Contemporary Rangatiratanga:
Do Treaty settlements enable rangatira to exercise rangatiratanga?

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Abstract

This thesis asks whether Treaty of Waitangi settlements enable or re-establish Māori rangatiratanga guaranteed by Te Tiriti o Waitangi, in a contemporary context. It does so by first establishing the pūtāke (foundations) of the traditional exercise of rangatiratanga; namely, whakapapa (genealogical descent), mana (prestige, authority, power, sovereignty), hapū (societal community), and whenua (geographical place). In addition, pūtāke extended to incorporate kawa and tikanga (cultural lore) and utu (reciprocity). These pūtāke were societal pillars for the framework of rangatiratanga.

This form of authority was recognised in the Declaration of Independence in 1835. In 1840 the British also recognised the authority of rangatira in the Treaty of Waitangi, and guaranteed to protect rangatiratanga. The Crown failed in many ways to uphold this guarantee after 1840; many policies, laws and actions undermined Maori rangatiratanga. Maori responded to this marginalisation of their authority in a variety of ways, but it was not until the Treaty of Waitangi Act 1975 that the Crown began to recognise and redress its many Treaty breaches. Through this process the Crown has reached settlements with Maori. Two qualitative cases are discussed based on interviews with contemporary leaders from the two iwi, Ngāi Tahu and Ngāti Whātua. These cases are not a comparison, rather my primary interest is in the Ngāi Tahu case, with Ngāti Whātua providing an alternative experience from an iwi not yet through the settlement process.

Ultimately, this thesis concludes that the settlement process does not provide rangatiratanga to rangatira and hapū. The process of settlement is set and determined by the Crown and the requirement for hapū to rearrange into natural larger groupings, dismantles any self-determining framework of the original claimant group. Therefore, the leadership requirement in this post-settlement, namely governance, is not the same thing as rangatiratanga for whānau and hapū.

For Ngāi Tahu this means rangatiratanga must be future driven by internal dreams for self-determination.
Acknowledgements

This thesis is the outcome of so much support and assistance from a number of people. It is really not enough to simply say thank you to those people, but equally I would be fraudulent to say this is simply an outcome of my work alone.

First and foremost, I would give my deepest thanks to my primary supervisor, Professor Janine Hayward. At the beginning of this journey, your simple belief and encouragement in me was an absolute strength. It was so often needing to be conveyed as I was internally challenged in the belief of my right and ability to undertake this research. You also helped me clarify the question, so pivotal in the process and provided me the ability to produce structure and clarity in my thinking and writing. You also challenged me to extend my lines of thought, my conceptual foundations and equally defend my position or arguments. Most importantly, you were my friend too and hung in there at my darkest points and reinforced those aforementioned beliefs in who I was and what I was doing.

I must also recognise Professor Poia Rewi, my other supervisor. At the outset of this research Poia was instrumental in setting the framework, in particular the te ao Māori kōrero and line of thinking and my approach. Equally the value of the contributions as I came toward the conclusion of this research was invaluable and your sharp questions often provided the clarity in the writings, when it was not obviously seen. Also to John Huria, my friend and editor/proof reader, too hard to convey in words your efforts in proofing my works, the hours you have spent poring over my work and such valuable questions and comments that again ensured clarity and accuracy to this thesis, ngā mihi John.

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To those closet to me, my whānau and loved ones. I am so incredibly grateful for the support and belief that I would get there, often more believing in me than I was of myself. For that reason, it is hard to put some words on paper and believe that can convey all that your efforts have meant to me, but I do hope you know the depth and breadth of my love gratefulness to you all. Mum, I got there! You have always been so excited that I would arrive at completion, and I hope this study in some ways repays the love and support you have always given to me. I also hope my Dad is proud, even though he left me and the whānau some 30 years ago this year. In part, this research links so much back to what precious, and so very sadly little, time I had to see rangatiratanga shown by my father among his whānau and his people. Although not here he was a personal companion, sadly so distant on this journey, I miss you Dad. To Leanne. Your reinforcement and support during this thesis has been so personally essential for me. You, more than anyone, know how much I have personally wondered if I am capable to get here and you always believed and encouraged me. I love you.

Finally, to Tāne and Manaia, your future will be more advantaged than any descendant in the last two centuries for Ngāi Tahu. I hope this and other contemporary research further enables that advantage, opportunity and most importantly responsibility to your whānau, hapū and iwi. I love you both.

Ko āku mihi arohanui ki a koutou kātoa.
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<th>Definition</th>
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<tr>
<td>ahi kā</td>
<td>burning fires of occupation, occupation rights</td>
</tr>
<tr>
<td>Aotearoa</td>
<td>New Zealand, North Island</td>
</tr>
<tr>
<td>ariki</td>
<td>high chief</td>
</tr>
<tr>
<td>arikitanga</td>
<td>aristocratic rank, high rank, high birth</td>
</tr>
<tr>
<td>aroha</td>
<td>love, respect, compassion</td>
</tr>
<tr>
<td>atua</td>
<td>usually translated as god but, more correctly, ancestors whose mana is extant, usually in a specific domain</td>
</tr>
<tr>
<td>awa</td>
<td>river</td>
</tr>
<tr>
<td>ea</td>
<td>be satisfied, satisfy, settled, avenged</td>
</tr>
<tr>
<td>hāngī</td>
<td>earth oven - to cook food with steam and heat from heated stones</td>
</tr>
<tr>
<td>hapū</td>
<td>Tribe, sub-tribe², clan</td>
</tr>
<tr>
<td>Hawaiki</td>
<td>ancient homeland - the places from which Māori migrated to Aotearoa/New Zealand</td>
</tr>
<tr>
<td>He Wakaputanga o te Rangatiratanga o Nu Tirini</td>
<td>The Declaration of Independence 1835</td>
</tr>
<tr>
<td>Hine-ahu-one/Hine-hau-one</td>
<td>created from earth/sand, the first woman according to one creation narrative</td>
</tr>
<tr>
<td>hoko whenua</td>
<td>term used for persons who would sell or trade land</td>
</tr>
<tr>
<td>hoko pupuri</td>
<td>term used for persons who would retain land</td>
</tr>
<tr>
<td>hui</td>
<td>gathering, meeting</td>
</tr>
<tr>
<td>ihi</td>
<td>essential force, excitement, power, charm, personal magnetism - psychic force as opposed to spiritual</td>
</tr>
</tbody>
</table>

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¹ For the purpose of this glossary, not all of the dictionary entries are provided, rather I have selected those relevant for their use in this document. I primarily sourced *The Māori Dictionary Online*, and other relevant sources where required.

² The term ‘sub-tribe’ is a nineteenth century colonial transliteration that draws on the English-Latin term ‘tribus’. For the purpose of this thesis, hapū is not taken to mean ‘sub’ of an iwi, rather it also represents a tribe in its own right.
power

iwi tribe, people, nation

kai food

kāinga/kāika/kāik home, address, residence, village, settlement, habitation, habitat, dwelling. Kāika and Kāik are Ngāi Tahu dialect for Kāinga.

kaitiaki guardian, caretaker

kaitiakitanga guardianship, stewardship

kai moana food from the sea

kai whenua food from the land

kākano seed

kapa haka Māori performance arts, Māori performing arts troupe

karakia prayers, incantations

kauhanganui tribal council, parliament

kawa kawa is frequently used to refer to rituals or protocols related to, but not limited to, the formal welcome of visitors on the marae. Kawa derives from atua, the spiritual worlds, to tangata i.e. humanity

kaumātua adult, elder, elderly man, elderly woman, old man - a person of status within the whānau

kaupapa topic, policy, matter for discussion, plan, purpose, scheme, proposal, agenda, subject, programme, theme, issue, initiative

kāwana governor

kāwanatanga governorship, government, complete government

kirihipī overlay

kō digging stick

kōha gift, present, offering, donation, contribution

kōrero to tell, say, speak, read, talk, address

korowai cloak, protection
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<th>Term</th>
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<tr>
<td>kotahitanga</td>
<td>unity, togetherness, solidarity, collective action</td>
</tr>
<tr>
<td>kuia</td>
<td>elderly woman, grandmother, female elder</td>
</tr>
<tr>
<td>mahi</td>
<td>to work, action, do, perform, make, accomplish, business</td>
</tr>
<tr>
<td>mahinga kai</td>
<td>cultivation, traditional food gathering</td>
</tr>
<tr>
<td>mana</td>
<td>prestige, authority, power, sovereignty</td>
</tr>
<tr>
<td>manaakitanga</td>
<td>hospitality, kindness</td>
</tr>
<tr>
<td>mana atua</td>
<td>rights and authority established by Māori deities whose mana is extant</td>
</tr>
<tr>
<td>mana i te tangata</td>
<td>authority from the whenua, the land, to tangata i.e. humanity</td>
</tr>
<tr>
<td>mana ki te whenua</td>
<td>authority, dignity and integrity of mahinga kai, the resources of Papatūānuku and Tangaroa</td>
</tr>
<tr>
<td>mana Māori</td>
<td>rights and authority Māori</td>
</tr>
<tr>
<td>mana moana</td>
<td>marine authority, the right to hold responsibility for the sea and its resources</td>
</tr>
<tr>
<td>mana o te whenua</td>
<td>rights and authority of the land</td>
</tr>
<tr>
<td>mana tangata/mana takata</td>
<td>mana power and status accrued through one’s leadership talents, integrity, status, human rights</td>
</tr>
<tr>
<td>mana tuku</td>
<td>how authority existed and transferred beyond one person to another</td>
</tr>
<tr>
<td>mana tuku iho</td>
<td>rights and authority passed down in accordance with tikanga</td>
</tr>
<tr>
<td>mana tūpuna</td>
<td>rights and authority of ancestors</td>
</tr>
<tr>
<td>mana wahine</td>
<td>rights and authority of the female gender</td>
</tr>
<tr>
<td>mana whakaheke</td>
<td>rights and authority through descent from ancestors or parents</td>
</tr>
<tr>
<td>mana whakatipu</td>
<td>acquired leadership</td>
</tr>
<tr>
<td>mana whenua</td>
<td>people (whānau, hapū, rūnanga/rūnaka and iwi) who exercise kaitiakitanga and rangatiratanga in a geo-political area</td>
</tr>
</tbody>
</table>
māngai  mouth, spokesperson
manuhiri  visitor, guest
Māori  indigenous individuals and groups of Aotearoa, including mana whenua
marae  courtyard, open area in front of the meeting house in a village
māramatanga  enlightenment, insight, understanding, light, meaning, significance, brainwave
mātauranga Māori  Māori knowledge system
maunga/mauka  mountain
mauri  life principle
moana  lake, sea
moemoeā  dream, vision
mōteatea  lament, traditional chant, sung poetry
motuhake  to separate, set aside, position independently, be stand-alone
muru  ritual redistribution of taonga or property
noa  free from ritual restriction, normal
nohoanga  seat, chair, seating, dwelling place, abode, encampment
ope  visiting group of manuhiri
ōrite/ōritetanga  sameness, equity, to be like, alike, similar, identical, even, equal
pā  fort, settlements, food stores or manifestations of status and power
Pākehā  New Zealanders of English descent
Papatūānuku (Papa)  Earth Mother
papakāinga  original home, home base, village, communal Māori land
Pāremata  Parliament
pepeha  adages of tribal identity, tribal saying, tribal motto
pito  umbilical cord
pono  be true, valid, honest, genuine, sincere
pounamu  greenstone, a type of jade
poua  old person, grandfather
pou whenua  land post
pūtake  origin, source, or foundation
rāhui  embargo, quarantine, ban
rangatira  chief, noble
rangatira o te whenua  chiefs of the land
rangatiratanga  sovereignty, ultimate chieftainship, chieftainship, right to exercise authority, chiefly autonomy, self-determination, self-management, indigenous rights, mana Māori
Ranginui  Sky Father
raupatu  seize land through conquest, confiscate land
rohe  territory, domain
roto  lake
rūnaka/rūnanga  tribal collective, council
taiāpure  local fisheries
takahī  to trample, tramp, stamp, tread, abuse, disregard
takiwā  territory, district or space occupied by a hapū or iwi
tangata/tāngata  person(s)
tangata whenua  people of the land, indigenous people, local people
tangi  to cry, mourn, weep, weep over, funeral
taonga  treasure
taonga kōrero  treasured feedback, special nature of the discussion
taonga tuku iho  treasures, both tangible and intangible, handed down from earlier generations
taonga tūturu  real treasure, authentic treasure

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tapu under ritual restriction. Philosophically speaking, tapu means potentiality for being, the ritual restriction is a means whereby the potentiality is protected

taurekareka slaves

te ao Māori the Māori world

te ao Pākehā the Pākehā world, the world as it pertains to non-Māori residents in New Zealand, particularly Anglo-New Zealanders

Te-Ika-a-Māui The fish of Māui, North Island of New Zealand
Te Moana-nui-a-Kiwa the Great Ocean of Kiwa, the Pacific Ocean
te reo Māori the Māori language
Te Tai Tokerau Northland
Te Tiriti The Treaty, abbreviation for Te Tiriti o Waitangi
Te Tiriti o Waitangi The Treaty of Waitangi
Te Úpoko o te Ika a Māui The Wellington Region and the Southern Wairarapa
Te Wāhi Pounamu Greenstone Valley, the South Island
Te Waipounamu Greenstone Valley, the South Island
teina younger sibling
Te Kerēme The Ngāi Tahu land claim, Wai27
tika correct
tikanga tikanga is customary practice in all Māori contexts, not only those applied on or at the marae. Tikanga is the appropriate behaviour relevant to kawa associated with ritual.
tikanga Māori Māori customary practices
tino rangatiratanga sovereignty, ultimate chieftainship, chieftainship, right to exercise authority, chiefly autonomy, self-determination, self-management, indigenous rights, mana Māori
<table>
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<th>Term</th>
<th>Definition</th>
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</thead>
<tbody>
<tr>
<td>tīpuna / tūpuna</td>
<td>ancestors</td>
</tr>
<tr>
<td>tītī</td>
<td>muttonbird, sooty shearwater, <em>Puffinus griseus</em>, young of the sooty shearwater</td>
</tr>
<tr>
<td>toheroa</td>
<td><em>Paphies ventricosa</em> - a large edible bivalve mollusc with a triangular shell found buried in fine sand between tides, often below large sand dunes</td>
</tr>
<tr>
<td>tohu whakamahara</td>
<td>a memorial</td>
</tr>
<tr>
<td>tohunga</td>
<td>priest, skilled spiritual person, expert</td>
</tr>
<tr>
<td>tohunga ahurewa</td>
<td>high priests</td>
</tr>
<tr>
<td>tohunga tārai waka</td>
<td>canoe-builder</td>
</tr>
<tr>
<td>tohunga tā moko</td>
<td>tattooist</td>
</tr>
<tr>
<td>tohunga hanga whare</td>
<td>house-builder</td>
</tr>
<tr>
<td>tūtūā</td>
<td>commoners</td>
</tr>
<tr>
<td>tohunga whakairo</td>
<td>carver</td>
</tr>
<tr>
<td>tuakana</td>
<td>elder sibling</td>
</tr>
<tr>
<td>tumutumu-whenua</td>
<td>Ngāti Whātua deity</td>
</tr>
<tr>
<td>tūpuna/tīpuna</td>
<td>ancestors</td>
</tr>
<tr>
<td>tūrangawaewae</td>
<td>tū – to stand; -ranga – suffix of adjective to stand; waewae – feet; its literal translation is a place to stand, belonging</td>
</tr>
<tr>
<td>ture</td>
<td>law</td>
</tr>
<tr>
<td>uri</td>
<td>offspring, descendant, relative, kin, progeny, blood connection, successor</td>
</tr>
<tr>
<td>utu</td>
<td>reciprocity, reciprocation, balance</td>
</tr>
<tr>
<td>wahine</td>
<td>woman, female</td>
</tr>
<tr>
<td>wāhi tapu</td>
<td>sacred place, place of cultural significance</td>
</tr>
<tr>
<td>whakahirahira</td>
<td>of importance</td>
</tr>
<tr>
<td>wai</td>
<td>water</td>
</tr>
<tr>
<td>waiata</td>
<td>song/poem</td>
</tr>
<tr>
<td>waka</td>
<td>canoe</td>
</tr>
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<th>English Translation</th>
</tr>
</thead>
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<tr>
<td>wairua</td>
<td>soul, spirit, spiritual</td>
</tr>
<tr>
<td>wehi</td>
<td>to be awesome, afraid, fear</td>
</tr>
<tr>
<td>whaikōrero</td>
<td>oration, formally speak</td>
</tr>
<tr>
<td>whakaaro</td>
<td>to think, plan, thought, opinion, plan, understand, idea</td>
</tr>
<tr>
<td>whakakotahi</td>
<td>to unify</td>
</tr>
<tr>
<td>whakaminenga</td>
<td>assembly, congregation, crowd, gathering, group, audience, confederation</td>
</tr>
<tr>
<td>whakapapa</td>
<td>genealogy</td>
</tr>
<tr>
<td>whakataukī</td>
<td>proverb, significant saying, formulaic saying</td>
</tr>
<tr>
<td>whānau</td>
<td>family, extended family</td>
</tr>
<tr>
<td>whanaunga</td>
<td>relations</td>
</tr>
<tr>
<td>whanaungatanga</td>
<td>relationships</td>
</tr>
<tr>
<td>whakawhanaungatanga</td>
<td>process of establishing relationships, relating well to others</td>
</tr>
<tr>
<td>whānui</td>
<td>broad or broader</td>
</tr>
<tr>
<td>whare</td>
<td>house, meeting house</td>
</tr>
<tr>
<td>whenua</td>
<td>land</td>
</tr>
<tr>
<td>whenua tuku iho</td>
<td>land handed down from earlier generations</td>
</tr>
<tr>
<td>whio</td>
<td>blue duck, Hymenolaimus malacorhynchos</td>
</tr>
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</table>
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Introduction

Ngāi Tahu is an iwi\(^3\), an indigenous nation located in the South Island of New Zealand. Ngāi Tahu is a collective or grouping (Ngāi), descending from an eponymous ancestor, Tahu Pōtiki (Tahu). By the time of the arrival of non-Māori to the South Island in the eighteenth century Ngāi Tahu comprised three lines of whakapapa\(^4\), Waitaha, Ngāti Mamoe and Ngāi Tahu. New technologies and trade saw Ngāi Tahu seek and seize new opportunities to further develop their well-established trading ability and extend their tribal economy. Rangatira\(^5\) were the leaders of the hapū\(^6\) who represented their peoples from across the takiwā\(^7\) where they occupied and ruled their land through the exercise of rangatiratanga\(^8\) or sovereignty. Ngāi Tahu rangatira such as Tūhawaiki of Murihiku and Karetai of Ōtākou\(^9\) were recognised by British leaders and church leaders as having authority over the peoples and resources of the South Island.

In the early nineteenth century at the other end of what was to be Aotearoa New Zealand, two documents were drafted in the North Island between British leaders, representing Queen Victoria, and rangatira of hapū in the North Island. The first document, in 1835, He Whakaputanga o te Rangatiratanga o Nu Tireni (hereafter He Whakaputanga), The Declaration of Independence (provided in Appendix 1) was an assertion of rangatiratanga, “Ko matou, ko nga rangatira”, which was recognised by the British. He Whakaputanga was signed by predominantly northern rangatira\(^10\) and was not signed south

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3 tribe, people, nation
4 genealogy
5 chief, noble
6 tribe, sub-tribe, clan
7 territory, district or space occupied by a hapū or iwi. Rohe or takiwā is the territory, district or space occupied by hapū and iwi. It is the estate which those people defend. As further noted by Mead, each social group had defined “idea of boundaries of their rohe, although those bordering would rarely ever agree to such assertions” (Mead, 2003, p. 220). Ballara describes the rohe or takiwā as “tribe[s] … occupying and defending a continuous territory inside a known boundary” (Ballara, 1998, p. 18).
8 sovereignty, ultimate chieftainship, chieftainship, right to exercise authority, chiefly autonomy, self-determination, self-management, indigenous rights, mana Māori
10 More recent historical studies associated with He Whakaputanga points to rangatira signatories representing hapū from Hawkes bay to Taupō, Waikati-Maniapoto and Tai Tokerau as signatories “Two very important new signatories were Te Hapuku of Ngāti Kahungunu and Te Wherowhero of Waikato.” (Henare, 2003, p. 194) This is also reference in Parkinson’s (2003) thesis, who writes between “… January 1836 and 1839 eleven further marks of chiefs were added … ’Hapuku no te
of the northern North Island. The second agreement, in 1840, was Te Tiriti o Waitangi (hereafter Te Tiriti), The Treaty of Waitangi (provided in Appendix 2). In this treaty, the British recognised rangatira, “nga rangatira me nga hapu o Nu Tirenī”, and guaranteed to protect their right to exercise rangatiratanga. Rangatira across the country made their mark on te Tiriti, although not all the rangatira of every hapū signed Te Tiriti o Waitangi. Within Ngāi Tahu, seven rangatira signed Te Tiriti o Waitangi at Ruapuke, an island just to the south of the South Island, and at Ōtākou and Akaroa, both settlements on the South Island’s eastern coast.

The Treaty of Waitangi is axiomatic in the guarantee of the right for rangatira to exercise sovereignty while empowering the right for British leadership to establish government. It also provided the concepts of citizenship and established rights of Māori and non-Māori alike. The process of British colonisation through mass settlement and social change began within two decades of the signing of Te Tiriti o Waitangi. Within this same period the colony transitioned from a dependency administered from British leadership in New South Wales, to a self-governing colony. The population of settlers and traders arriving in New Zealand increased dramatically. By 1845, Ngāi Tahu had sold almost all the lands across Te Waipounamu, the South Island of New Zealand. While there were many promises made within the sales, many were not fulfilled by the Crown. The Crown also passed legislation that was to have significant impacts on Ngāi Tahu rangatira and the rangatira and peoples of other hapū and iwi around New Zealand. These impositions saw Ngāi Tahu actively evolve forms of representation. The first was the decision to establish a collective rūnanga, or council, in 1874 which could politically engage the Crown on the broken promises from the aforementioned land sales, and reduce the impacts of colonisation. This political representation was later transferred to the Government imposed Ngāi Tahu Trust Board in 1946 (Te Rūnanga o Ngāi Tahu, 1996b, p. 6). This collectivised response was a new form of leadership to Ngāi Tahu.

