up the shadow of sovereignty which we cannot manage for ourselves, but we retain the substance, undisturbed possession of our lands and properties"

It is worth noting that Ironside was physically next to Waka Nene in the tent when Te Tiriti was signed, and recorded it this comment in his journal.

An alternative Wesleyan record of the speech is:

> "O Governor! sit. I, Tamati Waka, say to thee, sit. Do not thou go away from us; remain for us--a father, a judge, a peacemaker. **You must not allow us to become slaves. You must preserve our customs, and never permit our lands to be wrested from us.** [13]Yes, it is good, it is straight. Sit thou here; dwell in our midst. Remain; do not go away. Do not thou listen to what [the chiefs of] Ngapuhi say. Stay thou, our friend, our father, our Governor."[14]

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[11] See alternate translation
[12] Colenso, p.27
[13] Tolla Willament, *John Hobbs 1800-1883: Wesleyan Missionary to the Ngapuhi Tribe of Northern New Zealand*. Wellington, 1985.
[14] Buick T. Lindsay, *The Treaty of Waitangi; or how New Zealand became a British Colony* New Plymouth, 1933. p.143

Hoani Heke, a chief of the Matarahurahu Tribe, arose and said,

> "To raise up, or to bring down? to raise up, or to bring down? Which? which? Who knows? Sit, Governor, sit. If thou shouldst return, we Natives are gone, utterly gone, nothinged, extinct. What, then, shall we do? Who are we? Remain, Governor, a father for us. **If thou goest away, what then? We do not know. This, my friends,"**

addressing the Natives around him,

> **"is a good thing. It is even as the word of God" (the New Testament, lately printed in Maori at Paihia, and circulated among the Natives).**
>
> "Thou to go away! No, no, no! For then the French people or the rum-sellers will have us Natives. Remain, remain; sit, sit here; you with the missionaries, all as one. But we Natives are children--yes, mere children. Yes; it is not for us, but for you, our fathers--you missionaries--it is for you to say, to decide, what it shall be. It is for you to choose. For we are only Natives. Who and what are we? Children--yes, children solely. We do not know: do you then choose for us. You, our fathers--you missionaries. Sit, I say, Governor, sit! a father, a Governor for us." [15]

Note that at no point does he suggest rule, merely governorship/magistrate.

Biblical analysis of the operative words in Te Tiriti

The process undertaken was to examine what word was used for ruler in the King James Bible and the equivalent verse in Maori.

We also examined the Maori text for Rangatira and Kawana and looked to see the translation in the King James.

[15] Pronounced with remarkably strong and solemn emphasis, well supported both by gesture and manner.. See Colenso, p.26.

This process created some level of duplication but as such it captured the cross translation issue.

There was also in the time some basic statistical contextual analysis undertaken.

The missionaries who translated the Bible saw rangatiratanga as ruler, principal holder of secular worldly power. There was an element of the spiritual but this was normally addressed with the term Ariki. The reference to Rangatiratanga in the Lord's prayer relates to the return of Christ to earth to rule as per Revelations.

Simply the word "ruler" is in all but two of 160 cases translated as Rangatira. One of the remaining cases is a clear reference to Pilate in a prophecy.

In a similar number of instances kawana is translated principally as governor or subordinate administrator.

Some other limited analysis of other terms of authority was also undertaken.

In the Book of Genesis, chapter 1, verse 26, God said "Let us make man in our own likeness" and "Let them have dominion over the fish of the sea, etc". The Maori translation of this verse is "Kia hanga tatau, te tangata. Kia rite kia tatau" and "kia waiho ratou, hei rangatira mo nga ika".

Isaiah 9:6

Kua whanau nei hoki he tamaiti ma tatou, kua homai he tamaiti ki a tatou, a ki runga ki tona pokohiwi te **rangatiratanga** ; na, te ingoa e karangatia ki a ia Ko Whakamiharo, ko Kai whakatakoto Whakaaro, ko te Atua kaha rawa, ko te Matua o nga wa mutunga-kore, ko te Rangatira o te Rongo mau. ([Translation in the Kings James Version] For to us a child has come, to us a son is given; and the **government** has been placed in his hands; and he has been named Wise Guide, Strong God, Father for ever, Prince of Peace.")

Ko te Paipera Tapu, ara, ko te Kawenata Tawhito me te Kawenata Hou : he mea whakamaori mai no nga reo i oroko-tuhituhia ai, Ranana [London] : He mea ta ki te Perehi a W. M. Watts, ma te Komiti ta Paipera mo Ingarangi mo te Ao Katoa, 1868.