As author of this thesis, I acknowledge that I am a Ngāi Tahu descendant of these people and this rich history. The provenance, or inception, of this research is based on my exposure to the challenges and realities of leadership development within Ngāi Tahu. Ultimately, the design of this research project is framed by my whakapapa, or descent, from the ancestor

Watu apiti’ (Hawkes Bay) [25 September 1838], and finally on 22 July 1839, ‘Ko te werowero na ko ngati mahuta ...” (Parkinson, 2003, pp. 503-504)
Tahu Pōtiki. Another major influence over my research is the contemporary reality of hapū; for me this is based on my experiences and engagement at Ōtākou. The new social arrangement of rūnanga has seen the traditional authority of Ōtākou be reframed, or more accurately now shared in some way with other rūnanga, as part of the settlement with the Crown by Ngāi Tahu. While traditional elements of the hapū tradition are still being enacted, I wonder about the impact the settlement and these new structures, such as rūnanga, have had on the traditional paradigm of rangatiratanga guaranteed in He Whakaputanga and Te Tiriti. This thesis also presents a second case for analysis with Ngāti Whātua, an iwi whose traditional lands encompass the isthmus where Auckland city was established and north to Maunganui Bluff at its northern boundary. The Ngāi Tahu case study is paired with a case study drawn from another iwi, Ngāti Whātua, whose story also traverses many of these shared histories and challenges. These analyses are based on having worked professionally and personally with the leadership of Ngāi Tahu and Ngāti Whātua. For Ngāi Tahu, Ngāti Whātua and other hapū and iwi across New Zealand public policy, deracination, and colonisation had marginalised the authority of rangatiratanga.

From the 1840s traditional lands moved from hapū guardianship to non-Māori ownership. Also, the rangatiratanga of autonomous hapū has failed to be recognised and instead has been marginalised by the Crown. It was not until the 1970s that Ngāi Tahu and other iwi would have their grievances addressed following the passing of the Treaty of Waitangi Act 1975. This Act established the Waitangi Tribunal which was empowered to consider claims of grievance(s) by the Crown against promises associated with Te Tiriti o Waitangi. Ngāi Tahu had their grievances recognised within the 1991 Ngai Tahu Waitangi Tribunal Report, the Te Rūnanga o Ngāi Tahu Act 1996 and Ngāi Tahi Claims Settlement Act 1998. This thesis poses the question of whether Treaty settlements re-empower the right to exercise rangatiratanga as guaranteed in Te Tiriti o Waitangi. In this thesis, the term Treaty settlement is widely defined to incorporate the grievance, the process of negotiation and the settlement itself. In considering the findings based on the questions and case studies I will note potential implications for other iwi and for the Crown and its agencies, of the settlement process and wider future of Aotearoa.

Much has been written on Māori leadership and associated rights in New Zealand (Ballara, 1998; Belich, 1996; Best, 1952; Chen, 2012; Cox, 1993; E. Durie, 1991; M. H. Durie, 1998; Joseph, 2012; I. H. Kawharu, 1989; King, 2003; Metge, 1976; Moon, 1994; Dominic O'Sullivan, 2007; Orange, 1987, 1989; Palmer, 2007a, 2007b, 2008; Salmond, 1997; S. P.
This thesis seeks to contribute to a gap in this literature by exploring the contemporary expression of rangatiratanga through the journeys and stories of two iwi engaged in different stages of the Treaty settlement process. The study was motivated by a series of questions I had in contemplating contemporary Māori leadership. Are the original rights of rangatiratanga that were guaranteed to rangatira as signatories to the Treaty of Waitangi re-enabled by treaty settlements? If treaty settlements are a post-colonial realisation (as discussed below), what does this look like? If it is not rangatiratanga, how may leadership in a post-settlement Māori collective be viewed? Is the leadership structure a Māori choice or an imposition of the Crown in once again framing Māori? If rangatiratanga is the Māori aspiration, what is the role of contemporary rangatira of hapū and iwi, and how are they recognised? If western systems of representation have prevailed, do these replace rangatiratanga or can those leadership systems co-exist?

To provide context for this thesis for those unfamiliar with Māori history and society, it is important to establish a brief understanding of Māori society prior to the arrival of non-Māori, and to clarify the term Māori. The term defines the indigenous population of Aotearoa New Zealand. Māori as a term homogenises the diversity within whānau and hapū. In the main, Māori identity is defined by connection to whānau, hapū, iwi and whenua. Before the arrival of British, and other peoples of the world, ethnicity did not exist, it was a construct following the arrival of the other. As Ballara notes, “shortly before contact … many ‘ancient tribes’ were descent groups which had begun to form only a few generations before” (Ballara, 1998, p. 98). Ballara argues the notion of Māori as not being a term for a single collective:

In a sense it is true that there was no ‘Māori’ social organisation or history until after significant pan-Māori movements began their reaction to European settlement. The word ‘māori’ meant ordinary, common against the exotic, or fresh, as in ordinary drinking water. It was applied by Europeans to Māori people only after Māori had begun to use the term to distinguish their own normality as a people from the exotic or alien newcomer … Māori did not think of themselves as any kind of collective unit or ethnic group until they encountered other ethnicities, nor until they had enough experience of the visitors to realise that they were human from another country, not some kind of visitation from the spiritual dimension of their own world. (Ballara, 1998, p. 42)

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11 family, extended family
12 land
Traditional Māori societies trace back to descendants who traversed the Pacific ocean from as early as AD 200 (Walker, 1990). Recent research has suggested that Māori arrived at these islands of Aotearoa in the mid-thirteenth century (Anderson, Binney, & Harris, 2014), four centuries before Tasman discovered the antipodes. Māori society was collective in nature, based on whānau (family units) and hapū (sub-tribes). Hapū were a collection of whānau who descended from a common ancestor, and were named after that ancestor, the geography or even historical events or incidents. These collectives were also connected to, and guardians of, whenua (lands) which informed their identity. More often than not Māori also had at their boundaries other hapū who were tribally connected to themselves. This is the basis of what would then inform their collectivism as an iwi, or tribe. Whānau and hapū were the main social units of traditional Māori life. While whānau and hapū had clear identity, leaders, including rangatira who had clear rank, or places, in society. The jurisdiction and sovereignty of rangatira was absolute within the hapū, which was the community in which rangatiratanga, or their sovereignty, was exercised. Furthermore, rangatiratanga was exercised for the collective’s wellbeing and development, as opposed to the individual interests of the rangatira themselves. The qualities and attributes of rangatira were paramount in maintaining the collective health, wealth and development of a hapū and ensuring the continued occupation of lands and the prosperity of the people.

Without this traditional connection of whānau, hapū and iwi, it is not possible to identify as Māori. Thus, the use of the term Māori in this thesis encodes the whakapapa\textsuperscript{13} connectedness, or descent from an eponymous ancestor. This will place the term as part of hapū or iwi through the rights of connectedness to whenua, or land. While I define Māori this way, I also recognise that there is non-traditional Māori leadership today, such as those in non-iwi entities or contemporary Māori organisations, who are also Māori by descent. This thesis does not discuss Māori leadership in pan-Māori entities or in non-Māori organisations and developments, such as the fisheries settlement and its leadership. The key discussion is of leadership based on whakapapa. Such permutations of Māori leadership are often constructed within a national perspective of Māori homogeneity and not linked to the traditional Māori social units of whānau, hapū and iwi.

The thesis is structured in the following way.

\textsuperscript{13} genealogy
In Chapter 1 I discuss what traditional rangatiratanga was and how it was enacted. To consider rangatiratanga as a contemporary approach, it is important to discuss the traditional aspects that underpin the concept, how it was framed, and the indigenous application of leadership. Rangatiratanga defined traditional Māori identity and leadership and this leadership had the recognition of the collective of individuals comprising the community. An analysis of traditional leadership cannot be the only focus when considering the question of whether treaty settlements enable rangatiratanga. Thus, Chapter 1 also considers the pūtake\textsuperscript{14}, or foundations, on which rangatiratanga was exercised, as this is a key factor in the future of hapū, iwi, and Aotearoa. These pūtake are whakapapa, mana, hapū, whenua, kawa\textsuperscript{15} and tikanga,\textsuperscript{16} and utu\textsuperscript{17}.

Chapter 2 looks at the arrival of non-Māori in Aotearoa and the first colonial settlements of New Zealand. The impact of these settlements for rangatira and their leadership in hapū will be discussed. The texts of the two significant agreements that outlined the relationship between rangatira and British leadership in Aotearoa (He Whakaputanga o te Rangatiratanga o Nu Tireni and Te Tiriti o Waitangi) will be discussed in terms of how rangatiratanga (and rangatira) were recognised and protected. A key argument in Chapter 2 is that Māori rangatiratanga and its ongoing exercise was both recognised and guaranteed by the British in 1840.

Following the 1840s, however, the number of British settlers increased exponentially, western systems of government and leadership were introduced, and the settler government passed laws to undermine and marginalise the exercise of rangatiratanga. Traditional Māori societies changed significantly as a result of colonisation and assimilation. Chapter 3, therefore, looks at specific legislation introduced by the Crown which impacted on the authority and sovereignty of rangatira. It will also briefly explore the responses of Māori to these laws, policies and actions in an effort to mitigate the impact on rangatiratanga.

It was not until the 1970s that the Crown began to accept and confront the effects of its actions, policies and laws on Māori with the passing of the Treaty of Waitangi Act in 1975.
and the subsequent development of the Treaty settlement process. Chapter 4 analyses the effect and range of the Treaty of Waitangi claims, negotiations, and settlement processes between Māori and the Crown, as introduced by the Crown in recognition of its breach of indigenous rights, as protected in Te Tiriti o Waitangi. This discussion considers the ways in which that process allows for the recognition and protection of rangatiratanga in contemporary Māori society through settlements. The discussion also outlines the settlement outcomes, the structures it establishes and procedures involved in the claims process and empowered in the settlement outcomes.

Chapters 5 and 6 discuss two examples of iwi and their engagement with Treaty settlements to understand their experiences in relation to rangatiratanga and settlements with the Crown. These iwi are Ngāi Tahu (discussed in chapter 5) and Ngāti Whātua (discussed in chapter 6), the descendants of their respective ancestors, Tahu Pōtiki and Haumoewarangi. These chapters share insights from interviews I conducted with contemporary leaders from these iwi, who talked about what rangatiratanga meant in the past, and what it means today as a result of the Treaty settlement process.

My summary discussion in Chapter 7 answers the original research question of whether contemporary Māori leadership is rangatiratanga as based on traditional Māori perspectives, or governance of a Māori collective.

Methodology

The theory underpinning this research is post-colonialism (Bidois, 2013; Darian-Smith, 1996; Slemon, 1994; Young, 2003). Slemon notes the theory of post-colonialism “de-scribes a remarkably heterogeneous set of positions, professional fields, and critical enterprises” (Slemon, 1994, p. 45). One example of post-colonialism can be described as indigenous populations regaining their authority or sovereignty from underneath a colonial control. Post-colonialism has been noted in the New Zealand circumstance as providing a differentiated or two-tiered citizenship, where pre-colonial rights are in addition to those of being substantive and equal member of the wider state.

Some theorists would see the question of rangatiratanga in a post-settlement Maori world as relating to post-colonialism (Bidois, 2013; Darian-Smith, 1996; Slemon, 1994; Young, 2003). This thesis primarily uses an analytic framework provided through a Māori world view in Chapter 1. Nevertheless, post-colonialism provides an additional useful lens through which
to consider the question of contemporary Māori leadership. In other words, do settlements create a post-colonial environment in which Maori rangatiratanga can be reasserted in Maori terms? Post-colonialism is used in this thesis to sketch a broad, light, framing of the central question.

Post-colonialism entwines many disciplines, fields, and evolving initiatives in state and indigenous populations. It also describes indigenous populations gaining independence from the nation-state, created through colonisation and assimilation of an external power or authority. Slemon goes on to identify that it is a “subset of both postmodernism and post-structuralism; … as a cultural marker of non-residence Third World intellectual cadres; … [and] the inevitable underside of a fractured and ambivalent discourse of colonial power” (Slemon, 1994, p. 45). While Slemon identifies that this represents somewhat of a scramble in discourse theory within academic disciplines, post-colonialism is premised on the need for the colonial impacts on indigenous peoples to be relieved.

These insights raise theoretical perspectives, as discussed by Bhabha. Colonialism itself is described as “an ambivalent discourse” (Bhabha, 2004, p. 242). In 1990 Young wrote that such discourse was in part hegemonic. This was solely the case when the coloniser was at home. In the New Zealand context, the assumption of hegemonic discourse for Britain was not contested in Britain. For Māori, the assumed state of dominance of Britain was here in Aotearoa New Zealand. The indigenous populations have now been provided an opportunity to lodge a grievance with the Crown, through the Waitangi Tribunal. If their claim is found to be upheld, by the Crown directly or via the Tribunal, the applicant collective can move to negotiating a settlement package with the Crown. Therefore, the experience of Māori in New Zealand through a post-colonial lens is as an indigenous population regaining their authority or sovereignty out from underneath colonial control. At the conclusion of the thesis, I will revisit this question to consider what Māori rangatiratanga looks like in the context of post-colonialism.

To return to the question this thesis examines: do Treaty of Waitangi settlements enable rangatira to exercise rangatiratanga in contemporary society? The aim of the research is to contribute to the literature on this question and in doing so invite wider scholarship. More fundamentally it addresses the question as a very real contemporary issue for hapū within Ngāi Tahu and Ngāti Whātua and other iwi in New Zealand. Graham Smith asserts that
“Māori\textsuperscript{18} scholarship is not a concept that belongs only in the academic institutional context” (G. H. Smith, 2015, p. 100). To this end, this research seeks to contribute to a fundamental matter for the peoples of Aotearoa New Zealand.

\textsuperscript{18} Indigenous individuals and groups of Aotearoa
Chapter 1
Rangatiratanga
1.1 Introduction

This chapter identifies the elements, or pūtake, of traditional rangatiratanga (elements of pre-1800 chieftainship). The term traditional used in this thesis to refer to the time preceding the arrival of non-Māori, the time when authority of rangatiratanga and their exercise of rangatiratanga was in place. These pūtake underpin the concept, framing and indigenous application of rangatiratanga. To establish a space for the discussion of pūtake, I first look at societal structure, then briefly discuss the arrival of Māori in Aotearoa and outline the context for the exercise of rangatiratanga. I then describe the components that make up those pūtake, after which I will focus on these elements as enacted by rangatira in pre-contact Aotearoa New Zealand to assist in contextualising the role of contemporary forms of Māori leadership in later chapters.

This chapter draws heavily on Ballara and her work in Iwi – The Dynamics of Māori Tribal Organisation. Durie, in his Foreword of Ballara's work, recognises her work as a "documentary source" in a critical area for "Māori policy" (Ballara, 1998, p. 10). Her work is a synthesis of significant studies and extensive access to Māori and European records, land court archives and official documents.

The pūtake of rangatiratanga discussed here are comprised of the following: whakapapa (genealogical descent), mana (prestige, authority, power, sovereignty), hapū (societal community), and whenua (geographical place). In pre-colonial Aotearoa, these pūtake also extended to incorporate kawa and tikanga (cultural lore) and utu (reciprocity). These pūtake were societal pillars for the framework of rangatiratanga. They provided the tools that rangatira used and determined the rules that were applied as they led their communities. It is important to note that these pūtake are not prioritised, ordered, or ranked in terms of importance here. They co-existed within traditional Māori communities and were not isolated from each other.

Some pūtake could be associated with attributes or qualities, while other pūtake could provide the foundation for where or over whom rangatiratanga was exercised. I define

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19 I note other scholars such as M. H. Durie, 1998; Katene, 2013; O'Regan, 2001; Orange, 1987; Salmond, 1997; Walker, 1990
pūtake as foundations or prerequisites that determined rangatiratanga. Rangatiratanga could not be exercised without such pūtake. While each pūtake is described individually below, but it should be noted that they were associated, and one pūtake was not exclusive of other pūtake.

The role of rangatira and the exercising of rangatiratanga defined traditional Māori identity. They represented political and social regulation of the collectivity of the hapū. The term rangatiratanga is well described by scholars. Mead provides a literal translation as "sovereign, chieftainship, leadership, self-determination, self-management" (Mead, 2003, p. 360). In itself, the term rangatira was not gender specific and could refer to either male or female rangatira and was generally translated as chief (H. W. Williams, 1971b). Walker notes rangatiratanga as a “missionary neologism” derived from chief (rangatira) and with the suffix (tanga) becomes chieftainship (Walker, 1990, p. 93). Rangatiratanga represented sovereignty, exercised by rangatira in the interests of the hapū and mana of the peoples and community. Rangatiratanga is a key aspect to the pūtake that underpinned rangatira and to this thesis.

Hapū were the dominant societal groups in pre-European Māori society. The persons who held authorities in these societies were ariki21, tohunga22 and rangatira. Rangatiratanga, exercised by rangatira, was clearly enacted within the context of whānau and hapū. Iwi were not politically operative structures in the eighteenth and nineteenth centuries necessarily. Rangatiratanga was enacted by rangatira in the smaller social unit of hapū. Their effective control within the community was critical to the viability of the people. Rangatira were identified by early non-Māori observers as holding sovereignty and authority in terms of their political role and place as leaders and representatives of their community. Whether internal to whānau and hapū, or external to these communities, the right to exercise rangatiratanga was founded in the exercising and consideration of core pūtake. They were not elected positions through any form of western democratic process; rather, they were born to such roles of leadership by right of whakapapa and mana, were often identified by specific acts of leadership, and were identified and mentored, typically from birth.

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20 The Williams dictionary denotes rangatiratanga as evidence of breeding and greatness. Ko te rangatiratanga o te wahine nei, he atawhai ki ngā tāngata o tōna īwi (the chiefly nature of this woman, is defined by her caring for her people).
21 High chief
22 Priest, skilled spiritual person, expert
At the paramount level of traditional Māori communities were ariki. Ariki is translated as “high chief” (Mead, 2003, p. 359). Ariki exercised leadership that encapsulated multi-hapū connections. As these original communities dispersed into new hapū, the ariki authority too was somewhat diminished. Mead validates this line of thinking, observing that having considered much input from members of the hapū the rangatira, as opposed to ariki, would make a decision and “[t]he word of the chief became policy for all to follow” (Mead, 2003, p. 217).

A tohunga was defined by Williams as a wizard or a priest and a skilled person (H. W. Williams, 1971a, p. 431). Inherently this conveys that they held a cross-over responsibility within the spiritual realm along with the skills to exercise that knowledge within the hapū and its activities. Ballara describes tohunga as “the trained local repository of knowledge” (Ballara, 1998, p. 201). There were levels of responsibility and differing roles for tohunga. Walker notes these “[a]t one level were the artisans and artists such as the tohunga tārai waka (canoe-builder), tohunga hanga whare, (house-builder), tohunga tā moko (tattooist) and tohunga whakairo (carver). Some families tended to specialise in one or more of these fields. At another level were the tohunga ahurewa (high priests) and tohunga mākutu (shaman)” (Walker, 1990, pp. 66-67). Tohunga were identified and trained by a mentor and a “body of mātauranga Māori... had to be absorbed” before they were free to practise” (Mead, 2003, p. 73). Tohunga connected realms of the wairua and those living. They provided cultural leadership within the realms of tapu and noa and undertook their roles within all realms of the community.

The role of rangatira (chief), however, held more prominence in whānau and hapū and rangatira were more common in traditional leadership. As noted by Head, the authority of rangatira “was not an abstraction, but experienced in the person”; the “great powers of Maori society were ... the chiefs” (Head, 2006, p. 61).

Rangatira exercised leadership over hapū. Hapū have over centuries adapted and, in some cases, been forced to change. Since their arrival to Aotearoa, including the last two centuries (with the arrival of non-Māori), adaptation was needed for survival, for

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23 Māori knowledge
24 soul, spirit, spiritual
25 under ritual restriction
26 free from ritual restriction, normal
development, or both. This is contrary to any suggestion that Māori would suffer a fatal impact from the arrival of non-Māori. Ballara finds that traditional Māori systems, political and social, were always “dynamic [and] continuously modified” and such theory of fatalism due to the arrival of Europeans was “irrelevant” (Ballara, 1998, p. 21). Like broad human development adaption to new environments, adoption of new knowledge and thinking were normal in Māori society. Rangatiratanga was the chieftainship that managed those adaptations and developments. They took place in hapū as the societal unit where such sovereignty was exercised. In fact, rangatira exercised rangatiratanga deliberately and directly in response to the introduction of new peoples, cultural norms, and technologies as formative relationships developed27.

I now consider contemporary issues in order to clearly identify the pūtate that defined rangatiratanga, beginning with a discussion of Māori arrival in Aotearoa.

1.2 Māori ki Aotearoa: Indigenous peoples in New Zealand

Māori trace their descent, or whakapapa, from Polynesian voyagers, who first started voyaging and settling the islands of Te Moana-nui-a-Kiwa.28 It is noted that there are divergent estimates of the date of this voyaging.29 Māori arrival at New Zealand was estimated to be around the mid thirteenth century (Anderson et al., 2014), several centuries before Tasman explored the antipodes of Europe. Although such planned voyaging was initially romanticised by scholars such as S. P. Smith in Hawaiki (1898) and Elsdon Best in The Māori as He Was (1952) as being drift-voyage, Walker (1990) refers to the work of later scholars such as Andrew Sharp (Sharp, 1957) and David Lewis (Lewis, 1972) who refute such assertions. These rebalanced facts and evidence validate oral traditional knowledge and tribal histories, captured in iwi stories and claims, discussed in Chapters 5 and 6.

27 Some examples included tribal land deals, such as the Kemp’s Deed in the South Island, or the establishment of political rūnanga by Ngāi Tahu in 1896, discussed in Chapter 5, the movements of Kotahitanga in 1876 and the Kingitanga in 1857-1858 (Orange, 1987), discussed in Chapter 3.
28 the Great Ocean of Kiwa, the Pacific Ocean
As noted by Anderson, within New Zealand, those who settled here moved from place to place to harvest those accessible resources such as berries, flax, birds and fish “movement was often staged with periods of temporary residence at various places” (Anderson et al., 2014, p. 119). A subsistence economy was developed for the next two centuries by the peoples who had traversed the Pacific to arrive in Aotearoa. Temporary shelters turned into more permanent housing in sites propitious to habitation as society developed, called pā sites.30 Proximity to resources (hunting, fishing, gardens) was important for survival. This is demonstrated in the following graphic:

30 Pā is “broadly translated as fort and were constructed in most districts … about AD 1500” (Anderson et al., 2014, p. 97). They functioned as defensible sites but “were also settlements, food stores or manifestations of status and power” (Anderson et al., 2014, p. 97). Anderson (2014) estimates that there were as many as 6900 Pā sites in Aotearoa (p. 92).
Figure 1.1: Pā sites in Aotearoa in AD 1500 (Anderson et al., 2014, p. 99)

Many contemporary whānau and hapū descend from the crew of the several canoes that arrived in the initial migration of Kupe (Anderson et al., 2014, p. 119). Development of Māori, as a people, saw the further establishment of communities, based on the connectedness to resources of the whenua. Walker notes that “98% [of] 4000 to 6000” pa sites were associated to this resource collection (Walker, 1990, p. 43). The following map shows the traditional linkages and demonstrates the connects between waka31, iwi and hapū that were

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31 canoe
created throughout this time. This knowledge and history has been maintained through intergenerational transmission by whānau and hapū.

Figure 1.2: Map of waka/iwi linkages with regions and iwi of the north and south island (Keane, 12 May 2016)

Rangatiratanga ensured the transfer of knowledge and practice through the oral traditions across generations. Such knowledge transmission was led by rangatira as “they were the repository of all knowledge” (Katene, 2013, p. 28). Hemara validates this, noting such pedagogies took place across a variety of curricula including “whakapapa (genealogy), waiata (song/poem), whakatauki32, kōrero tawhito (histories) and whaikōrero (speech making)” (Hemara, 2000, p. 6). While contemporary research has provided scholarly validation of te ao Māori, the Māori world view (M. Durie, 2009; Katene, 2013; Tau, 2016; Taylor, 2010), the initial records of traditional knowledge by scholars such as John White, S. P. Smith and Elsdon Best have limitations. It is not the purpose of this thesis to critique the early non-Māori sources, but it is worth noting that although records provide descriptions of the people and processes of that time, some of these records were through the lens of time and the background of observers from the outside biased and unreliable. This is due to

32 proverb, significant saying, formulaic saying
some misunderstandings of firstly, what those non-Māori authors, scholars, navigators and missionaries were recording; or secondly, what they saw and heard and how they saw or understood the people with whom they were engaging.

It is also apparent that some records were inaccurate. As Ballara highlights, there were a number of issues with records from the Land Courts from “legibility … quality and reliability of recording … language of the record … but much more practical difficulties … are the interpretation problems associated with its use by historians as source material” (Ballara, 1998, p. 44). Inaccuracy may have also had a more furtive rationale, for example, the desire of the scribe to acquire land. These issues, along with the de-construction of the practice of traditional Māori knowledge, provides some challenge in defining the traditional. In considering the key implications of this thesis, the many writings in the early period of pre- and post Te Tiriti o Waitangi have severe limitations. As noted by Head “the imposition of English meanings on Maori language has shaded Maori meanings” (Head, 2006, p. ii). These limitations and inaccuracies in translations are a reality for the context of the time. Despite this fact, the writings of the time do provide an insight and perspective on which such sources will be analysed and discussed. In denying the perpetuation of mātauranga Māori practices from generation to generation in traditional ways i.e. wānanga etc., there remains a level of reliance on these recordings by non-Māori. Those first non-Māori who recorded and constructed history did so from theory.

Until ... the 1970s it had been a common assumption underlying the writings of historians and anthropologists, both Māori and Pākehā, that the tribal system of the late 19th century was essentially the same as it had been before European contact. (Ballara, 1998, p. 17)

The interpretations of these traditions or taonga were captured in text by early ethnographers such as John White and others. As previously discussed, these early scholars, as with Land Court hearings and records, were heavily influenced by the assumptions of the recorder, their recall, their ability to accurately translate what was observed and heard. Those non-Māori who undertook interviews and wrote down their observations had a mixed and, I would assert, limited understanding of traditions, language, and practices, therefore compromising the meanings and material captured from those being interviewed. This inaccurate capture had an impact on history but, more importantly compromised the integrity of such histories and knowledge. Such records were taking place

33 treasure
nationwide from almost the time of arrival of James Cook in 1769. Despite all of these records of histories, as far as I am aware, such records would likely have inaccuracies. The level of accuracy was dependent on the nature and extent of expertise of those undertaking the engagements.

For determining traditional rangatiratanga it is important to note that such early accounts and records, however, began to determine Māori leadership simply by these early writers distorting the object of their observations through culturally skewed misinterpretation. Ballara notes that the issues of traditions, such as waiata and whakapapa, lay in the interpretations of the observer who saw them as being the norms of the period. She also sees the writings about Māori societies as attempting to explain Māori evidence but “distorted Māori history and custom” through their analysis of the Māori tribal systems (Ballara, 1998, p. 103) and lacking awareness of the regional variations among whānau, hapū, and iwi. Therefore, while there would be a level of accuracy of these writings and recordings of the period, these limitations compromise the writings as absolute evidence.

In response to the compromised evidence, Māori at the time sought to respond to inaccurate recordings and in some cases had their own material developed, particularly for Land Court hearings (Ballara, 1998, p. 45). For rangatira of the late eighteenth and early nineteenth centuries, their role was key in maintaining their histories, community connections, and societal rule. Their rangatiratanga endured, despite external histories being written—with all their challenges of inaccuracy.

Rangatira have recognised the importance of knowledge, and as with all human development, influenced their actions and within hapū their rangatiratanga, prior to and post the arrival of non-Māori. Society had changed with the arrival of non-Māori. Those non-Māori from Cook’s arrival in 1769 through to the sealers and whalers who arrived by the “early decades of the nineteenth century” (O’Malley, Stirling, & Penetito, 2011, p. 12). Non-Māori interest in New Zealand was triggered by the opportunities for exploiting the vast resources that had been described by Cook (Joyner, 1992). Their arrival was to impact the traditional authority of rangatiratanga, as discussed in Chapter 3.

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34 song(s), poetry
1.3 The Pūtake

With this context in mind, I now identify and discuss the pūtake which were the foundations for rangatira to enact their rangatiratanga. As indicated above, these pūtake are whakapapa, mana, hapū, whenua, kawa and tikanga, and utu.

Whakapapa

The first pūtake of rangatiratanga is whakapapa. Whakapapa determines Māori identity. It is derived from genealogical descent from an ancestor. Whakapapa identity enables membership within hapū. To use an example from one of the case studies (Chapter 5), to be Ngāi Tahu is to be descended from Tahu Pōtiki, the ancestor ariki of Ngāi Tahu at contemporary iwi level, but also descend from Moki Tuara (Moki the second) at a traditional hapū level.

Identity carried rank (Walker, 1990) and whakapapa was a determinant of such rank or place in society. Walker identifies rangatira, tūtūā (commoners), and taurekareka (slaves) as three stratifications of what could be described as class (Walker, 1990). In a whānau, the reality of the role of the tuakana (elder sibling or senior line) and the teina (younger sibling or junior line) adds another dimension to whakapapa. Whakapapa also connected hapū with other hapū and the inter-connected hapū of iwi, or tribal collectives. Beyond this level of genealogical connection waka, or canoe groups, were seen as whakapapa also. However, hapū remained the prominent social unit.

Traditional hapū did include those who had married into the hapū. Whakapapa was recognised as being important to the mana of the maternal and paternal linkages, and resource accessibility within the takiwā (or territory) was connected to rights of whakapapa within those lands. Maternal and paternal whakapapa would be recognised through their children (Ballara, 1998). Those who married into the hapū were recognised as residents in the community. Paternal lines were important and often dominant in the whakapapa of individuals, including leaders. However, as Ballara notes, maternal lineage was also recognised and valued:

All this evidence concerning a tendency to prefer primary iwi or hapū definition by paternal rather than maternal descent is countered to some extent by the large number of
hapū in every district which took their names from women. And this tendency did not mean that individuals did not often live with or fight on behalf of their mother's iwi, or use resources derived from their mother's hapū as a full member of it; there are many cases of men who lived on their wives' lands. In these cases, like the women already discussed, they did not become members of their wives' hapū; they had no claim to land save through their wives, but their children had claims to those lands. (Ballara, 1998, p. 151)

Ballara, argues that maternal status was also important in terms of whakapapa. The recognition of the whakapapa of wahine extended to the taking of multiple wives by traditional chiefs. The whakapapa of such relationships were inclusive of maternal lines and took the maternal names in order to differentiate between descendants from other wives (Ballara, 1998, p. 168).

When she was of ariki or rangatira status higher than that of her husband, the children in such cases often took her iwi and hapū as their primary descent groups (Ballara, 1998, p. 152).

Ballara further asserts that where whakapapa affords the ability to determine identity, it is not merely limited to identity. She states that gender within hapū “was a method of categorising … rather than a means of practical organisation for corporate purposes” (Ballara, 1998, p. 152). Whakapapa provides identity and was a critical determinant of leaders and leadership in traditional Māori communities. The role of rangatira in maintaining a balance amidst differing considerations was important for the viability, growth, and expansion of the whānau and hapū collective. This whānau and hapū leadership, via kawa and tikanga, existed as complementary to whakapapa and identity.

Whakapapa was not limited to people (tūpuna or hapū). Its lineage connected people to markers within the takiwā (maunga, awa, roto or moana). In pepeha (adages of tribal identity), a sequence is generally followed to act as a statement of identity. It features geographic markers – mountains, rivers/coasts – along with a predominant ancestor, who the collective have typically taken as their name. O’Regan notes in relation to Ngāi Tahu:

Ko Aoraki taku mauka
Aoraki is my mountain

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35 Woman, female
36 mountain
37 river
38 lake
39 sea
Ballara describes this connectedness between hapū and place through whakapapa as one point of attachment which went with those genealogical markers. The whakapapa with place and its markers correlates with the mana of the people, and balance with the environment. To highlight this, Figure 1.3 highlights the two examples, one for each case study of this thesis (see Chapters 5 and 6). For Ngāi Tahu, this is Te Waipounamu and Aoraki and for Ngāti Whātua it is their takiwā.

Figure 1.3: Map of Te Waipounamu (left) (Douglas-Clifford, 2017) and Ngāti Whātua tribal takiwā (right) (Te Rūnanga o Ngāti Whātua, 2015c).

Aoraki as a tūpuna⁴⁰, and marker of the identity in Te Waipounamu, is a direct connection of whakapapa with Tahu Pōtiki, the eponymous ancestor for all of Ngāi Tahu whānui. This whakapapa also identifies Ngāi Tahu as mana whenua ki Te Waipounamu, the people of the

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⁴⁰ Ancestor
South Island of Aotearoa. Similarly, the Hokianga and Kaipara harbours connect descendants\textsuperscript{41} to their identity as Ngāti Whātu and define their whakapapa and their connection to where the rights of rangatiratanga are derived.

Whakapapa was a dominant pūtaki for rangatira and their leadership in their communities. The right of leaders to assert rangatiratanga in the collective was predicated on whakapapa and this right was enacted for the wellbeing of that same collective. Leadership always recognised and upheld whakapapa as being a foundation of the right of rangatira to exercise rangatiratanga. Rangatiratanga could be enacted without whakapapa, particularly in relation to the pūtaki of mana, discussed later in this chapter. However, whakapapa was recognised in enabling identity and defined a connection to whānau and hapū. Equally, whakapapa does not mean that everyone held the same rank in the community. Not everyone was a rangatira, or held the rights of rangatiratanga, as discussed earlier in this section. Simply having whakapapa from a rangatira line of descent was a pūtaki in order to be a rangatira. However, such birth right was not always enough in itself to assure this outcome. The whakapapa would be recognised within the hapū, but the necessary qualities for being seen as rangatira at an iwi level, were strongly linked to the other pūtaki discussed in this chapter, particularly mana.

Whakapapa connects strongly with another pūtaki, mana, which is discussed in the next section. For rangatira, whakapapa and mana were important elements of the rights to exercise rangatiratanga.

**Mana**

A second pūtaki of rangatiratanga is mana. Mana links to the other core values as evidenced in the realms of mana atua,\textsuperscript{42} mana whakaheke,\textsuperscript{43} mana tūpuna,\textsuperscript{44} mana tuku,\textsuperscript{45} mana whakatipu,\textsuperscript{46} mana wahine\textsuperscript{47} and mana whenua.\textsuperscript{48} Mana is the personal authority and power that enables leadership in whānau and hapū. It is both acquired through actions and

\textsuperscript{41} One research participant was named after a paramount maunga by the Kaipara harbour.

\textsuperscript{42} the rights and authority established by Māori deities whose mana is extant

\textsuperscript{43} the rights and authority descent through descent from ancestors or parents

\textsuperscript{44} the rights and authority of ancestors

\textsuperscript{45} how authority existed and transferred beyond one person to another

\textsuperscript{46} acquired leadership

\textsuperscript{47} the rights and authority of the female gender

\textsuperscript{48} people (whānau, hapū, rūnanga and iwi) who exercise kaitiakitanga and rangatiratanga in a geopolitical area
undertakings, and also inherent, derived from whakapapa. The right of rangatira to exercise rangatiratanga is derived from mana and its association with ahi kā\textsuperscript{49}. The principle of ahi kā is associated with maintaining one’s active affiliatory connection to place and contact with extended family and hapū (Mead, 2003). Mana to exercise rangatiratanga would be enacted within the realms of traditional societal structures, namely, whānau, hapū and, to a lesser extent, iwi. Mana “functioned in the Maori world as the evidence of the personal authority that was the pre-requisite of leadership” (Head, 2006, p. 81).

It is debatable that mana alone was the centre of traditional Māori rule and governed life within communities. However, mana was certainly a prerequisite for exercising rangatiratanga. Equally, without mana, rangatiratanga was compromised.\textsuperscript{50} Mana was a pūtake recognised in traditional communities as it is so in contemporary society.

One source of the mana of rangatira was derived from their tūpuna, mana whakahaheke, and it was passed, mana tuku, through to those generations who were to follow. Therefore, the mana to exercise rangatiratanga defined decision-making in traditional communities of whānau, hapū, and iwi. The right of rangatiratanga though was always exercised within the context of kawa and tikanga and traditional frameworks of Māori lore. Angela Ballara recognises this right, where she describes the word in terms of a literal translation as “authority” (Ballara, 1998, p. 29), also noting that when “Māori demand mana, they are demanding a share in the power structures and resource distribution in the country” (Ballara, 1998, p. 13). However, Ballara’s use of ‘share’ could be seen to locate mana in the context of Māori and non-Māori relationships. Yet mana was a concept which was paramount in traditional Māori communities. Mana was imperative for the leadership of the hapū, as it was for the hapū in its entirety. Leaders retained the confidence and protection of the hapū by upholding the mana of the community. Conversely, any loss of mana, for example through defeat of an individual or whānau, was a loss of mana of the hapū as a collective (Ballara, 1998).

I would assert that mana was shared in the descent lines and activities of men and women. Mana was derived, in the first instance, from the whakapapa of the mother and father (mana

\textsuperscript{49} burning fires of occupation, occupation rights
\textsuperscript{50} This is reflected in the word mana being used in Article 2 of Te Tiriti o Waitangi, the document that was to formalise the partnership of two peoples. This article and Te Tiriti o Waitangi are discussed in Chapter 3.
whakaheke). The paternal and maternal genealogies determined who had mana through the whānau and hapū and, more broadly, the iwi. Mana connected the hapū into the wider Māori society. Ballara notes male chiefs were “chosen heirs to exercise authority” (Ballara, 1998, p. 204). Connection to whenua, or land, through whakapapa enhanced and determined mana.

Male and female whakapapa was not just hereditary lineage; it also affected mana in the activities of rangatira in the same way. Men and women had whare named after them on the marae. The ability for leaders (male) to whaikōrero at important events, internal and external to the hapū, might suggest paternal mana having more eminence than maternal mana in a public context. However, this role was a pre-requisite on the kaikaranga (caller) initiating encounter between peoples. Women of mana, in the same way as men, were bestowed with this important role. Similarly, the woman could end the whaikōrero by initiating the singing of the speaker’s waiata (song of support) and in doing so ending the male oratory in mid-point. Mana, therefore, was not solely the bastion of male rangatira.

As noted by Tauroa, this whakapapa and being mana whenua mean “the right … in determining kawa (protocols), to define roles on the marae and to be responsible for its mana (status)” (Tauroa & Tauroa, 1986, p. 38). This mana provided the same right to determine the kawa across the rohe and takiwā; this authority was referred to as mana whenua, or the authority of that land.

Mana was also not located in one person for all activities of the hapū, but located in individuals. For example mana atua, the rights established from deities, “godliness or sacredness” (Reedy, 2000, p. 159) is another form. Other terms such as mana tūpuna, where people “draw their prestige and power from their ancestors” and mana tangata where personal “skills and contributions” provide human authority (Mead, 2003, pp. 29-30). Mana can also be diminished. Other persons in the hapū also enacted leadership according to the mahi or kaupapa, or asserted mana tuku at certain times or during events (e.g. warrior in battle, collecting kai form the whenua or collecting kaimoana). Mana tuku was the leader

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51 oration, formally speak
52 territory, domain
53 the rights and authority established by Māori deities whose mana is extant
54 the rights and authority of ancestors
55 food
56 food from the sea
delegating authority and/or transferring mana, temporarily, from a person of status to another person, when required. For example, Ballara (1998) notes this transference in her commentary around negotiations or battles among hapū. However, as much as this transference was empowered and supported by the permanent leaders of hapū, it was recognised by those who led the activities that it was under the korowai\footnote{cloak or protection} of the rangatira of the whānau or hapū. Mana tuku as described by Ballara is, was in fact, a role of leadership. No one person could have the capability and capacity to undertake all needs of the community. Therefore, recognising, empowering, and facilitating leaders within the collective (whānau and hapū) activities would have directly enhanced the mana of the rangatira. The outcome for whānau, hapū and iwi was reliant on leaders and their skills in facilitating activities.

While whakapapa went some way towards determining mana, individual deeds also provided mana, that is, mana whakatipu. Mana may not be seen simply by being a tuakana, or have been inherent at birth, but may have been identified in talents and personality which could been seen as necessary to assume leadership roles. The level of leadership, representation, and mana was connected to the requirements of the role being undertaken at that time.

Another important element of mana was aroha.\footnote{love, respect, compassion} Aroha is literally translated as love, respect, compassion (Mead, 2003). It is the deep empathy of care and value of the deepest respect. Mead recognises aroha as “an essential part of manakitanga\footnote{hospitality, kindness} and is an expected dimension of whanaungatanga” (Mead, 2003, p. 29). Aroha ki te tangata, or love of the people, is a term that was tied to the mana of the rangatira and hapū in terms of the care of the people, living within the collective or those being hosted who were external to the hapū.

The enactment of aroha was directly tied to the mana of rangatira. One example in Ngāi Tahu is the saying “kia atawhai ki te iwi – care for the people” by Pita Te Hori, upoko (head or chief) of Ngāi Tūāhuriri in 1861 (Tau, 2016, p. 5). Tau goes on to discuss aroha and manaaki and this concept “in short [means] Ngāi Tahu survived because of their basic values of mana and atawhai – “Aroha ki te tangata” (Tau, 2016, p. 10). While the authority of power in warfare and politics had a role in determining the mana of rangatira, so did ‘aroha
ki te tangata’. The concepts of manaaki, manaakitanga, and whanaungatanga are, therefore, encapsulated with the pūtake and further embedded in the concept of mana as a core pūtake for rangatiratanga. Maintaining the ritual balance of manaakitanga and whanaungatanga is often premised on the concept of muru.

Aroha towards whānau and hapū was one aspect which enhanced mana. It centered the connections within, and external to, hapū and provided an important aspect of the many elements to be considered in exercising rangatiratanga in hapū. Traditional leadership was underpinned by mana, and mana was needed in order to be a leader. It was derived from whakapapa, but was also enhanced in the actions and interactions of the hapū. Head noted that “mana was not an abstraction, but experienced in the person; the great powers of Maori society were … the chiefs” (Head, 2006, p. 61). This role of rangatira was connected to the peoples they were leading. In traditional Aotearoa those peoples were grouped into whānau and hapū, the societal units of the traditional community.

**Hapū**

Hapū are the key societal unit in traditional Māori society over which rangatiratanga was exercised. Hapū were made up of collectives of whānau (whānau literally translates as the extended family) although, it is questionable whether Māori had any real conception of the family as a social unit (H. W. Williams, 1971b). Many writers have described hapū (King, 2003; Mead, 2003; Walker, 1990; Winiata, 1967). In Polynesia: Readings on a Culture Area, Howard (1971) explains that a hapū acted as though it was a single entity, describing it as a collective that utilises resources as one people and defends its takiwā and property through engagements such as treaties, wars and contracts. What is important to convey in this analysis is that the hapū is where rangatiratanga was exercised.