A ka mea, E Ihowa, e te atua o o matou matua, he teka ianei ko koe te Atua i te rangi, ko koe hoki te kaiwhakahaere tikanga mo nga kingitanga katoa mo nga **tauiwi**? [II Nga Whakapapa/Chronicles 20:6.] (And said, O LORD God of our fathers, art not thou God in heaven? and rulest not thou over all the kingdoms of the **heathen**? KJV

> "Haere mai, haere mai, e pa e te Kawana, haere mai e te matua o nga iwi katoa e noho nei i Niu Tireni, haere mai e nga kanohi o te hunga kua mate, haere mai e Whangairoa, haere mai e Hotete, haere mai e Haimona, haere mai e Hauaraki, haere mai e nga kanohi kaumatua kua mate, haere mai ki tou **turanga waewae**.

[Translation in the original source] Welcome father, the Governor, parent of all tribes in New Zealand. Welcome, the eyes of those who are dead. Come Whangairoa, come Hotete, come Haimona, come Hauraki, come faces of the old chiefs who have died, come to your footstool."

Dated this 12th day of May 20

at Te Ti

APPENDIX I

Ruler in the Bible

126. Matthew 9:18
While he spake these things unto them, behold, there came a certain **ruler**, and worshipped him, saying, My daughter is even now dead: but come and lay thy hand upon her, and she shall live.
Matthew 9:17-19 (in Context) Matthew 9 (Whole Chapter)

[18] I a ia e korero ana i enei mea ki a ratou, na ka haere mai tetahi **rangatira**, ka koropiko ki a ia, ka mea, Tenei kua marere taku tamahine: otira mau e haere ake, e whakapa tou ringa ki a ia, a ka ora.

127. Matthew 9:23
And when Jesus came into the **ruler**'s house, and saw the minstrels and the people making a noise,
Matthew 9:22-24 (in Context) Matthew 9 (Whole Chapter)

[23]Na, i te taenga o Ihu ki te whare o te **rangatira**, ka kite i nga kaiwhakatangi putorino, i te huihui hoki e ngangau ana,

128. Matthew 24:45
Who then is a faithful and wise servant, whom his lord hath made **ruler** over his household, to give them meat in due season?
Matthew 24:44-46 (in Context) Matthew 24 (Whole Chapter)

[45]Ko wai ra te pononga pono, mahara, i meinga e tona ariki hei **rangatira** mo ana tangata, hei hoatu i te kai ma ratou i te wa e tika ai?

129. Matthew 24:47
Verily I say unto you, That he shall make him **ruler** over all his goods.
Matthew 24:46-48 (in Context) Matthew 24 (Whole Chapter)

[47]He pono taku e mea nei ki a koutou, Ka meinga ia hei **rangatira** mo ona taonga katoa.

130. Matthew 25:21
His lord said unto him, Well done, thou good and faithful servant: thou hast been faithful over a few things, I will make thee **ruler** over many

things: enter thou into the joy of thy lord.
Matthew 25:20-22 (in Context) Matthew 25 (Whole Chapter)

[21]Ka mea tona ariki ki a ia, Pai rawa, e te pononga pai, e te pononga pono; pono tau mahi ki nga mea ruarua, maku koe e mea hei **rangatira** mo nga mea maha: uru mai koe ki te hari o tou ariki.

131. Matthew 25:23
His lord said unto him, Well done, good and faithful servant; thou hast been faithful over a few things, I will make thee **ruler** over many things: enter thou into the joy of thy lord.
Matthew 25:22-24 (in Context) Matthew 25 (Whole Chapter)

[23]Ka mea tona ariki ki a ia, Pai rawa, e te pononga pai, e te pononga pono; pono tonu tau mahi ki nga mea ruarua, maku koe e mea hei **rangatira** mo nga mea maha: uru mai koe ki te hari o tou ariki.

132. Mark 5:22
And, behold, there cometh one of the **ruler**s of the synagogue, Jairus by name; and when he saw him, he fell at his feet,
Mark 5:21-23 (in Context) Mark 5 (Whole Chapter)

[22]Na ko te haerenga mai o tetahi o nga **rangatira** o te whare karakia, ko Hairuha tona ingoa; ka kite i a ia, ka takoto ki ona waewae

133. Mark 5:35
While he yet spake, there came from the **ruler** of the synagogue's house certain which said, Thy daughter is dead: why troublest thou the Master any further?
Mark 5:34-36 (in Context) Mark 5 (Whole Chapter)

[35]I a ia ano e korero ana, ka haere mai etahi o nga tangata a te **rangatira** o te whare karakia, ka mea, Kua mate tau tamahine: hei aha ake mau te whakararuraru i te Kaiwhakaako?

Mark 5:36
As soon as Jesus heard the word that was spoken, he saith unto the **ruler** of the synagogue, Be not afraid, only believe.
Mark 5:35-37 (in Context) Mark 5 (Whole Chapter)

[36]Otira kahore a Ihu i aro ki te kupu i korerotia, ka mea atu ki te **rangatira** o te whare karakia, Kaua e wehi, ko te whakapono ia kia whakapono.

134. Mark 5:38
And he cometh to the house of the **ruler** of the synagogue, and seeth the