Best (1952) highlighted Māori society as both rigid and structurally static. Mead rejects this notion, recognising hapū are static because of colonisation, however prior to the arrival of non-Māori, they were dynamic (Mead, 2003). Societal development in Aotearoa simply could not have been rigid, nor static. Whether it was based on the expansion of population or the need for Māori to move for resource collection, static and rigid was not a feature of

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60 Caring, support
61 relationships
62 ritual redistribution of taonga or property
traditional Māori communities. Anderson et al note that “societal distance was ... increasing, both because of population [growth and] implied a steadily declining ability of an individual to know everyone else” (Anderson et al., 2014, p. 86). Best goes on to describe three groups of collective organisation. First were family collectives (whānau); secondly, a wider clan called a hapū; and finally, a tribe or collective known as an iwi. The hapū was composed of a number of whānau, and number of hapū comprised an iwi. However, perhaps Best failed to understand the traditional pūtake, as discussed in this chapter, which provided the rights for rangatiratanga to be exercised. Without this recognition, Best was mistaken that iwi was the representative structure, individually or collectively. Such rangatiratanga would have been fundamental in order to maintain control and organisation. Best’s lack of understanding is supported by Ballara when she notes the perception of the time that “such a hierarchal and static model underlies the understanding of many people ...” (Ballara, 1998, p. 19)

Leaders lead people, and it was in whānau and hapū that rangatiratanga was exercised. Hapū were also the communities in which rangatira were followed and recognised by their whānau and by other hapū. A hapū provides stability because the group continues in spite of the death or departure of individual members. The power to exercise rangatiratanga in these collectives was leadership, whether demonstrated at hui,63 in battles and warfare, in the development and maintenance of resources, through whaikōrero (speech making) and so forth.

The first European navigators and early settlers described a process of Māori rule that controlled Māori society and maintained order amongst people and communities, and within the natural environment. This can be seen through one lens as rangatiratanga over hapū. As noted earlier, there is a limitation to such analysis by non-Māori, with the explorers and missionaries primarily describing Māori organisation as it worked on the ground against their own perspectives of control and order.64

Before colonisation, Māori communities lived primarily within a hapū collective and context. Hapū were fluid and constantly changing. The context for forced or voluntary change was

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63 gathering, meeting
64 Ballara notes “… the expert and official system – large tribes or nations with small tribes, sub tribes or hapū as their fixed and immutable subdivisions – had greater intellectual appeal to the new generation of scholars emerging in the late 19th century. It seems to describe the inner structure of the 1840 situation [by those scholars who were here], while also reflecting the system before European contact.” (Ballara, 1998, p. 93).
consistent—by migration across large distances or within their own takiwā. Issues such as growth in population, divisions of land, defeat in warfare, family disputes, or loss of mana were often the trigger for rangatira and hapū to relocate. Such change, however, was acknowledged by the community from which they were disconnecting. The premises of ahi kā and mana whenua\textsuperscript{65} were more often than not based on the foundation of whakapapa and rangatiratanga and maintaining the right to exercise authority over and occupy lands. Even with the arrival of the first Pākehā settlers to New Zealand, Māori leadership facilitated the establishment of those first Pākehā colonies. These colonies formed part of the existing hapū community or society and therefore existed under the rangatiratanga of existing whānau and hapū.

Further early definitions by those first British arrivals to New Zealand identified and recorded Māori societies which they described as hapū and iwi, with iwi being referred to as the “main operational unit of Māori society, and it was defined by local residence as well as by the descent” (Anderson et al., 2014, p. 105). It has also been noted that there “are no clear historical descriptions of the nature of hapū prior to the early nineteenth century” (Anderson et al., 2014, p. 106). Such perceptions were maintained through to when scholars recorded more emphatically that hapū were the dominant and effective collective, or structure, in pre-European arrival (Ballara, 1998). As noted earlier, however, Māori social structures were not static. Ballara argues that hapū expansion and engagement in wider relations through linkages of whakapapa was common, with each generation seeing change and few hapū remaining unchanged (Ballara, 1998).

It is important to recognise that there was some delineation between hapū and iwi. Ballara describes that delineation as the “ordinary person might not have been instructed in the whakapapa of the various hapū, nor in the ancient reasons for their different degrees of allegiance to the ruling chief; such matters were usually the province of the chief and/or tohunga, the trained local repository of knowledge. They knew their status in relation to others; they knew their duties towards their chiefs. The territories they made use of in their daily affairs … were well understood by all the local people at that time” (Ballara, 1998, p. 201). In a wider context, the term whānau whānui refers to being part of the wider collective,

\textsuperscript{65} Mana whenua is a contemporary term used as a particular idea in laying claims to resources. This term is used as a variation to tangata whenua, or people of the land, where ideologically the cultural practices such as placenta and umbilical cords being returned to the soil and koiwi, or human remains, being are connections and bond people to place (Mead, 2003).
that is, the familial links that extend beyond the immediate family in a western sense. The term tūturu\textsuperscript{66} is a term to locate hapū to a permanent location and therefore locate their identity.\textsuperscript{67} However, in Māori whakapapa the nature and extent of identity was critical, in the delineation of other hapū or iwi. Such connection to place is evidenced in the collective histories of peoples of the eighteenth century (Ballara, 1998). As discussed earlier, the context for hapū can be seen as being where rangatira exercised rangatiratanga, or who it is exercised over. Iwi were not the social units (or as Ballara notes tribal institutions) where rangatiratanga was exercised in traditional times. Hapū were the center sphere of Māori communities in the 18\textsuperscript{th} and 19\textsuperscript{th} century. Hapū provided the societal context for the exercising of rangatiratanga by rangatira prior to the arrival of non-Māori.\textsuperscript{68}

All descent groups other than whānau had been ‘hapū’ at a certain stage of their development. That is, whether they were relatively large, long established and ratified descent groups or groups that were relatively small, recently developed and still living as one body, all hapū were politically independent corporate and social groups which also regarded themselves as categorically identified with a wider set of people. (Ballara, 1998, p. 161)

Hapū were created through the expansion of whānau, which in turn represented a self-sustaining unit in terms of subsistence activities associated with mahinga kai (fishing, hunting and the like) (Mead, 2003). However, the hapū collective provided the security of scale when defending whānau against invasion or warfare. Whānau, or collectives of whānau into hapū, were recognised and identifiable, but the hapū was critical for survival. Makereti describes the hapū as being a collection of families, “say about one hundred and fifty to two hundred or more people, a hapū may contain three hundred or more ...” (Makereti, 1938, p. 35). Hapū identified themselves in the wider communities by way of whakapapa to a common ancestor and were usually identified by the name of an eponymous ancestor (Makereti, 1938; Winiata, 1967). The rangatira determined how the collective was described, led, and identified and were responsible for the mana of the collective of the hapū. It was not always rangatira, however, who provided leadership in

\textsuperscript{66} Tūturu means fixed, permanent, real, authentic and/or original.

\textsuperscript{67} Ballara acknowledges the correlation with terms such as tino and nui as being specific and large.

\textsuperscript{68} This societal context is also recognised and implicitly guaranteed in Te Tiriti o Waitangi, discussed in Chapter 2 of this thesis. Chapters 5 and 6 discuss the issue of hapū and the contemporary realities of two modern-day iwi, Ngāi Tahu and Ngāti Whātua. Individual leaders ultimately enacted this at a hapū level.
specialist areas but they ensured the maintenance of all components of the hapū, specialists and non-specialists alike in order to ensure the long-term sustainability of the collective. The rangatira managed the complexity of hapū to hapū relations.

Ballara (1998) noted that leadership of, and self-identification with, the independent hapū was connected to whenua and the resources of the hapū. It is also evident that the nature of hapū was difficult to easily record, as there was a lack of understanding and therefore a lack of accurate recordings. Anderson notes there “are no clear historical descriptions of the nature of hapū prior to the early nineteenth century” (Anderson et al., 2014, p. 106). Internally, the connectedness of whānau, to land and the responsibility for kaitiakitanga, or guardianship, of that whenua by the hapū, as discussed earlier in this chapter, was clear. Hapū separated from the wider collective by circumstances of choice or, in some cases, by force. While land ownership in a western sense was unfamiliar to Māori, Māori did comprehend boundaries and authority over whenua. However, this authority brought with it connotations and responsibilities as mana o te whenua (ancestral right of occupation).69 In fact, Richard Taylor, a Māori speaking scholar in New Zealand during the mid-19th century, observed that there would be “no part, however lonely and apparently unknown, of which the natives do not know the owners, and the different boundaries” (Taylor, 1855, p. 385). He goes on to describe a journey with a rangatira where:

In going through a large forest, a Chief who was my companion, said it belonged to him. I asked how he knew his boundaries, he said he would point them out when we reached them; … This, he said, is one of my boundaries70 … and now we are entering on the land of another. (Taylor, 1855, p. 386)

The establishment of a new hapū or group of whānau gave rise to issues associated with desires of independence, land allocations, warfare, or other triggers such as population size, tensions among whānau and resource availability in the area (Mead, 2003; Orange, 1989). Population pressures contributed to migration and divisions. Such pressures are natural

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69 The concept of authority of the land, mana o te whenua, is reflected by Mead in his recognition of land being “a means of maintaining solidarity … [and] giving reality to the system in the forms of residences, villages, gardens, special resources, regions and so on” (Mead, 2003, p. 272). The rights and authority of the land.
70 This boundary was identified when “… he stopped at the foot of a very large tree, whose root ran across the road; he pointed out to a hollow in it, and asked me what it was. I said, it was like a man's foot. He replied, I was right; it was the impression cut by one of his forefathers, and put his foot into it to show it fitted. This, said he, is one of my boundaries, and now we are entering on the land of another” (Taylor, 2010, p. 386)
aspects of development and growth in populations co-habitating independent populations. From time to time groups would break away from hapū and establish new, affiliated hapū.

Mana had a direct association with the formation of new hapū. For any such breakaway, or creation of a new hapū, mana was required by the departing group of whānau, led by a rangatira from a parent group. However, a determining factor for a new hapū was the recognition of their leadership from the rangatira from whom the new rangatira and people were separating. Mead noted that the “primary function of the leader was to ensure the group survived and that its land base and resources were protected and defended” (Mead, 2003, pp. 216-217). The ability to be defined in their own right and be independent, required rangatira and rangatiratanga. Rangatira needed whakapapa and/or mana to achieve independence from another hapū. The desire for independence was not enough. Each rangatira and hapū, new and existing, required the rangatira of their hapū to uphold the independent mana of the collective, including customary guardianship rights (kaitiakitanga) of the whenua which they occupied. The conformance to customary rights was the responsibility of the hapū as a collective. The mana of the hapū was maintained by way of the rangatira exercising rangatiratanga. To not utilise land would result in the loss of external recognition as mana whenua. These hapū responsibilities needed attention as breaches within the hapū had consequences. As previously described by Ballara, infringements required leaders to act (Ballara, 1998). If such breaches were not addressed, there was the risk of diminishing the collective’s mana and the mana of the rangatira. Ultimately, without such recognition, the consequence could be the potential loss of the hapū independence to another rangatira and another hapū. This mana, ensuring utu, was paramount for the leadership within hapū and for the wellbeing of the collective.

The relationship between a rangatira and the people was symbiotic and reciprocal. Often extensive intermarriage was a result of either segregation or migration. This intermarriage was key in framing and maintaining hapū mana, and creating alliances. These mergers across communities were made while ensuring the hapū identity was maintained. Rangatira always enacted this rangatiratanga within traditional kawa and tikanga (cultural lores) and that appropriate process were upheld.

Hapū could not exist without rangatira. Rangatira ensured the hapū enacted rangatiratanga. Maintenance and enhancement of mana and kaitiakitanga in the wider communities occurred, while validating and maintaining its autonomy as an independent societal unit. A
lack of leadership within hapū had consequences as ultimately the “identity as a category of people” (Ballara, 1998, p. 161) was lost and that collective become a component of other hapū who ultimately attained rangatiratanga of that whenua, or the resources. This connection to whenua was a feature of the hapū.

**Whenua (and resources)**

Whenua and associated resources were of critical importance for traditional rangatira, the hapū and their rangatiratanga. Whenua is land. It is a taonga that holds links for the people to Papatūānuku, mother earth and her offspring – resources such as foods and flora. Accessing such resources required appropriate kawa and tikanga. The connection between Māori people and whenua underpins the pūtake discussed here. The term tangata whenua refers to the people of the land, or as Ballara notes tangata whenua was based on “… the people [having] established rights to the land.” (Ballara, 1998, p. 64) The connection and pūtake of whenua and people is also seen clearly in the term mana whenua, or as Durie notes “… the authority [over the land] … by traditional occupations” (M. H. Durie, 1998, p. 31). This is often noted as the takiwā or rohe, the land in which rangatiratanga was exercised. The right to exercise rangatiratanga within a hapū was determined by a connection to whenua.

Association with whenua is rooted in the whakapapa, from the creation stories of Papatūānuku, earth mother, from whom humanity descends (Walker, 1990). In Salmond’s Between Worlds (1997) there is a reference to what may be the first writings of the interpretation of Māori and connection to the whenua. The text was recorded in a discussion with the Norfolk Island Colony Governor who asked the prisoner, named Tu Kite Te Rangatiratanga Nui Whare Pirau, of the connection. The prisoner referred to the locations of pā and hapū as where the mana of that rangatira resided. This was analysed by Head as “delineat[ing] a strictly tribal world, in which chiefs did not rule territory, but defended the strength of the hapū—the two are contiguous” (Head, 2006, p. 45). One example of this was Anderson’s discussion regarding the mana of a Ngāi Tahu rangatira, Tūhawaiki, and the mana of rangatira in neighbouring hapū in Te Waipounamu. He says:

> At a level below Tūhawaiki, but with greater authority than him on their own lands, was a group of district chiefs. Often they travelled together … [and] in this group, and seemingly preeminent, was Taiaroa from Otago, as well as Karetai and Pokeni from Otago and Topi Patuku from Murihiku. (Anderson et al., 2014, p. 98)
Hapū were not, however, always located in one place, or static in one community. Ballara said if “one word could characterise [traditional lifestyle] it was mobility” (Ballara, 1998, p. 195). Nomadic life styles and hapū movement within areas were common in hapū nationwide. The primary reason for movement was the collection, protection, and maintenance of resources important to the hapū. The most valued resource was whenua. The markers of the landscape such as maunga, awa, coastlines, significant trees or features and so forth defined this land and its boundaries. The land had many resources that represented and, in part, enhanced mana in terms of hapū identity, wellbeing and trade with whanaunga, (extended relatives), and other hapū and iwi. The knowledge of, and connection to, the land was a basis for the identity and mana of the individual, whānau and hapū.

Having mana over whenua also demanded the protection of whenua by the people. It is important to stress that rangatira without whenua, were simply not rangatira. The term tūrangawaewae (its literal translation is a place to stand) is a reference to the right to exercise rangatiratanga. Whenua was a critical aspect of individual, whānau, hapū and iwi identity. Prior to the arrival of non-Māori, the association between whakapapa and whenua was significantly different from the view of land as a commodity or asset that was owned or traded. In balancing the mana of accessing resources from their whenua, rangatira and hapū exercised kaitiakitanga. Kaitiakitanga, or guardianship of the land, ensured sustainability of resources of that land, and it required the rangatira of the hapū to exercise that rangatiratanga in relation to resources, which were taonga (or treasures) for current and future generations. Rangatira of the hapū facilitated the processes of access and preservation of whenua and its resources (Ballara, 1998). In exercising this responsibility, rangatira framed these processes within kawa, tikanga, whakapapa, and utu (which I will discuss shortly).

While whakapapa to whenua was asserted, this connectedness was not always known explicitly by all those living within the hapū. Ballara notes this understanding of whānau interconnectedness as resembling “amorphous [or] collateral kin groups by anyone untrained in whakapapa” (Ballara, 1998, p. 201). Many hapū could make genealogical connections to one or more ancestors. Their relationships, internal and external to other hapū and their whenua or environment, were managed through rangatira and “allegiance to

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71 tū – to stand; -ranga – noun of verb to stand; waewae – feet; - its literal translation is a place to stand
the ruling chief” (Ballara, 1998, p. 201). Rangatira, ariki, or tohunga—or a combination of all—held the knowledge of the connections to place. They enacted individual and collective rights and responsibilities in their takiwā. Such leadership by rangatira in maintaining connection between the people and their lands, was critical to the fabric and resilience of the hapū (Ballara, 1998).

Ballara notes that there is a suggestion of right of access to resources when determining the use of whenua by rangatira and hapū. This access may not have been extended for all individuals in the community; rather certain individuals may have had access to certain resources. Automatic access rights for all did not exist and rangatira facilitated the protection of access to resources, whether individually owned, or otherwise (Ballara, 1998). Leaders facilitated these discussions and processes. She goes on to hypothesise about an individual’s rights to a resource, for example, the role of the “bird-snarer or rat-catcher” are identified in her discussion as sole activity (of the individual or whānau) (Ballara, 1998, p. 196). Another example of such activities was fishing expeditions for mako, cod, and other species (Elder, 1932). These activities were managed and led by rangatira. Any role undertaken by an individual was always connected back to the wellbeing of the collective. This also meant those people had the role of exercising rangatiratanga in certain aspects of the collective’s day-to-day development. Accessing mahinga kai and harvesting kaimoana were not random activities. Leaders determined the utilisation of whenua, which included moana (coastlines, seas) and all of the resources of that whenua. Rangatira used their mana and the role of kaitiakitanga to ensure the sustainability of the collective. Whānau in that community also recognised and respected the role of the rangatira within whānau and within hapū.

While the rangatira of this time inherited their role by whakapapa, they had responsibility for the collective and the whenua on which they lived. This role was not about ownership of the land, but rather, guardianship framed the activities associated with land tenure. Whakapapa and tūrangawaewae are about a connection to the whenua, not ownership. When considering traditional leadership, whenua was a determining factor enabling leadership. Rangatiratanga was more than representation, it implied a key responsibility to uphold the mana of the whenua and the people. Whakatauki\textsuperscript{72}, waiata, karakia\textsuperscript{73} and other rituals and

\textsuperscript{72} proverb, significant saying, formulaic saying
\textsuperscript{73} Prayers, incantations
practices demonstrate the importance of whenua for whānau, hapū, and their rangatira. As noted previously in this chapter, O’Regan demonstrates again these connections in the pepeha,74 for her hapū within the Ngāi Tahu takiwā:

Ko Poutaiki taku mauka  Poutaiki is my mountain  
Ko Waihemo taku awa  Waihemo is my river  
Ko Matiaha Tiramōrehu te takata  Tiramōrehu is the man  
Ko Kāti Rakiamo te hapū  Kāti Rakiamo is the hapū

(H. O'Regan, 2001, p. 53)

Kawa / Tikanga

Kawa and tikanga were important in defining the traditional framework for the role of leaders and the pūtāke at the centre of their decision-making. They were the protocols enacted by rangatira, internal and external to the hapū, for decision making. Kawa is frequently used to refer to the rituals or protocols related to, but not limited to, the formal welcome of visitors on the marae and behaviours associated with the use of a building. It is generally accepted and expected that the home people who have mana whenua of the given area determine ritual or protocol. Tikanga, on the other hand, derives from the word tika, to be correct and refers to what is interpreted as correct or right (Royal, 2004). Tikanga was customary or correct practice in all Māori contexts, not only associated with the marae, it is the appropriate behaviour associated with any ritual. As with kawa, tikanga was determined by people of the given area and applied to all activities and aspects of life in whānau and hapū throughout their defined area.

Tikanga and kawa were important pūtāke in how leadership was exercised, and both were tried and tested by rangatira. Kawa and tikanga regulated behaviour, or at least expected behaviour for host and visitor. These were passed down from generation to generation through daily activity. They were in essence part of everyday society. This transfer of history through the cultural framework of kawa and tikanga was led by rangatira. Leadership was a prerequisite to ensure that the balance between tapu and noa75 and the balance of society

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74 adages of tribal identity, tribal saying, tribal motto, proverb
75 Noa is described as “the successful closing of a sequence and restoration of relationships or the securing of peaceful interrelationships”. It is also referred to as restoring balance and paired with tapu,
were maintained. Without that leadership, the balance of the hapū, as a collective, and ultimately the survival of the hapū would be compromised and the kawa and tikanga would be breached. These practices were a taonga from previous generations and leaders had a responsibility to maintain and enact these practices in order to uphold the traditions of their tūpuna and the mana of their people.

Kawa and tikanga guided how rangatira governed the management of resources. This lore was predominantly about protecting the mana of the hapū and well-being of the hapū and its people. While utilising the resources, rangatira also had the responsibility to maintain and enhance the physical resources. The activities of the individual were part of this collective responsibility and right. Kawa and tikanga determined the exercising of such activities in relation to the physical and non-physical realms of te ao Māori, the world in which the physical domain was shared with the environment and the spiritual worlds. These perspectives and practices were founded on mātauranga Māori, or Māori knowledge systems and culture, defined by karakia, and mahi. Kawa and tikanga, therefore, represented the mana of the rangatira, the hapū and its people, their environment, physical and spiritual, and their tūpuna.

**Utu**

Utu also represented an important element in rangatira making and enacting their decisions. Utu is frequently mistranslated as only revenge, as in one reference to "a death … [of chiefly blood] … demanded full retribution" (Ballara, 1998, p. 193). This representative reference to the term utu highlights the restricted view of utu being about reaction, revenge, or punishment, all negative-based views. However, at the heart of utu was the positive concept of maintaining balance. The rangatira determined the nature and extent of reciprocity, or utu. This constant consideration was about how mana was maintained or enhanced, which was not always a negative or reactive concept or action. As Ballara explains more fully:

Utu … one of the most important imperatives ruling the life of the social group. So often wrongly translated as vengeance or revenge, utu was the mechanism by which the hapū maintained its integrity and independence. Without the obtaining of utu in every case of offence with noa restoring normal from something that was sacred, or not normal (tapu) (Mead, 2003, pp. 31-32).
against any of its members the group had to acknowledge a defeat, even if no battle was fought. With defeat came loss of mana … which could only be wiped out by utu, involving an equal or greater payment, which in turn, since it involved killing, necessarily required war between the two hapū and any allies they could raise. (Ballara, 1998, p. 193)

Utu, therefore has consequences. This consequence could be for rangatira to choose to not act at all. Utu was important in its own right but, as with mana, kawa and tikanga, whānau, hapū and whenua, it could not be isolated from other elements. Maintaining noa, or normality, neutrality and balance between people, things, the physical environment and the spiritual world represented the key role of utu. Again, maintaining utu was the responsibility of rangatira. For matters to become tapu, or outside of the normal, meant that balance was not being maintained. Salmond (1976) describes utu as the “human way of protecting mana … and … every slight on a person’s mana equal return … should be taken back” (Salmond, 1976, p. 13). Although Salmond could be intimating revenge in this passage, utu was essentially concerned with maintaining equilibrium in all aspects of the community.

Such balance or reciprocity was holistic in nature, and incorporated the physical, environmental and spiritual dimensions. Ballara describes this balance of the three domains with utu as a “ruling principle” (Ballara, 1998, p. 114) for societal wellbeing. However, as noted above, utu was often translated as solely equitability on gifts/services or in the retribution to acts of attack or offence. Mead’s Tikanga Māori: Living by Māori Values77 describes this “notion of utu … as compensation, or revenge, or reciprocity” (Mead, 2003, p. 31). Mead goes on to note that the take is a breach, or action, which needs to be balanced through utu or reciprocal action to reach a state of ea, or settlement of the issue. This can also be seen in the term noa, which might be translated as “restoring balance”, with both aspects thereby maintaining whakawhanaungatanga78 (Mead, 2003, p. 31). Mana was compromised when this balance was not maintained, or was lost. The opposite was also true; mana was also gained in re-achieving balance, if it had previously been compromised. Rangatiratanga was, therefore, in part the art of constantly maintaining balance, inside and outside the collective. To maintain and enhance utu was to uphold the collective’s mana.

77 Māori customary practices
78 Whakawhanaungatanga is a derivative of the word whānau and embraces whakapapa and focuses upon relationships. It extends beyond direct genealogy and included relationships to non-kin persons (Mead, 2003).
1.4 Conclusion

This chapter has discussed the key pūtake which underpinned rangatira and their rangatiratanga in traditional Maori society. These pūtake extended beyond personal skills, qualities, leadership attributes, or power. They were the foundations society, the tools used by rangatira, and the rules that they applied. These pūtake were independent of each other (but inextricably linked) and were fundamental to the interaction between people and societal processes. Ultimately whakapapa defined leadership and was at the core of the collective’s mana. Whakapapa was a connection between people, place and process and defined the reality of hapū existence, between and beyond the communities in which they lived. Rangatira and their rangatiratanga were linked to whakapapa, which was associated with mana. Mana was recognised in rangatira by the hapū they led. Ballara notes the relationship between rangatira and hapū as reciprocal (Ballara, 1998). Rangatira provided leadership which determined the hapū wellbeing and development; the hapū provided security for rangatira. The preservation of the mana of the hapū was enforced by the kawa and tikanga of whānau and hapū. Rangatira and their people prospered by cooperating and contributing to the hapū. Rangatira held authority and sovereignty. The rangatira developed society and leadership on the concept of ka mua, ka muri (looking back in order to move forward)79. This phrase outlines the importance of preserving mātauranga Māori, kawa, and tikanga of the collectives’ identity, and it was these foundations that were at its core of hapū leadership.

A successful rangatira understood and leveraged the interdependence of these pūtake in their relationships within whānau and hapū, and between other rangatira and hapū. It was these same rangatira who first encountered and engaged with those non-Māori who first arrived in Aotearoa in the seventeenth and eighteenth centuries. The following chapter considers the recognition afforded to rangatira by British traders and settlers in particular.

79 “Ka mua, ka muri is a Māori proverb that expresses a great truth around a simple image. The image is of a person walking backwards into the future. It suggests that the past is clearly visible but the future is not, that we have imperfect information for the road ahead, but also that this is a natural state of affairs. Let us look back for clues to the way forward, but also understand that the future is unwritten. The future comes out of the past but will not be identical to it. The only unchanging thing is change” (Auckland, 2017).
Chapter 2

He Whakaputanga o te Rangatiratanga o Nu Tireni me Te Tiriti o Waitangi
2.1. Introduction

The previous chapter discussed the core pūtake that provided the foundation for rangatiratanga before the arrival of non-Māori to the shores of Aotearoa and Te Waipounamu. Rangatira had clearly defined characteristics and roles, and their leadership was recognised within their communities (M. H. Durie, 1998; Mead, 2003; Moon, 1994; Walker, 1990). As this chapter demonstrates, the new people who arrived from overseas, particularly from the United Kingdom, brought differing values and differing ideals, but they did recognise the role of rangatira.

This chapter discusses two important documents; He Whakaputanga o te Rangatiratanga o Nu Tireni (The Declaration of Independence) in 1835 and Te Tiriti o Waitangi (The Treaty of Waitangi) in 1840. Both documents show that Britain recognised the authority of rangatira and hapū and guaranteed to protect their rangatiratanga. Both documents are also important to understanding the formalisation of the relationship between Māori and Britain. Britain recognised that rangatira held sovereignty and authority in Aotearoa and a treaty would be required if the British wanted to exercise sovereignty and gain access to the resources of the land. Buick goes further and views this as a negotiation between Māori and the British Crown, which saw New Zealand become part of the British Empire (Buick, 1936).

Many scholars (Belich, 2001; I. H. Kawharu, 1989; King, 2003; Orange, 1987; Sinclair & Dalziel, 1980) have analysed the histories of the arrival of the Pākehā to Aotearoa New Zealand, from the original navigators such as Tasman and Cook through to the sealers and whalers, missionaries, and settlers, and then imperial forces (soldiers, peacemakers, and sovereign representatives). These scholars recognise the engagement between two peoples and two cultures, with rangatira playing a key role in that engagement.

80 sovereignty, ultimate chieftainship, right to exercise authority, chiefly autonomy, self-determination, self-management, indigenous rights, mana Māori
81 chief, noble
82 Readers can refer to He Whakaputanga o te Rangatiratanga o Nu Tireni in Appendix 1 and Te Tiriti o Waitangi in appendix 2 for references throughout this thesis.
83 tribe, sub-tribe, clan
84 Indigenous individuals and groups of Aotearoa, including mana whenua
85 New Zealanders of British descent
Buick (1936) recognises the time of the drafting and signing of the Treaty of Waitangi as an outstanding epoch in our political history, which provided security to non-Māori and protection to Māori. Te Tiriti o Waitangi (hereafter Te Tiriti) is both a simple and complex document. This chapter will rely heavily on the work of Buick. Buick asserted that Te Tiriti represented a foundation of New Zealand nationhood, my recognition of his writings as a primary source are based on his work as a scholar who integrated many sources on the Treaty. He sought eyewitness accounts of those who participated in the historical events, and also references books such as *Old Manawatu* (Traue, 1996).

It is not my intention to tell the whole story of these documents, rather to focus on the recognition of rangatira and rangatiratanga in He Whakaputanga o te Rangatiratanga o Nu Tireni (hereafter He Whakaputanga) and Te Tiriti. Te Tiriti represents one of the first diplomatic arrangements of its kind entered into between Britain and a "savage" race.\(^{86}\) Its importance is well expressed in a native address made to Lord Ranfurly:\(^{87}\)

> This treaty has been rained upon by the rain, it has been exposed to the blast of the storm, but the words are still clear, they cannot be obliterated.\(^{87}\)

Rangatira and rangatiratanga are recognised and protected in both He Whakaputanga and Te Tiriti. In the recognition of indigenous rights, there is a question as to how the British define Māori leadership, given the engagement and understandings of such things are made from a different perspective (that of rangatiratanga for Māori and sovereignty for the British). This recognition of rangatiratanga by Britain is a critical point for determining the antecedents of contemporary Māori leadership. Finally, this chapter discusses the Northland finding of the Waitangi Tribunal\(^{88}\) in regard to the claim of Te Paparahi o te Raki\(^{89}\) which

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\(^{86}\) As noted by Buick “The Treaty of Waitangi, the first diplomatic arrangement of the kind entered into between Britain and a savage race, was a wise, politic, and humane measure, the justice of which has been vindicated with the lapse of time. In the expressive language of the native address to Lord Ranfurly, “This treaty has been rained upon by the rain, it has been exposed to the blast of the storm, but the words are still clear, they cannot be obliterated”. (“Buick, 1936, p. xviii)

\(^{87}\) This text was captured by the Auckland Star special reporter, who provided commentary in a telegraph, published in the Auckland Star newspaper on 15 March 1899.

\(^{88}\) The Waitangi Tribunal was established with the passing of the Treaty of Waitangi Act 1975 in New Zealand. The Act provided for the observance, and confirmation of the principles of the Treaty of Waitangi by establishing a Tribunal to make recommendations on claims relating to the practical application of the Treaty and to determining whether certain matters are inconsistent with the principles of the Treaty. (Treaty of Waitangi Act 1975 (NZ), 1975, p. 2, Title)

\(^{89}\) Te Paparahi o te Raki is translated as ‘the great land of Ngāpuhi’ and a name chosen for the claim lodged with the Waitangi Tribunal that rangatira did not cede their rangatiratanga, or sovereignty, in
asserts that Northland rangatira ancestors, who signed He Whakaputanga and Te Tiriti, did not cede sovereignty.

2.2. He Whakaputanga o te Rangatiratanga o Nu Tireni

To consider the context for He Whakaputanga, it is important to contextualise the engagement between rangatira and those non-Māori who arrived here in the 17th, 18th and 19th centuries. As discussed in Chapter 1, the sovereignty and authority of rangatira was validated by occupation, social development and rule over the peoples and lands by those rangatira. Rangatiratanga is the practical application of sovereignty and was exercised within hapū who had settled the land. While Tasman was the first European to reach New Zealand in 1642, it was Cook’s arrival in 1769, as part of the scientific expedition to the southern antipodes that provided to Britain an account of the potential to extend the colony and empire. However, the right to claim New Zealand by discovery was relinquished with the 127 years between the arrival of Tasman and Cook, because that Tasman did not engineer occupation of the lands immediately following his discovery. Over the several decades following Cook’s visit, contact between Māori and non-Māori increased. Whether scientific, trade, or business, British expansion into colonies around the world included advancing their research, wealth and empire. For Britain, the expansion to New Zealand was premised on their intention to colonise the inhabitants of the new lands, a process previously well-rehearsed across the globe. British colonisation was based on a Christian ideology of supremacy, authority and leadership and a “justification for colonizing newly discovered territories” (Brookfield, 2006, p. 59).

[90] For discussion on International law at the time, reference Doctrine of Discovery in American Indian Law, by Robert Millar. He notes “In a nutshell, the Doctrine of Discovery, as applied by England and the United States to the American tribes, came to mean that when European, Christian nations first discovered new lands the discovering country automatically gained sovereign and property rights in the lands of the non-Christian, non-European nation even though, obviously, the natives already owned, occupied, and used these lands... [and required] present occupation and actual possession.” (Miller, 2005, pp. 5-17).
Colonisation in New Zealand was based on a British conceptual framework of property rights, an assumed moral right to appropriate land, and the application of authority to enforce such rights. However, following Cook’s arrival in 1769, New Zealand had remained clearly under the rangatiratanga of rangatira and unoccupied by any British political representation for close to 50 years. In the nineteenth century, however, New Zealand came to represent ‘peculiar advantages’ to Britain. Viscount Palmerston noted that New Zealand held “valuable articles of commerce, such as whales and seals” (Great Britain Colonial Office, 1840). Further, Palmerston notes that men were left by whaling vessels which arrived with growing frequency, and in the immediate time post-Cook, they were working alone and resource gatherers.

Walker describes the men who come to acquire resources – sealers, traders, and whalers – as “the advance guard of colonisation” (Walker, 1990, p. 79). In fact, as late as 1829 and following a meeting with a deputation from the New Zealand Company at Hokianga, the Duke of Wellington noted that “we [Britain] have colonies enough” (Buick, 1936, p. 2). It was not until a decade later that such a decision to consider the colonisation of New Zealand was taken. In the meantime, the rangatiratanga of rangatira remained the context for rule in Aotearoa. Any formal British authority did not exist until the arrival of gentlemen who acted, through empowerment of the Governor of New South Wales, as “justices of the peace” (Buick, 1936, p. 4). This was the first introduction of British leadership, and these persons were the first British political representatives. Buick notes that such leadership also introduced the British class system, with this gentry becoming a self-constituted association of informal British leaders. However, rangatira didn’t recognise these attempts at leadership and likewise, neither did the mix of whalers and convicts who were then resident in Aotearoa.

British leadership was not of any consequence to Māori in Aotearoa until the late 1830s, when “European settlers reached notable proportions” (Owens, 1992, p. 30). However, trade between Māori and non-Māori saw Māori food and resources, such as flax, exchanged for new technologies, including muskets. Sealing and whaling operations were established in Aotearoa by the start of the nineteenth century (Firth, 1929). This “brought change to Māori society” from stimulating economic activity to cohabitation between Māori and non-Māori in traditional communities (Owens, 1992, p. 36). Nowhere was this more evident than in the
Bay of Islands, among the Ngā Puhi people, who held mana whenua\(^{91}\) in the Hokianga, Taiamai and Bay of Islands of the North Island. However this engagement also saw “considerable social upheaval” (Oliver, 1981, p. 5).

The social environment at this time in the Bay of Islands was changing and challenging. Walker recognises that, in 1836, 151 whaling ships visited the area and that drinking and prostitution were rife (Walker, 1990, p. 79). Buick notes that there was much debauchery with “as many as one thousand Māori [who] were murdered by Europeans” (Buick, 1936, p. 5). Such was the evidence by Mr. John Flatt to a Committee of the House of Lords in 1838, he went on to state that, when offering to teach the indigenous peoples, he was told “to teach his own countrymen before [he taught the indigenous peoples]” (Buick, 1936, p. 6).

Missionaries also played an important role during the 1820s and 1830s. The first mission station was established in 1814. The missionaries comprised three denominations who came to first “civilise” the Māori: the Anglicans, Wesleyans and Roman Catholics (Owens, 1992, p. 36). Their desire to introduce Christianity was supported in some Māori communities. Samuel Marsden, for example, had the support of the Ngā Puhi rangatira Ruatara (Walker, 1990, p. 81). Walker notes the missionaries’ goal as being to convert “barbarism to civilization” (Walker, 1990, p. 85). This conversion, however, was underpinned by a belief of superiority from ethnocentric attitudes towards culture and race.

The Reverend James Stack, a minister, ordained as part of the Church Missionary Society in England (Anglican) noted behaviour among Māori by unprincipled white men as being action[s] that were destructive to moral health. He raised concerns “that we [non-Māori] have no law or justice” to deal with such actions (Buick, 1936, pp. 6-7). Stack also noted there was not any capacity for law. In 1831 as lawlessness continued thirteen rangatira petitioned the King of Britain to “provide some form of control over [his] British nationals” (Walker, 1990, p. 87). The Colonial Office considered these concerns. A British resident, James Busby, was appointed to New Zealand. He reached the Bay of Islands on 5 May 1833. Without any official authority, Busby was limited in his dealings with disorder among non-Māori. Buick observes that Busby’s limited authority was recognised in Governor Bourke’s correspondence from New South Wales, where he outlined more the “things he [Busby] could not do” (Buick, 1936, p. 13).

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\(^{91}\) The people who exercise kaitiakitanga and rangatiratanga in a geo-political area
In the absence of effective British authority over British in New Zealand, responses to such lawlessness were the responsibility of rangatira, based on their own tikanga\(^{92}\) (Buick, 1936). The Reverend Henry Williams wrote that non-Māori were “governed by the prince of darkness” in their lawlessness behaviours (Elsmore, 1985, p. 16). This analysis of such lawlessness by settlers, somewhat contradicts the Christian ideology that the missionary was here to save the native. However, the missionaries were to assist in attempting to build the relationship between Māori and non-Māori and the creation of a civil Christian society.

The missionaries were influential in the formulation of He Whakaputanga. They provided the impetus for the Declaration, and they also drafted the wording and translation of the final document. Missionaries had taken to learning te reo Māori\(^{93}\), and through their missions they had established strong links with whānau and hapū across the country. Missionaries eventually facilitated political engagement between the British and rangatira. Despite rangatira continuing to exercise rangatiratanga in their hapū, the coexistence of non-Māori interests naturally created clashes of knowledge, beliefs, behaviours and culture. This was clear in issues that arose in the 1830s, and subsequently, such as individualism versus collectivism, tikanga versus rules, lore versus law, and wairua\(^{94}\) versus religion.

As noted, although limited in his dealings with Māori, Busby recognised the people with whom he needed to engage. Twenty-five chiefs were invited to a discussion on selecting a flag. The meeting was held at Busby’s residence at Waitangi (Walker, 1990). In Busby’s inaugural speech to these rangatira on 20 March 1834, he used Reverend Henry Williams as his interpreter. This recognition of rangatira and their authority would continue to be articulated in the official reports and correspondence, in which Busby would initially play a leading role. Williams played an important role over the next decade, mediating between rangatira and the King’s representative. While responding to the aforementioned 1831 petition, Busby outlined the leadership of the King in facilitating a mutually beneficial relationship. He referenced the development of Britain to a civilised state “including housing, clothing and good food” (Buick, 1936, p. 15).

\(^{92}\) Tikanga is customary practice in all Māori contexts, not only those applied on or at the marae. Tikanga is the appropriate behaviour relevant to kawa associated with the ritual.

\(^{93}\) the Māori language

\(^{94}\) Soul, spirit, spiritual
He asked the rangatira gathered at Waitangi “do you mean o chiefs of tribes of New Zealand, desire to become like the people of England?” (Buick, 1936, p. 15). This engagement provides clear insight that the northern rangatira present were seen by Busby as being sovereign by their right to exercise rangatiratanga. It further demonstrates that Busby would support addressing the issues raised in the original petition by rangatira. Busby was not only aware of his lack of power; he had been advised by Governor Bourke that “you cannot be cloaked with any legal power or jurisdiction … further … and [you] must lay the foundation of your measures upon the influence which you shall obtain over the native chiefs.” (Buick, 1936, p. 17).

It is clear in these early engagements between Busby and rangatira of the area that Māori were exercising their rangatiratanga as they always had, but doing so under more pressure from non-Māori. Despite having no legal power, Busby took Bourke’s advice and initiated the first steps towards establishing British authority. The first real development of a British idea of nationality was the adoption of a flag to symbolise the country. This decision was determined during the aforementioned engagement with rangatira at Waitangi on 20 March 1834. It was these rangatira who had the right of selection, reinforcing that sovereignty remained clearly with whānau and hapū leadership in the Bay of Islands (Buick, 1936, p. 17). The meeting concluded with the flag being hoisted alongside the Union Jack (Walker, 1990, p. 166). This flag represented the clear sovereignty of Māori over New Zealand and in the adoption of the ensign, the authority of Māori rangatiratanga.

Also in the early 1830s, there was an increasing proliferation of land sales across the country. It was not only British settlers who were involved in land dealings. In particular, there was a direct threat by the French. One such prominent person was Baron De Thierry, who was purchasing significant blocks of land in the Hokianga and was planning to establish “a sovereign and independent” state (Orange, 1987, p. 30). Busby saw that this was a challenge to any British aspiration for sovereignty of Aotearoa. His solution was to empower the northern hapū to articulate their recognised authority through drafting an instrument that declared the confederation and independence of Māori. Again, thirty-four chiefs were invited to meet Busby at a convened meeting on 28 October 1835 (Walker, 1990, p. 89).

95 family, extended family
This meeting was used to present an agreement that was to be known as He Whakaputanga o te Rangatiratanga o Nu Tireni, the Declaration of Independence of New Zealand. The missionary Reverend Henry Williams led the translation. The agreement represents two important concessions by Britain. The first was that New Zealand was not part of the British possession. Secondly, it articulated that New Zealand sovereignty was maintained by what was called the confederated tribes of New Zealand, under the authority of rangatira.

He Whakaputanga was drafted in English and then translated into te reo Māori. The first clause of He Whakaputanga recognises the independence of the country, and that the leaders of predominantly northern iwi\(^\text{96}\) declare New Zealand to be an independent state, under the designation of the United Tribes of New Zealand. The Māori language version of He Whakaputanga clearly asserts the authority of rangatira:

\[\text{“ko nga Tino Rangatira o nga iwi ... ka wakaputa i te Rangatiratanga o to matou wenua ... ko te wakaminenga i nga hapu o Nu Tireni”, or as literally translated, “we the chiefs of our collective [or peoples] ... declare the independence of our country ... under the designation of the United Tribes of New Zealand” (Orange, 1987, p. 269).}\]

It also states "Ko te Kingitanga, ko te mana i te wenua o te wakaminenga o Nu Tireni, ka meatia nei kei ngā Tino Rangatira anake i tō mātou huhiuinga; a ka mea hoki, e kore e tukua e mātou te wakarite ture ki tētahi hunga ke atu, me tētahi Kawanatanga hoki kia meatia i te wenua o te wakaminenga o Nu Tireni …" or translated as all “sovereign power [Kīngitanga] and authority [mana] within the territories of the United Tribes of New Zealand is hereby declared to reside entirely and exclusively in the hereditary chiefs and heads of tribes in their collective capacity, who also declared that they will not permit any legislative authority separate from themselves in their collective capacity to exist …” (Orange, 1987, p. 269). Walker recognises this as an attempt to parallel sovereignty and the power of mana (Walker, 1990, p. 88) and the authority of rangatira.

Manuka Henare also analyses this text in his doctoral thesis, *The changing images of nineteenth century, Māori society – from tribes to nation*. Henare provides a further exploration of this section of the He Whakaputanga text translating the reo Māori as the “…sovereignty/kinship (Kīngitanga) and the mana from the land of the Confederation of New Zealand are here declared to belong solely to the true leaders (Tino Rangatira) of our

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\(^\text{96}\) More recent historical studies associated with He Whakaputanga points to rangatira signatories representing hapū from Hawkes bay to Taupō, Waikati-Maniapoto and Tai Tokerau as signatories (Henare, 2003)
gathering, and we also declare that we will not allow (tukua) any other group to frame laws (whakarite ture), nor any governorship (Kawanatanga) to be established in the lands of the Confederation …” (Henare, 2003, p. 205). This analysis deepens the connection to sovereignty and authority of rangatira.

The second clause confirms power and authority residing entirely and exclusively with rangatira (hereditary chiefs and heads of tribes), however, it does so in their collective capacity. The Declaration also expressed a desire for these rangatira to congress through meeting on an annual basis, to develop law and regulate societal frameworks (trade, welfare and peace and order). Māori saw this Declaration as an assertion of their authority, and continued to exercise their authority in their hapū.

He Whakaputanga guaranteed that rangatira held their autonomy and authority as independent peoples, within their traditional societal frameworks of hapū. The role of hapū and rangatira were not compromised, marginalised, or subsumed in the signing of this document. He Whakaputanga provided British recognition that Māori were resident and maintained sovereignty prior to Britain arriving to Aotearoa, and that the authority of this sovereignty sat with rangatira. Further, it recognised the rights of the people who occupied the territories, which were later to become New Zealand. Therefore, it was not land that Britain could claim by way of discovery. In fact, Buick recognised the mana of chiefs and their roles. He also recognised that the land that Cook arrived at “was inhabited ... by Māori living under a system of government ... in all respects of the social and military purposes” (Buick, 1936, p. 273). To understand the rationale for rangatira who would eventually initial or sign Te Tiriti o Waitangi in 1840, it is important to consider the text of He Whakaputanga.

Busby hoped to unify hapū through He Whakaputanga by requiring Māori to congress on an annual basis. Following the signing of He Whakaputanga the traditional role of rangatira, and the independent societies of hapū, remained in place. Walker noted “in 1836 tribal fighting continued as before …” (Walker, 1990, p. 89) and that Busby was clear that Britain had no legal authority in New Zealand. Rangatiratanga as traditionally exercised, continued to exist as it always had.

Within four years of He Whakaputanga being signed, a further thousand people had established residence in New Zealand and land speculation was unregulated. It was noted the increase of trade and population had “one ruling impulse – the love of gain” (Buick, 1936, p. 33). Resources such as flax, potatoes and pigs were exchanged for tobacco and
weapons. The greatest of all demands for settlers, however, was land. The same hunger existed in Australia, and the appetite for land was now being seen in New Zealand and represented a "new evil … which threatens to sap the independence of Māori" (Buick, 1936, p. 33). Sir George Gipps, Governor of New South Wales, referenced such illegal deals being undertaken in New Zealand. He used terms such as "sharking" or "jobbing" and noted them as taking place "literally … throughout the country" (Buick, 1936, p. 33). If the ability to control social order was a challenge for rangatira and rangatiratanga, land speculation presented a more significant challenge for rangatira, whānau and hapū.

By 1837, Busby had sent a dispatch to the Colonial Office, albeit exaggerated, that the hapū authority remained and predictions for rangatira forming a western type of government, as described in He Whakaputanga, were no longer likely to be realised. By this time, the significant player in land sales was the New Zealand Association (later the New Zealand Company. Its developer was Edward Gibbon Wakefield, described as a "rakish rogue" (Walker, 1990, p. 89). Wakefield had theories of colonisation and capitalism for New Zealand, where he aimed to pay "maoris [sic] less for their land, than the settlers would have paid in open competition" (Sinclair, 1957, p. 52). His premise was to acquire lands for direct sale to the English upper class, at a profit. The New Zealand Company land acquisitions were to create tension and anxiety among Māori and settlers alike. Rangatira, supported by the Reverend Henry Williams and a number of missionaries and settlers, petitioned the King for greater protection of Māori communities that same year. They petitioned the King that with ever-increasing immigration levels from Europe "several evils have been growing upon them" (R. H. Williams, 1936, p. 37). Rangatira recognised that their approaches to Busby as British resident were futile as he had not been empowered with the authority to address these concerns. Buick notes that the petitioners saw that rangatira, referred to in the He Whakaputanga, "were competent to enact laws … whereby protection would be afforded in all cases … [however the] … infant state … [meant] this cannot be accomplished or expected" (Buick, 1936, pp. 37-38). Williams and others noted, though, that in time rangatira would achieve this capability. This 1837 petition recognised the mana of rangatira and their capability to fulfil authority over the state. The petition found an audience in Britain with both the House of Lords and House of Commons (Buick, 1936). It was clear that Busby was powerless to deal with the concern of settlers' actions and unlawfulness.

Captain Hobson was to follow Busby, appointed by British Lord's Normanby and Palmerston, to annex New Zealand to British Control. In response to Māori appeals to the
King, Hobson suggested that “a treaty should be concluded with the New Zealand chiefs” (Scholefield, 1934, p. 41). Hobson’s most significant task was to put in place a treaty to protect British interests and respond to the Māori concerns of unruliness. Hobson’s peers asserted that “it would be difficult … [to do so, but] worthy of serious consideration” (Buick, 1936, p. 42). Hobson held the view that such government would be enacted by rangatira. Hobson also noted that the chiefs would be “presumed to give … protection to the British subjects resident in New Zealand” (Buick, 1936, p. 44). Indeed, until 1839 rangatira had continued to exercise their rangatiratanga in their communities, until signing He Whakaputanga.

Leading up to 1840, the clash of tikanga with non-Māori ideals and assumptions was unable to be managed given there was no status for British intervention or authority in New Zealand. “As far back as 1840 Governor Macquarie had cleared New Zealand to be part of the colony” (Buick, 1936, p. 9). It was clear though that there was growing discontent among leading rangatira in the northern part of New Zealand. Buick reflected on how the chiefs realised the “ineffectiveness of the tribal system to cope with the altered state of society.” (Buick, 1936, p. 10).

2.3 Te Tiriti o Waitangi

In April 1839, the British parliament decided to secure New Zealand by the assumption of cession of sovereignty by rangatira. In a letter to Hobson on 13 August 1839 Viscount Palmerston, Foreign Secretary, noted that New Zealand held “valuable articles of commerce which those islands produce” along with providing a base for whaling ships (Elder, 1932, p. 1). Buick notes the intention of the process, as contemplated by Lords Normanby and Palmerston, was to send Hobson to New Zealand and, once ceded, to annex New Zealand to New South Wales (Buick, 1936, p. 103). Lord Normanby articulated the value of New Zealand resources to Hobson and explained that continued British access to these resources would therefore require British sovereignty. Hobson, however, noted that Māori

\[97\) King William IV died on the 20 June 1837 and Victoria became Queen of the United Kingdom on the same day.
had “title to the soil and to the sovereignty of New Zealand [and that it] is undisputable and has been solemnly expressed by the British Government” (Buick, 1936, p. 71).

By 1839 it was also clear that Busby’s ambition with a congress of Māori leadership more familiar to a western style of government, set out in He Whakaputanga that replaced rangatiratanga had not been realised. Busby’s intentions were not shared by rangatira who did not seek to change the way they exercised their rangatiratanga within hapū. He Whakaputanga did not diminish “the mana of individual hapū, nor the responsibility of individual rangatira to act in accordance with the mana” (Waitangi Tribunal, 2014, p. 201). However, this continued exercising of authority by rangatira was an impediment to British hopes for Māori to adopt western sovereignty (Waitangi Tribunal, 2014). Simply put, He Whakaputanga had failed to move rangatira away from their exercising of rangatiratanga.

Lord Normanby was explicit that free and intelligent consent needed to be obtained for New Zealand to become part of the dominions of Great Britain (Buick, 1936; Dettmer, 2003; Walker, 1990). The missionaries were noted as strong allies to help British influence among the natives. Hobson’s “first duty … was to confine … land [sales] for [the] British” (Walker, 1990, p. 90). Normanby was instructed that the Queen would not acknowledge all land sales that had taken place up to 1840. Hobson was to secure waste lands by way of fair and equitable contracts with the natives. Walker notes this acquisition to be “districts the natives could alienate without distress to themselves” (Walker, 1990, p. 90).

The exchange between Hobson and Busby, upon Hobson’s arrival in New Zealand in January 1840, elaborated the British expectations. Actions were immediately undertaken to engage rangatira in formalising the “free and intelligent consent” of Māori which would “allow for British colonisation and investment in New Zealand” (Orange, 1987, p. 38). The communication was forwarded to those chiefs who were signatories to He Whakaputanga. An invitation set the date of 5 February 1840 for a discussion about the aspirations of Britain to gain sovereignty of New Zealand. Also, it outlined the potential of drafting a treaty that was explicit, or, as described by Buick, “stated with utmost frankness, [and] the least looseness of expression” (Buick, 1936, p. 109).

One concern in the dialogue between Hobson and Busby over the draft of the Treaty was the assuaging of concerns of rangatira, while articulating full knowledge of the British intent. Ballara (1998), Kawharu (1989) and Orange (1987, 1989) argue that there were rangatira who had arrived in Waitangi on 5 February 1840 who were interested in the prospect of
British law and authority. Non-Māori at Waitangi raised concerns that the proposed treaty would precipitate the loss of any (or all) land transactions which non-Māori may have enacted with Māori whānau and hapū rangatira.

Hobson engaged the services of Reverend Henry Williams to assist in the draft of a Treaty, recognising that he was seen as a leader and one who had the confidence of Māori leaders (Buick, 1936). Williams was presented with a draft of the treaty following Hobson's arrival at Waitangi and was asked to translate the document. Williams’ translation from English to Māori was significant, because (as discussed below) the two versions of the texts did not align. Buick noted that the English text of the Treaty had no equivalent in Māori (Buick, 1936). Walker observes that the drafting process saw “four English versions and a translation into Māori, which matched none [of the English] …” (Walker, 1990, p. 90). As noted by Head “the imposition of English meanings of Maori language has shaded Maori meanings” (Head, 2006, p. ii).

The negotiations for the treaty commenced on Wednesday, 5 February 1840. Estimates of the numbers in attendance were as high as 1,500 (Buick, 1936). Rangatira responded to the invitation to discuss their concerns about rangatiratanga, as defined within traditional frameworks of mana whenua that were outlined in the Declaration of Independence. Buick outlines the proceedings whereby Hobson recognised the role of rangatira and that his master, the Queen, desired a treaty in order to enact “the law of England … to do you good” (Buick, 1936, p. 152). He then read the English version of the text and upon completion asked Williams to read the Māori version.

Records of the subsequent discussion highlight challenges to the English text conveyed by Hobson. Orange notes that “a number of Māori speakers launched a vociferous attack” on any assertion of British authority over Māori rangatiratanga (Orange, 1987, p. 53). The initial speakers, in fact, suggested that a return to England of Hobson and others and the return of the lands to those speaking was a more appropriate outcome. The assertion of Māori rangatira to maintain mana and their role of leadership too, was part of the negotiation. One rangatira, Tahera, stated “we, we only are the over …” (Buick, 1936, p. 137). Other leaders expressed anxiety, foreseeing the potential erosion of the mana of rangatira:

Were all to be on an equality, then perhaps Te Kemara would say ‘yes’. But for the Governor to be up and Te Kemara down – Governor high up, up, up, and Te Kemara down low, small, a worm, a crawler. No, no, no … What! Thou, a foreigner, up, and I
The final speeches of the day were made by Hone Heke and Tamati Waaka Nene. Both had strong influence in their support for the proposition (Walker, 1990, p. 95). They cited the relationship with Pākehā as being important. Central to their support was the role of the governor with the concept of governor and government discussed below.

Despite the many rangatira who initially objected to terms of the Treaty as the meeting progressed, the responses started to become more favorable. In regard to the problem of social disorder amongst non-Māori, there was also commentary made to the Governor, seeking him to stay and become the leader who was going to enact laws and exercise his authority to govern over those who were disorderly. Such a position was taken by the rangatira, Tamati Waka Nene, who asked of Hobson: “do not thou listen to what the chiefs of Ngāpuhi say. Stay then, our father, our governor” (Buick, 1936, p. 143). He also recognised Hobson's role as “father, a judge, a peacemaker” in reference to controlling unruly non-Māori residents (Buick, 1936, p. 143). The meeting was adjourned, to reconvene on Friday 7 February. This favourable kōrero\(^{98}\) at the end of the hui on 5 February continued well into the evening. Hobson's staff encouraged him to seize the support coming from rangatira. This was paralleled by the increasing anxiety about the lack of supplies at Waitangi for the significant numbers of people who had arrived. Chiefs without food and provisions may have had to return to their ahi kā\(^{99}\), or traditional home areas. Following much discussion and facilitation, the hui was reconvened on 6 February 1840, when Hobson said he would accept signatories to the Treaty of Waitangi.

### 2.3.1 The text of Te Tiriti o Waitangi

The Treaty of Waitangi has three articles and a preamble that articulates the desire of Queen Victoria to protect Māori rights and property and to manage the influence of British and European citizens. The importance of rangatira is articulated throughout the document

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\(^{98}\) to tell, say, speak, read, talk, address

\(^{99}\) ‘burning fires of occupation’, occupation rights
and the continued exercise of rangatiratanga is guaranteed within its text implicitly and explicitly. In particular, rangatira are identified as the chiefs of New Zealand.

The English language version of the Preamble speaks of the Queen’s desire “to avert the evil consequences … from the absence of … laws and institutions …” and extend her protection to the “native [chiefs] just rights and property, and to secure them … peace and good order” (The Treaty of Waitangi, 1840). This was a direct response to the many petitions rangatira had previously made to Busby or to the British government seeking the application of law to those Pākehā who were acting outside British law. Māori are identified in the Treaty as Tribes of New Zealand.

Article 1 states that the chiefs would cede kāwanatanga100 to the representatives of the Queen. The Māori version states:

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 Kawanatanga katoa o o ratou wenua (The Treaty of Waitangi, 1840)

The English version of Article 1 states:

The Chiefs of the Confederation of the United Tribes of New Zealand and the separate and independent Chiefs who have not become members of the Confederation cede to Her Majesty the Queen of England absolutely and without reservation all the rights and powers of Sovereignty which the said Confederation of Individual Chiefs respectively exercise or possess, or may be supposed to exercise or to possess over their respective Territories as the sole sovereigns thereof (The Treaty of Waitangi, 1840)

The reference to nga Rangatira demonstrates that the British recognised the authority of rangatira within hapū. The authority those rangatira gave to the Crown is described in Māori as kāwanatanga. The term is derived from the word kāwana and the suffix -tanga. Kāwana is a transliteration of the term governor (Walker, 1990, p. 92), and the suffix -tanga turns the word into governance, or government. The reality is that there was no governor in New Zealand for rangatira to fully understand this term. The concept of Māori ceding sovereignty to Britain was not articulated in the Māori text of Te Tiriti. Kawharu provides a translation that the “… chiefs of the Confederation and the Chiefs all also [who] have not entered that

100 governorship, government, complete government
Confederation give absolutely to the Queen of England for ever the government\textsuperscript{101} all of their land…” (I. H. Kawharu, 1989, p. 319).

Ross’ text records Chief Justice Sir William Martin as stating:

\ldots the natives recognised as belonging \ldots to the Crown \ldots as necessary for the government \ldots for the establishment of a new system. We [Martin referencing British interests] call them ‘sovereignty’; the natives call them ‘Kawanatanga’, ‘governorship’ \ldots (Ross, 1972, p. 140)

It has been argued that Māori understood the concept of kāwanatanga and in fact desired British leadership to establish laws to deal with lawlessness. But the choice of the word kāwanatanga, rather than rangatiratanga to describe the authority of the Crown, is problematic. As Henry Williams himself was forced to admit: “In this translation it is necessary to avoid all expressions of the English for which there was no expressive term in the Māori, preserving the spirit and tenor of the Treaty” (Orange, 1987, p. 47). While Orange goes on to assert that Williams was intimating that he would amend the English version following his completion of the translation, Ross argues that the draft version of the Māori text used “missionary Māori”, noting Williams’ Protestant terminology in the explanations and interpretations of Te Tiriti o Waitangi (Ross, 1958, pp. 136-137).

The use of the alternative word kāwanatanga in Te Tiriti o Waitangi drafted by Busby and Williams was a departure from the term tino rangatiratanga\textsuperscript{102} that was used in He Whakaputanga. It was clear that rangatira understood rangatiratanga. As outlined above, social lawlessness and unscrupulous land purchases were increasing. Records note the need for ture or law. The lack of responsiveness by Busby and other British to lawlessness, when approached by rangatira for action, meant chiefs saw the need for government to create law, therefore enabling British capability, through kāwanatanga, to respond to their concerns. On this basis the agreement for the British chief, her Majesty the Queen, to create government to control these citizens, would have been agreed to by rangatira so as to achieve ture. Therefore rangatira had confidence in Te Tiriti o Waitangi as rangatira who signed knew that their paramount authority was the mana of their rangatiratanga (Buick, 1936).

\textsuperscript{101} ‘Government’: ‘kawanatanga’. There could be no possibility of the Maori signatories have nay understanding of government in the sense of ‘sovereignty’ i.e. any understanding of the basis of experience or cultural precedent.

\textsuperscript{102} sovereignty, ultimate chieftainship, chieftainship, right to exercise authority, chiefly autonomy, self-determination, self-management, indigenous rights, mana Māori
Article 2 in the English version guarantees:

Chiefs and Tribes of New Zealand and to the respective families and individuals thereof the full exclusive and undisturbed possession of their Lands and Estates Forests Fisheries.

The Māori version states:

... ki nga Rangatira ki nga hapu – ki nga tangata katoa o Nu Tireni te tino rangatiratanga o o ratou wenua.

The key term for Māori in Article 2 is rangatiratanga. There was a clear link once again to rangatira as recognised leaders of hapū collectives. In the Māori text in Article 2, the Crown explicitly recognised and guaranteed tino rangatiratanga, or absolute chieftainship of their lands as nga Rangatira ki nga hapu or chiefs of the peoples. Article 2 clearly upheld and protected the authority of rangatira, as described in Chapter 1. Ceding the right for the Queen of England to establish kāwanatanga did not diminish nor deny the continuation of traditional Māori leadership and its provision in Māori communities. In fact, Article 2 promised to protect the continuance of rangatiratanga. Any change to such continuance would have required Māori consent, which was neither sought nor provided in the treaty. Kawharu notes rangatiratanga translates as the rangatira having unqualified exercise of their chieftanship over their lands over their villages and over their treasures all ...” (I. H. Kawharu, 1989, p.319-320).

The English version also explicitly recognised Māori leadership and the role of the rangatira is explicit – “the Queen of England confirms and guarantees to the chiefs” – as being the leaders of traditional Māori communities. The rangatiratanga of those chiefs is framed in the English version of the Treaty as rights, noting that the chiefs would continue to have: “the full, exclusive, and undisturbed possession of the lands and estates, forests, fisheries and other properties” (The Treaty of Waitangi, 1840). Although chiefs may not have understood sovereignty in Article 1 from a British definition, the term rangatiratanga would have been understood as confirmation of their existing (sovereign) rights over their hapū in Article 2. In the Māori version, the right of rangatira to sovereignty was retained. In exchange for Article 1, the Queen of England guaranteed te tino rangatiratanga o o ratou whenua o ratou kainga me o ratou taonga kātoa to nga rangatira, ki nga hapu. In translation, the Queen would

103 'Treasures'; ‘taonga’: As submissions to the Waitangi Tribunal concerning the Maori language have made clear, ‘taonga’ refers to all dimensions of a tribal group’s estate, material and non-material – heirlooms and wahi tapu, ancestral lore and whakapapa etc.
ensure chiefs had continued mana over all things such as land, treasures and all aspects of kawa and tikanga.

The second part of Article 2 of the Treaty of Waitangi provides pre-emption and exclusive right to the Queen to purchase lands that proprietors wished to dispose of. The concept of property as a commodity is clear in the English version and in the Māori text. However, if you consider the reality of why Māori would agree to Article 1, Article 2 guaranteed rangatiratanga or the continued rule and societal frameworks for whānau, hapū, whenua and way of life. This was absolute in all physical, cultural, environmental and spiritual realms. It was not limited to land and taonga. In the Northland findings of the Waitangi Tribunal, discussed later in this chapter, it is clear that rangatira and their continuing rangatiratanga would not have been the understanding of those British leading engagements and negotiations with chiefs. The Tribunal concluded from their deliberations that rangatira “did not cede sovereignty to Britain”, and in particular, did not cede the “authority to make decisions of hapū, peoples or their whenua” (Waitangi Tribunal, 2014, p. xxiii). The Tribunal went on to note that rangatira agreed to share power with the British, agreeing for the governor to have authority over British subjects in Aotearoa.

Article 2 also protected against land speculation being enacted across the many tribal rohe. In regards to this section of Article 2, Buick recognises the pre-emption right and process did raise indignation of land speculators. Such opposition denied the proliferation of unregulated persons who had been engaging in such practices, while it also intended to provide scrutiny of any acquisition made before the declaration of sovereignty, which amounted to almost 46,000,000 acres (Buick, 1936, p. 299). Buick also noted that a number of key players involved in the Treaty of Waitangi process held significant land interests personally, which such scrutiny would also review. Busby himself claimed some 50,000 acres, including a town, Victoria, on the riverbanks of the Waitangi River. A local magistrate, Wentworth, claimed 100,000 acres in the North Island and, astonishingly, 31,000,000 acres in the South Island (Buick, 1936, p. 301).

Article 3 provides the enjoyment of the rights and privileges of ōritetanga\textsuperscript{104}, often translated as citizenship. According to many scholars’ article 3 is the least contested of all articles (for example Walker, 1990). In the English text, it is noted that the “Queen of England extends …

\textsuperscript{104} sameness, equity, to be like, alike, similar, identical, even, equal
Her Royal Protection [to natives and] … all the Right and Privileges of British subjects.” The Māori version of Te Tiriti notes the Queen's protection and that “nga tangata maori katoa o Nu Tirani ka tukua ki a ratou nga tikanga katoa rite tahi ki ana mea ki mga tangata o Ingarangi” (The Treaty of Waitangi, 1840). Article 3 is relatively congruent in both English and Māori texts. The English version allows the indigenous populations the “Royal protection” of the Queen and “full rights and privileges of British subjects” (The Treaty of Waitangi, 1840). Tikanga is the term used in the Māori text. As noted in Chapter 1, tikanga derives from the word tika, to be correct and refers to what is interpreted as correct or right (Royal, 2004).

For rangatira and their rangatiratanga, however, there is a significant variation in the terminology in Article 3 where there is a reference to nga tangata maori katoa o nu tirani. This differs greatly from the terminology in Article 2, where hapū as a societal structure and rangatira as the leadership of those communities are clearly identified and named. The use of “tangata maori katoa” merges hapū in favour of Māori under a common umbrella for the purposes of citizenship and rules by British kāwanatanga. Despite this, the right of rangatira to continue to exercise rangatiratanga, remains uncompromised. If anything, rangatira and nga hapū gained the rights of British subjects and maintained the continuing rights guaranteed in Article 2.

2.3.2. Signing the Te Tiriti o Waitangi

Te Tiriti was first signed at Waitangi by Hone Heke on the 6th February 1840. Fifty-one other chiefs signed the Treaty on that day, 26 of whom had also who signed the Declaration of Independence (Orange, 1989). At the conclusion of the signing, Hobson stated He iwi tahi tatou – we are now one people.

However, the February 6 signing of Te Tiriti at Waitangi, was not sufficient in Hobson’s view to annex New Zealand to Britain. As further recognition of the authority of rangatiratanga, and their authority over hapū, Hobson undertook a process of gathering more signatories, in order to fulfill his instructions. The engagement of appointed officials took place “from hapu to hapu” (Buick, 1936, p. 207) across the top half of the North Island, over the next three months. In Tauranga, Major Thomas Bunbury, facilitating with Reverend James Stack,
reaffirmed that Britain had “acknowledged the Maori is an independent nation” and that the Treaty enabled the establishment of law “to avert the evils which were accumulating around them” (Buick, 1936, p. 220). Throughout this process, some rangatira contested the Treaty’s intent. An important chief in Ngāti Whātua at this time was Aperahama Taonui. At one of the subsequent meetings called by Hobson, Taonui contested the treaty. He said:

We are glad to see the Governor. Let them come to be the Governor to the Pākehā … no we are not agreeable to give up our land. It is from earth we obtain all things. The land is our father; the land is our chieftainship; we will not give it up. (Buick, 1936, p. 170)

Taonui, like other rangatira, assumed that British leadership would establish the mechanisms necessary to address lawlessness and land speculation. This is also recognised in the Northland Report where the Waitangi Tribunal concluded that rangatira “agreed to the Governor having authority to control British subjects”, which provided peace and protection to “Māori interests” (Waitangi Tribunal, 2014, p. 529). Rangatira would never, however, have agreed to have their mana usurped, or forgo their ability to exercise rangatiratanga. If this had been the price to pay for British kāwanatanga, it is likely no rangatira would have made their mark on Te Tiriti.

However, as with Taonui in Ngāti Whātua, there was not total consensus. While rangatira were guaranteed rangatiratanga over their communities in Article 2, the mana of their authority was paramount and meant some chiefs still rejected the Treaty. Other chiefs, such as Te Heuheu in Ngāti Tūwharetoa from the region around Lake Taupō, held tight to their rangatiratanga. He did not sign the Treaty and in asserting his rangatiratanga, did so over those lands within his takiwā:

I will not agree to the mana of strange people being placed over this land. Though every chief in the island consent to it, yet I will not… (Buick, 1936, p. 225)

Ngāti Toa also challenged the Treaty. Buick acknowledges that initially rangatiratanga of the hapū of Ngāti Toa was maintained, with “solidarity in the ranks of their every hapū” against signing Te Tiriti o Waitangi (Buick, 1936, p. 243). Eventually, Reverend Henry Williams was a key influence in their agreement to sign the Treaty, despite having “less to gain by ceding their sovereign rights” (Buick, 1936, p. 243). Te Tiriti was signed across the North Island and in the South Island, with the final signing of the Treaty of Waitangi was in Kawhia on 3 September 1840.

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105 Territory, district or space occupied by a hapū or iwi
There has been much scholarship in the Treaty of Waitangi, its text and the understanding of those who drafted and signed the document. One of the most comprehensive discussions of the Treaty is the Waitangi Tribunal’s Northland report. This concluded that rangatira “did not cede their sovereignty to Britain” and that although Britain intended to acquire sovereignty, the British leadership “did not explain this to the rangatira” (Waitangi Tribunal, 2014, p. 529). This report came about because a number of Northland hapū and iwi claimants submitted to the Waitangi Tribunal that their ancestors (who signed Te Tiriti o Waitangi) did not cede their sovereignty (rangatiratanga) to Britain. I discuss this report and its implications for rangatiratanga in the following section.

2.4 Te Tiriti: The Northland Finding

The Northland finding of the Waitangi Tribunal, *He Whakaputanga me Te Tiriti: The Declaration and the Treaty* (WAI 1040) is one of the most significant reports relevant to this argument and research. The Tribunal found, in summary, that Māori did not cede sovereignty. The drafting of the Treaty of Waitangi was led by Hobson in the first instance and translated by Williams into te reo Māori. It has been described as “complex and … [it] reflected a variety of different streams, eddies and currents of aspiration and reality amongst both iwi and hapu and Crown Officials” (Palmer, 2015, p. 3). The Tribunal reported its preliminary findings on claims lodged by northern hapū and iwi, comprising close to 400 claims brought largely by Ngāpuhi. Others included Ngāti Whātu, Ngāti Wai, Ngāti Hine, Patuharakeke, Ngāti Rehua, and Ngāti Manuhiri as claimants (Waitangi Tribunal, 2014).

The claim itself centered around the claimants’ position that “their tūpuna”\(^{106}\) did not cede sovereignty when they signed Te Tiriti o Waitangi” (Waitangi Tribunal, 2014, p. 6). Secondly, they asserted the Crown was provided limited powers “which did not amount to sovereignty” (Waitangi Tribunal, 2014, p. 7). In the hearings, there were differing descriptions of these two aspects of the claim, but in essence the assertion was that the Crown could only assert governance or authority over their people, Pākehā, or over the land sold by rangatira. This was partnered with the assertion that rangatira maintained their rangatiratanga over the

\(^{106}\) Ancestor
peoples and lands. This is succinctly captured by Hōne Sadler, a Ngāti Moerewa spokesperson, who said:

… Ngāti Moerewa tūpuna did not cede or relinquish anything by signing Te Tiriti other than granting the Crown the right to regulate the conduct of its own settlers. (Waitangi Tribunal, 2014, p. 7)

The Crown submitted that sovereignty was ceded to the Crown “by a series of steps which included the treaty, Hobson’s proclamations of British sovereignty over the North and South Islands in May 1840, and Crown publication of those proclamations in the London Gazette in October 1840” (Waitangi Tribunal, 2014, p. 8).

The key consideration for the Tribunal was the term sovereignty. The Tribunal noted that there were “various explanations from claimants, the Crown and technical witnesses” (Waitangi Tribunal, 2014, p. 9). As discussed in this chapter the terms rangatiratanga, mana and Kīngitanga were identified as synonyms for the term sovereignty, when looking at Te Tiriti o Waitangi. The Tribunal noted that within a western frame, sovereignty is well articulated by Blackstone’s 1765 explanation: “a supreme, irresistible, absolute, uncontrolled authority, in which ... the rights of sovereignty reside” (Waitangi Tribunal, 2014, p. 9). Further, it noted that sovereignty can be understood in general terms as the power to make and enforce law (Waitangi Tribunal, 2014). This does not mean that the traditional authority of rangatira and their rangatiratanga was further undermined by the Treaty and the subsequent implementation of individual rights and democratic process of British sovereignty. The Tribunal considered whether rangatira relinquished their rangatiratanga in the signing of Te Tiriti o Waitangi. The Tribunal’s answer was no they did not.

In their findings, the Tribunal first considered the Declaration of Independence, noting that “… rangatira responded to a perceived foreign threat to their authority by declaring that they, and they alone, possessed rangatiratanga, kīngitanga, and mana over their territories. They also asked for King William IV to provide protection against foreign threats to their rangatiratanga, just as they would protect British subjects in New Zealand.” (Waitangi Tribunal, 2014, p. 498)

In conclusion, the Tribunal upheld the claim that Māori did not cede sovereignty, noting:

… to the extent we can generalise, we believe that the rangatira regarded the treaty as enhancing their authority, not detracting from it. On the evidence presented to us, the view put by the Crown at our inquiry – that the rangatira willingly handed full control of their territories to the British Crown – is not sustainable. Our view is that, in Māori eyes,
the authority over New Zealand that the Governor would have – te kāwanatanga katoa – was primarily the power to control British subjects and thereby keep the peace and protect Māori. This was the message conveyed by Hobson. He would be the Pākehā rangatira and a partner in the alliance that had been developing for decades between Bay of Islands and Hokianga rangatira and the Crown. The rangatira may also have understood kāwanatanga as offering Britain’s protection against foreign threats, as Williams had said. On the question of land transactions, some kind of relationship would be established between the British and the rangatira. (Waitangi Tribunal, 2014, p. 519)

The Tribunal goes on to summarise that rangatira did not cede their sovereignty to Britain and that they did not cede authority to make and enforce the law over their people or their territories. Rather, the Tribunal concluded that rangatira agreed to share power and authority with Britain. They agreed to the governor having authority to control British subjects in New Zealand. This enabling of ture, or law, was seen as a way to keep the peace and protect Māori interests. Further, the Tribunal also found that rangatira believed that the Treaty made them and the governor equals. However, rangatira were to have different roles and authority. Rangatira also agreed to enter land transactions with the Crown, and the Crown promised to investigate pre-treaty land transactions and to return any land that was not acquired properly (Waitangi Tribunal, 2014). These findings were “consistent with the conclusions of most of the academic historians who have studied these events …[and] not dissimilar to the view of New Zealand’s First Attorney-General, William Swainson, writing in 1859” (Palmer, 2015, p. 4).

2.5 Conclusion

Both He Whakaputanga o te Rangatiratanga o Nu Tiri and Te Tiriti o Waitangi confirmed the exercise of rangatiratanga by rangatira on behalf of hapū. Many rangatira supported both agreements, as rangatira did desire the British leadership to manage and control obstreperous or unruly settlers who were living alongside their hapū. For British leadership, the Treaty of Waitangi sought sovereignty of New Zealand as an independent nation, at least in the English version of the texts. In the te reo Māori version, tino rangatiratanga was retained by rangatira and governance only ceded to Britain. Both documents represented a British desire to extend its colonial interests to Aotearoa. However, the sovereignty of hapū and rangatira was clearly defined, understood and recognised, they maintained authority
over their peoples and their land. They held authority and did so as independent hapū that had a functional series of societal systems in place.

In 1840, the Treaty of Waitangi became a founding document of New Zealand which was thereby annexed as a British colony. The provision to establish government was outlined in Article 1 of the Treaty. However, there was a clear proviso in Article 2 of the document which also guaranteed continued tino rangatiratanga to “nga rangatira ki nga hapu”; or sovereignty and authority to chiefs of their hapū, in parallel to government or British annexation in Article 1. In Article 3 Māori were bestowed the rights, privileges and responsibilities of British citizenship, in addition to those guaranteed as being maintained in Article 2.

As discussed, the Treaty highlights the role and authority of rangatira. The events following the signing of the Treaty, however, were to dramatically disrupt the traditional aspects of whānau and hapū and the societal framework of Māori communities. Although Article 2 guaranteed continued tino rangatiratanga, the reality of sovereignty was one that ultimately contradicted the assumptive rights of maintaining te ao Māori, or the Māori world. This process is discussed in the next chapter.
Chapter 3
The Crown’s Failure to Continue to Recognise Rangatiratanga Post 1840
3.1. Introduction

In Chapter 1, the pūtake\textsuperscript{107} of rangatira\textsuperscript{108} in traditional Māori communities were identified. They included whakapapa\textsuperscript{109}, or connectedness of peoples to place through genealogical descent. Societal lore and practices governed the rule of rangatira, with mana\textsuperscript{110} being exercised through the responsibilities of hapū\textsuperscript{111} leaders. This culture developed through generations uninterrupted until the initial European discovery of New Zealand by Abel Tasman in 1642. But it was with Captain James Cook's arrival in 1769, that the first steps to the challenge of rangatira and rangatiratanga sovereignty were to take place.

Over the seven decades following Cook, other non-Māori arrivals introduced new technology and knowledge. Relationships also intensified as western and indigenous worlds collided. The first formal framing of the relationship between Britain and rangatira was made in He Whakaputanga o te Rangatiratanga o Nu Tīrene, the Declaration of Independence (hereafter He Whakaputanga), which was signed in 1835. This was followed five years later by Te Tiriti o Waitangi, the Treaty of Waitangi (hereafter Te Tiriti). As discussed in the previous chapter, in both documents Britain recognised indigenous sovereignty and guaranteed Māori chiefs continued rangatiratanga. Te Tiriti has been described as establishing the Crown's constitutional legitimacy in New Zealand. As one scholar writes "one way or another, the Treaty of Waitangi was the historical foundation of the state" (McHugh, 2001, p. 203).

I now discuss the direct impacts of British sovereignty, made manifest through colonisation and assimilation, on Māori rangatiratanga. The discussion demonstrates a multitude of ways in which the Crown marginalised the authority of rangatira through laws and policies after 1840. I have chosen typical examples of events, laws or policies to show how this process occurred. I stress here that this discussion is not comprehensive; rather, it highlights examples of how the British laws and policies introduced different styles of leadership, which undermined the capacity of rangatira to exercise their rangatiratanga. The post-Treaty of Waitangi history is well traversed by scholars (see, for example, Ballara, 1998; I. H.  

\textsuperscript{107}origin, source, or foundation
\textsuperscript{108}chief, noble
\textsuperscript{109}genealogy
\textsuperscript{110}prestige, authority, power, sovereignty
\textsuperscript{111}tribe, sub-tribe, clan
Kawharu, 1989; Orange, 1987; Walker, 1990). I will discuss examples across three periods, from 1840 to 1865; from 1865 to 1890, and from 1890 to 1970.

The focus of the period 1840 to 1865 is to demonstrate from the initial period after the signing of Te Tiriti by some rangatira the departure of the agreements and guarantees by Britain given in Te Tiriti. Such departure was made through the Crown assuming sovereignty and starting the colonisation of rangatira and hapū. The second section discusses the time from 1865 to 1895 when Crown sovereignty directly challenged the rangatiratanga of rangatira by attacking, physically and metaphorically, the traditional systems of Māori authority. This occurred from acquisition of land to the New Zealand Wars. The final period of time is 1890 to 1970, when the Crown continued its colonisation and moved into policy and legislation which aimed at assimilating Māori and giving priority to Pākehā systems of leadership within reframed Māori societies. The discussion will further look at the personal and collective response of rangatira to these challenges to their rangatiratanga throughout these periods.

3.2 1840 to 1865: The Introduction of British Systems of Leadership

With the signing of the Treaty of Waitangi, Britain recognised the sovereignty of rangatira. There was “overwhelming evidence” of their guarantee to “recognise the sovereignty of the Māori chiefs when it acquired ... New Zealand” (McHugh, 2001, p. 195). Te Tiriti in 1840 had empowered Britain to establish kāwanatanga, or the right to establish government, in turn allowing Hobson and British leadership to establish reform. At the time of the signing of Te Tiriti o Waitangi in 1840, Britain had neither formal structures of government or specific Acts in New Zealand. The mana of rangatira and their exercise of rangatiratanga was the same as before the signing of Te Tiriti.

The scale of the demographic change from before Te Tiriti to after its signing was significant. New Zealand in 1840 had some 2000 foreigners and an estimated 100,000 to 150,000 Māori, but within one generation Māori became a minority. Authority was no longer in “the

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112 New Zealanders of British descent
113 governorship, government, complete government
promises of the Treaty, but on the premises of conquest” (Head, 2006, p. 3). For the Crown to establish western systems of government and authority in the new colony, a form of constitution was required, recognising that “a nation’s constitution is the set of factors that determines who exercises public power and how they exercise it” (Palmer, 2007a, p. 565). Palmer also observes that “the foundations of a constitution are … embedded in its operation through the values of those who operate it and who, inherently, subscribe to a national culture” (Palmer, 2007a, p. 567).

The ideology of British imperialism, which informed the English text of the Treaty of Waitangi, was seen in the use of the term Sovereignty in Article 1 of the treaty. The imperialist aim of the British was to create the conditions for colonisation to proceed. Colonisation was described as “… christianising and civilising the peoples of the territories acquired” underpinned by a strong belief of cultural superiority (Brookfield, 2006, p. 69). As discussed in Chapter 2, it is clear that the two language versions of the text are vastly different. The vast majority of rangatira did not sign the English version of the Treaty of Waitangi, rather, they signed the Māori language version, Te Tiriti. Nevertheless, British rule and leadership would be imposed on rangatira, whānau114, and hapū communities as the English text was the version Hobson and Britain were enacting. From 1840, colonisation proceeded following many precedents established in other British colonies. Brookfield (2006) and McHugh (2001) are critical of the assertion that western styles of sovereignty and systems of democracy were a natural process that changed New Zealand from a colony to a contemporary democracy.

The first significant enactment of British sovereignty was made just twelve years after the signing of Te Tiriti with the New Zealand Constitution Act 1852. That Act’s origins were framed in the legislation passed in Westminster in the New Zealand Constitution Act 1846 (UK). However, Governor George Grey and others “successfully resisted” the original version of the 1852 legislation saying that it did not reflect the local context, and Grey and others favoured “pragmatic perceptions of the realities of life on the New Zealand ground” (Palmer, 2007a, p. 590).115 Grey also recognised the potential disaster of Māori exclusion

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114 family, extended family
115 For example New Zealand was to be divided named New Ulster and New Munster, with representatives not democratically chosen by the people, rather, a civil list would be controlled by Dowling Street in Britain. Māori land was not included, as native land was to be deemed as waste lands (McLintock, 1966, pp. 46-47).
created in this legislation; not only did it make Māori powerless in determining their own rangatiratanga, it ignored the promises within Te Tiriti and undermined his work with Māori.

In its final form the 1852 Act established a national form of governance called the general assembly (Ministry for Culture and Heritage, 2016b). The Act gave “considerable power” to the governor, from drawing the electoral boundaries and establishing the time that elections were held to setting the rules of voting. Section 56 stated that any bill passed through Legislative Council could have royal assent provided by the Governor (Brookfield, 2006, p. 110). Although this authority appeared to be independent of the sovereign monarch, these powers were a proviso to act on the instructions of the Queen. The Queen also maintained the authority to “disallow any bill” for a period of two years following it being received by the Secretary of State (Brookfield, 2006, p. 110). What was most important about this Act is that it clearly shows that British leadership was very different from Māori leadership. The rangatiratanga of rangatira and recognition of their authority in hapū was to be gradually replaced by elected representative government.

The Act also established up to six provincial councils which would be established along with the national parliament. Each provincial council was made up of an elected Lower House and nominated Upper House (Orange, 2004). Each province went on to establish separate political and administrative structure(s). This New Zealand Constitution Act was the first introduction of representative authority, following an extended period of being a Crown Colony. The Act framed New Zealand as being “no longer subordinate to the United Kingdom body” (Brookfield, 2006, p. 93). It is difficult to know how rangatira understood this Act or its ramifications. In fact, Orange writes that when the new governor, Thomas Gore Browne, arrived he did not find a nation of one people (as asserted by Grey); rather Māori were “living outside the boundaries of effective government” (Orange, 2004, p. 134). Nevertheless, Browne perceived quickly that Māori played an essential role in the economy in places such as Otaki and Waikato, from building rush cottages for new immigrants to the provision of resources such as wheat and other crops.

Although Grey had said to the British parliament that one-state existed, the drafting of the New Zealand Constitution Act 1852 did “make provision in section 71 [for] … semi-autonomous Māori districts in which modified Māori customary law would have continued” (Brookfield, 2006, p. 171). In fact, from 1840 till 1852 hapū and rangatira continued to maintain, to a greater extent, traditional systems, patterns, and ways of operating. This was
despite an increasing non-Māori presence within their worlds. Brookfield recognises this in his analysis of the time:

... it is widely accepted that in imperial-colonial law all Māori became British subjects ... [however] over very large areas of the country the Queen's writ did not run. In those areas, whether or not the chiefs of the hapū concerned had signed the Treaty, Māori autonomy prevailed in fact; and Māori were outside the protection of the Crown, hence (it may be argued) owing it no allegiance. (Brookfield, 2006, p. 111)

Browne’s concerns of “accommodating Māori custom or sharing power”, as allowed in Section 71 of the Act, were never enacted (Brookfield, 2006, p. 150). I agree with Brookfield that although these attempts were made, they were limited recognitions of rangatiratanga. Within this period there was a rapid growth in the settler population, and these changes in societal make-up did see a number of chiefs express their frustration and disquiet at the state of affairs (Orange, 1987). The traditional ways of whānau, hapū and rangatiratanga were being impacted upon. Such impact was isolated to those communities where non-Māori settlements were significant.

As previously noted Browne was clear that many rangatira and hapū were living beyond effective government authority (Orange, 1987, p. 134), therefore, the Māori elements of culture and the role of rangatira continued. The whakapapa, mana and systems of hapū – the pūtake of rangatiratanga – would have remained strong and active in Māori communities. In order for British sovereignty to be realised, the rangatiratanga of rangatira would need to be addressed. A number of processes would be initiated by the colonial government that would actively undermine the authority of rangatira, and the promises and guarantees in the Treaty. These would include control of land, democracy and law, as briefly discussed below.

In relation to land, despite Māori rangatira exerting their authority, whenua116 was changing hands in some communities. As noted in Article 2 of Te Tiriti, the Crown had the right of pre-emption over Māori land. For Ngāi Tahu, almost 12 million hectares (20 million acres) of Te Waipounamu compared with 1.2 million hectares (3 million acres) in the North Island (Orange, 2004) was sold in the decades following the signing of the Treaty. Orange notes Grey and his Chief Land Purchase Commissioner, Donald McLean, worked hard to persuade reluctant rangatira to sell and dealt with only a few owners. This direct

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116 land
engagement with rangatira was beginning to occur. Similarly, the concept of utu was compromised as traditional regimes of tapu\textsuperscript{117} land status were removed as land was now owned by settlers and the Crown. The role of rangatira in maintaining noa, or the sense of balance in this traditional role had been diminished. A land sale to the Crown did not recognise Māori interconnectedness with wairua of place, or their status as mana whenua\textsuperscript{118}.

Despite these developments, until the 1852 Act the role of rangatiratanga remained active as settler government and leadership took time to establish itself formally in the emerging colonial society. The first formal assertions of British leadership were enabled with the first elections and subsequent meeting of government held in 1854. The meeting was made up of representatives elected by voters over the age of twenty-one and who had a “freehold estate” over a certain value (Orange, 2004, p. 132). For the first two years, Parliament focused on how democracy was going to be achieved in government (Palmer, 2007a). No Māori representatives were elected, nor were there any Māori appointees to the House. This failure to have Māori representatives was based on the premise that “most [land] … was communally owned” (Orange, 2004, p. 242). More accurately Māori property, as referred to by Orange, was whenua over which hapū rangatira maintained kaitiakitanga\textsuperscript{119} and rangatiratanga. Māori in fact did not gain representation in Parliament until 1867, following the introduction of the Māori seats in Parliament.

A first substantive exercise of government power was the amendment of the Constitution Act in 1858 which also introduced the English Laws Act 1858. This latter act clarified, and authorised, the status of English law in New Zealand. The clarification entailed the direct importation of British laws into New Zealand. These Acts underpinned the start of the British rule or sovereignty following the English version of the Treaty of Waitangi; specifically, the rights Britain asserted in Article 1 of the English version of the Treaty. This is despite the Māori language version of Te Tiriti providing Britain with the limited right to establish government, not to assume sovereignty. The British assumption of sovereignty was a direct contradiction of the rights of rangatiratanga guaranteed in Te Tiriti.

As British sovereignty found expression through laws and land sales, Māori rangatira responded by challenging British rule. The tensions this created were most apparent in the

\textsuperscript{117} under ritual restriction
\textsuperscript{118} people who exercise kaitiakitanga and rangatiratanga in a geo-political area
\textsuperscript{119} guardianship, stewardship
development of the New Zealand Wars in the 1860s, which have been described as the “Wars of Sovereignty” (Orange, 2004, p. 153) as Māori resisted and refused to sell land to the Crown. Rangatira and hapū pushed back against “encroaching settler government … colonisation … [and the] alienation of Māori land” (Orange, 1987, p. 137). Māori collectivised their resistance through, for example, the establishment of the Kīngitanga and the selection of the first Māori king Pōtatau Te Wherowhero in 1858.

Despite the aspiration of Te Wherowhero and Governor Browne for peace, Grey’s return as Governor in 1861 led to the construction of a military road from Auckland to the Waikato. This decision compromised a proactive attempt by the King movement, discussed later in this chapter, to protect the rights guaranteed in Te Tiriti. The action was also seen by historians (Binney, 2012; King, 2003; Orange, 1987) as a key contributor to the tensions. Grey’s reluctance to consent to this recognition of the Kīngitanga was in part, I would argue, a response to the rapidly changing demographic through which the non-Māori population “surpassed Māori” (Walker, 1990, p. 113) and settler demand for access to land increased rapidly.

One example of increasing tension over land was in Taranaki, where there was settler antipathy towards Māori for having some 800,000 hectares while the New Zealand Company deal had only yielded 1,400 hectares for settlers at New Plymouth (Walker, 1990). By May 1863 the situation had deteriorated and Orange notes the “wars developed into a series of engagements” (Orange, 2004, p. 156). British Imperial regiments (totalling some 11,000 troops) with additional settlers, and Māori who were coerced to fight with the British, ultimately out-powered their opponents. By the end of the decade “what had started as moves against Taranaki and Waikato had affected almost all North Island districts, directly or indirectly” (Orange, 2004, p. 157).

Māori were, in some cases, active in supporting the Crown in its provocations over land. Given the number of conflicts post-1800 some Māori seized the chance to enact utu on past grievances with hapū they may have engaged with prior to the arrival of non-Māori. Some saw the advantage of ensuring access to Treaty benefits, beyond instrumentalism such as technology and consumer goods, and some may have developed bonds and relationships with settlers which explain their alliance with the British. Eventually, where Māori resistance persisted, the Crown initiated confiscations of Māori land through legislation. These confiscations failed to recognise the rangatiratanga rangatira and hapū. The rangatira were
not supine. In fact, in contrast to fighting, Māori spiritual movements entered the political realm as a means to challenge the imperium of British sovereignty. As noted in Chapter 1, rangatiratanga was about mana and manaaki, utu and whakapapa and maintaining balance in the authority of rangatiratanga by the hapū. Walker asserts the first such response was Papahurihia in the Hokianga in the 1830s (Walker, 1990, p. 130). Binney describes in Redemption Songs the rangatira Te Kooti, as prophet, who founded the Ringatū faith as he led an escape from custody and, in traversing the North Island, developed a following (Binney, 2012).

The New Zealand Wars presented a foundation for British colonisation of the indigenous populations of Aotearoa. When Britain assumed the right to rule over non-Māori and Māori, the authority of rangatira and their rangatiratanga was increasingly challenged. McHugh asserts that the British “exercise of imperium [or absolute power] was very clearly conditioned by Māori presence. This was in part Realpolitik of the situation: Māori in all their various formations were still enormously powerful” (McHugh, 2001, p. 192). It was in this period of time, and the direct combat with Māori, that the role of rangatira and their authority of rangatiratanga – enjoyed from 1840 and recognised and guaranteed in the Treaty of Waitangi – was forced to change.

The New Zealand wars were a reflection of the authority rangatira still exercised and the challenge that authority posed for the Crown in its pursuit of land for settlement. The desire for land by the Crown was to change the reality for hapū. Ballara notes that for traditional Māori communities iwi were not a structural reality in the day-to-day lives of the people and in the eighteenth century iwi rarely formed. The connection of whenua to the exercising of rangatiratanga, is discussed earlier in this thesis. As previously noted, prior to non-Māori arrival hapū naturally developed through fragmentation and construction of new clusters of whānau, or quasi corporate-groups. As discussed in Chapter 1, hapū was the primary framework for Māori communities rather than iwi.\textsuperscript{121}

\textsuperscript{120} The Ringatū faith was a religious movement/religion/faith and protest movement, established by Te Kooti Arikirangi te Turuki (of Ngāti Maru descent), against the Crown’s colonisation.

\textsuperscript{121} tribe, people, nation
outsiders or non-kin. More often, limited sections of the iwi whānui would act together. (Ballara, 1998, p. 128)

New Zealand covers approximately 66 million acres in total, spread across three primary islands. As settlers arrived in larger numbers, the Crown needed access to Māori land. While the British desire for land acquisition gathered momentum, a change in Māori communities was also taking place. In hapū where there were high numbers of non-Māori settlers there was increasing pressure and changing realities for rangatira and their traditional exercising of rangatiratanga. However, in those communities with less contact with settlers, traditional systems continued, such as that exercised by the rangatira Tureti Te Heuheu in Tūwharetoa (Orange, 1987). Continued rangatiratanga was also evident in Ngāti Mahuta, who developed their own system of justice within their communities (Ward, 1999). It is clear that, although new systems were being developed, any “allegiance to the Queen was nominal ... and Māori customary ... systems continued and significantly ... become more developed” (Brookfield, 2006, p. 114). This development also saw a change in the status of feuding between hapū. Adaptation was seen in the social order as well, with slaves freed by rangatira, based on the insistence of missionaries, albeit gradually (Brookfield, 2006, p. 142). While rangatiratanga was maintained by rangatira, the context in which the authority was exercised was changing.

By the late 1850s the ramifications of the Crown failure to recognise rangatiratanga were being seen and expressed by Māori and non-Māori alike. In 1856, somewhat infamously, Dr Isaac Featherston summed up what was perhaps the prevailing attitude of the day:

The Māoris [sic] are dying out, and nothing can save them. Our plain duty, as good compassionate colonists, is to smooth down their dying pillow. Then history will have nothing to reproach us with. (Kingi, 2007, p. 6)

In 1859, the Tūwharetoa chief Te Heuheu said, “As clover killed the fern, and the European dog the Māori dog, as the Māori rat was destroyed by the pakeha rat, so our people will gradually be supplanted and exterminated by the Europeans” (Hiroa, 1924, p. 363). Both these quotes clearly recognise the decline of Māori population levels. Implicit also is a decline in the authority of rangatira to exercise their rangatiratanga.

The first 25 years from the signing of Te Tiriti had seen British leadership introduce new styles of governance and control, which had direct impacts on the rights of rangatira to exercise rangatiratanga in their hapū and on their traditional lands.
3.3 1865 to 1895: The marginalisation of rangatiratanga

The impacts noted above had direct consequences for rangatiratanga. From the New Zealand Wars, which were now underway, through to the newly formed House of Representatives, established through the New Zealand Constitution Act 1852, the rights of rangatiratanga within hapū were eroded. This section discusses further the marginalisation of rangatiratanga from 1865 to 1895. It focuses on the Native Land Court Acts, the Native Schools Acts, the Māori Representation Act and the Public Works Act and sets out Māori responses to that marginalisation through reassertion of their rangatiratanga.

3.3.1 Native Lands Act 1865

One of the significant policies that impacted on the traditions of rangatiratanga was the Native Lands Act 1865. Orange describes this Act as “the most serious attack on the vitality of Māori life” (Orange, 2004, p. 174). The Act was seen as a response to the dissatisfaction of the Crown with the lack of land available to purchase from Māori. The 1865 Act established the Native Land Court, later to become the Māori Land Court and the Court was described as a “veritable engine of destruction” (I. H. Kawharu, 1977, p. 15). The tracks for this engine were initially provided by the Native Lands Act transferring the whenua from Māori, held under the traditional system of kaitiakitanga, to the ownership of land as an asset to non-Māori (I. H. Kawharu, 1989). The Acts primary purpose has also been described as conversion of Māori communal land under the rangatiratanga o rangatira and hapū into freehold individual title (Brookfield, 2006; Walker, 1990, p. 135). The first Chief Judge, Francis Fenton, was appointed in 1866 and set 1840 as the date when tribal boundaries would become fixed. It was an expectation that Māori owners would then apply to the Court for a hearing “… to grant them ‘ownership’ for land they already held rangatiratanga over” (Walker, 1990, p. 136). As noted previously, Francis Dart Fenton had established the 1840 rule of Māori land title. He determined that Māori tribal boundaries became fixed and that Māori became owners in the Pākehā sense at this point in time.
Court could provide a hearing for the ownership to be confirmed through a certificate of ownership (Fenton, 1879). Brookfield questions the legitimacy of the Crown under the “post-colonialist legal order”, which authorised the Court under the original 1865 Act (Brookfield, 2006, p. 60). Regardless, the land courts did not recognise rangatira and traditional rangatiratanga and the impacts for Māori are undeniable. It has been described as bringing in “revolutionary changes” (Orange, 2004, p. 169). As noted by Walker, “…[whenua] is the very basis of identity as tangata whenua” (Walker, 1990, p. 135), therefore the act changed the collective identity of hapū and directly impinged on the rangatiratanga of rangatira. The court was empowered to usurp the rights of Article 2 of the Treaty of Waitangi that guaranteed Māori rangatira their authority to exercise rangatiratanga. By determining multiple owners, the court failed to recognise the traditional role of rangatira, or their rangatiratanga. Through the court’s actions, multiple individuals had the same powers in decision-making over the land as rangatira did, in doing so redefining the environment in which rangatiratanga was exercised by rangatira. Ownership now replaced kaitiakitanga. As Ward noted “with … the destruction of tribal mana, … land sharks, speculators and government land-purchasing officers moved in to buy the land as soon as ‘owners’ got certificate of title” (Walker, 1990, p. 137). By 1862, the Crown had purchased seven million of the 22.6 million acres in the North Island, and between 15 and 16 million had been acquired by purchase under the Native Land Act (Ward, 1999).

The impact for hapū and rangatiratanga was not instantaneous, but it was direct. Walker identifies this where he references the polarisation of Māori communities (Walker, 1990, p. 136), referring to the clash of ideologies as hoko whenua122 and hoko pupuri123, or those who would sell land and those who would retain it. It only took one member of any hapū to come forward and apply to the court for a hearing for the court to enact a process of decision-making of ownership. Contrary to the rights of the Treaty of Waitangi and the protection and recognition of rangatira to maintain their rangatiratanga, the court would hear from the applicant and there was nothing the rest of the tribe could do, effectively denying the mana of traditional systems of rangatira. This was further compounded for those who entered into this process. The law confined the court to determine no more than ten owners on a certificate of title. In fact, Orange notes that “it was normal to specify [title] … in ten chiefs” or fewer (Orange, 2004, p. 169). As noted previously, any member of any hapū could apply,

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122 Term used for persons who would sell or trade land
123 Term used for persons who would retain land
but was the court really vesting to chiefs or to applicants without any proven status as rangatira? History would determine the latter in a number of cases. These blocks of land were often hundreds of thousands of acres and the reality that 10 chiefs were recognised through any traditional lens is considerably more than questionable.

Head (2006) notes that this process of choosing owners totally undermined the traditional place of whakapapa. This cuts right across the traditional rangatiratanga of rangatira and associated connections with hapū and collective guardianship of their takiwā and whenua:

After the initial claim to a block of land was established in the court, whakapapa became the proof of ownership in succession orders, and this fed into culture. The changes in Maori thinking that avoided the question of mana in favour of a less political, and much more easily institutionalised whakapapa, or which made mana a result of whakapapa were (and are) responses to the destruction of political power. Prior to the development of the colony, however, the maintenance of the mana of an aristocratic line was not a proof that the world was ordered by whakapapa; the thinking was reversed. Whakapapa was the result of mana, because a failed line availed nothing. (Head, 2006, p. 42)

As Head explains, the processes of land acquisition dismantled the role of rangatira by the court empowering rights for acquisition over the traditional concepts of mana and whakapapa which had coexisted in the role of rangatira when exercising authority over the whenua of hapū.

Given the costs of a land court hearing (court expenses, surveying etc.) it is no surprise that in order to repay loans for such determinations, Māori needed to sell more land (Orange, 2004) to pay for the process. With some rangatira and whānau not aware of a hearing even taking place and therefore not participating or engaging in the process, many traditional whānau, hapū and rangatira often missed out altogether.

A final factor to highlight in relation to challenges to rangatiratanga presented by the Native Land Court is the nature of the records of the courts. Although the Court maintained minute books, there were serious limitations to the accuracy of the manuscripts and records. There were “tremendous problems … including legibility, of these records with gaps in evidence and other logistics with such recordings” (Ballara, 1998, p. 43). Despite their shortcomings, this court evidence was treated as factual.

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124 Territory, district or space occupied by a hapū or iwi
The impact of the court process undermining rangatiratanga was axiomatic and intentional. But as Head explains, with “… the loss of power of chiefs … a new social equality [began] to emerge within Māoridom” (Head, 2006, p. 41). As Ballara writes:

In giving the history of such disasters, both European writers and Māori witnesses in the Land Court have tended to say that such suffering hapū ‘ceased to exist’ or ‘became extinct’. Johannes Andersen for example, wrote that Waitaha of the South Island and Ngāti Mamoe had ‘long ceased to exist as tribes’ but that ‘there were still Maoris in the North Otago district who claim descent from them’ … What was meant, probably, was not that such groups literally became extinct, nor that their existence as descent groups was no longer significant, but that, for a while at least, they no longer acted as hapū or independent corporate entities. They changed their status, surviving either temporarily or for long periods as scattered groups of refugees dependent on the protection of different chiefs of communities of other hapū. (Ballara, 1998, p. 163)

The marginalisation of rangatira by the Crown, through the shifting of power and empowerment of any member of the hapū, failed to recognise rangatira and traditional rangatiratanga. When the Native Land Court began its work, the role of the rangatira in regards to the leadership and authority of the hapū and its whenua changed. Ultimately, “the status of the chief was reduced to the size of the lands to which he could prove ownership” (Head, 2006, p. ii). The whole of the hapū, or kin group collective, suddenly shared the same land-owning rights. While the change to individual ownership was contested by hapū, it did not change the outcome.

It was not only land though where the Crown failed to protect rangatiratanga. Social policy changes were also to be introduced which failed to protect the role and authority of rangatira in mātauranga (knowledge) and learning, one example was the Native Schools Act 1867, which I will now discuss.

3.3.2. Native Schools Act 1867

The genesis for the Native Schools Act was first laid in 1947, when then Governor Grey introduced his Education Ordinance Subsidy for mission schools that “insist[ed] … instruction be conducted in English” (Walker, 1990, p. 146). This policy remained in place until 1867, when the Native Schools Act was passed. Grey’s desire for assimilation underpinned his approach and targeted rangatiratanga at its core. The Act is noted as
having a “demoralising influence of their traditional hapū” with the aim to assimilate as “speedily as possible the habits … of the Native to the habits of the European” (Barrington, 1970, p. 208). The Act required that “… satisfaction of the Colonial Secretary” was required and that “English language and the ordinary subjects of primary English education are taught by a competent teacher and that the instruction is carried on in the English language…” (Native Schools Act, 1867, p. 470). Any rights of rangatira in the delivery of content was not recognised; those decisions now sat solely with the Crown. The Act also required that, where Māori tribes wanted a school, Māori had to provide the land and were expected to contribute to the teacher’s salary (Walker, 1990, p. 147).

The reality, as noted by Walker (1990), is that the costs of such contribution was beyond Māori given the cost of the New Zealand Wars. Although the course of assimilation was slow, with poor English being the reason, this Act represents the first social reframing of Māori knowledge and language into western pedagogy and systems. From the use of English language to the skills of reading and writing, the foundations of Māori knowledge systems were challenged. Systems of whakapapa, te reo and mana were not recognised in the native schools, despite generations of knowledge being passed on through te reo Māori and transferred in oral forms such as oratory, karakia and mōteatea. In fact, the Native Schools Act 1867 introduced English education, knowledge systems and values that directly challenged traditional views of learning and processes of kawa and tikanga.

The role of the rangatira became diminished within Māori communities. While the Native Schools Act 1867 failed to recognise rangatiratanga of rangatira in hapū, there was also change within the hapū itself. Individual Māori, now recognised as part of civil society within the broader population, desired modernity and equality. The Government exercised governorship over all the peoples which directly disempowered traditional rangatira who had upheld and protected the knowledge of hapū in protecting their individual and collective mana. The native school system would last until 1969, a century after its introduction (Orange, 2004).

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125 Prayers, incantations
126 lament, traditional chant, sung poetry
127 Kawa is frequently used to refer to rituals or protocols related to, but not limited to, the formal welcome of visitors on the marae
128 Tikanga is customary practice in all Māori contexts, not only those applied on or at the marae. Tikanga is the appropriate behaviour relevant to kawa associated with the ritual.
A further Act of Parliament to further undermine rangatiratanga was the Māori Representation Act 1867 which provided four Māori electorates for Māori to vote for a representative in Parliament – Northern, Eastern, Western and Southern Māori. The Act was presented so as to ensure that “Māori interest was [not] … forgotten” (Walker, 1990, p. 144). However, the Māori electorates were not structurally aligned to the concepts of rangatiratanga, nor were the “underpinnings … consistent with … Māori self-determination” (Iorns-Magallanes, 2002, p. 106). The Māori electorates did not match hapū or iwi boundaries, therefore elected representatives were representing peoples with whom they had no whakapapa or connection. Furthermore, the representatives were elected, which had no correlation with the pūtake underpinning rangatiratanga as outlined in Chapter 1. The electoral districts and election process was specified in sections five and six of the 1867 Act.129

As Wilson writes, “these seats were introduced, not in recognition of the Crown’s obligations under the Treaty of Waitangi, but as a device to provide some parity”, recognising that there were three seats for the North introduced and only one in the South Island (Wilson, 1995, p. 9). Wilson’s analysis around parity misses the key issue that the elected leaders undermined traditional rangatiratanga. Despite the level of representation, this was the first political recognition of Māori as it related to Article 1 of the Treaty of Waitangi. The reality is that this representation is tied to a western system of democratically appointed leadership. Not all Māori saw the Māori seats as a sufficient or appropriate acknowledgement of rangatiratanga.

129 “5. The names of such electoral districts and the numbers of the members to be returned, by each such district respectively shall be as follows--
The Northern Maori Electoral District-One member.
The Eastern Maori Electoral District-One member.
The Western Maori Electoral District-One member.
The Southern Maori Electoral District-One member.
6. Such members shall be chosen respectively from amongst and by the votes of the Maoris inhabiting each of the said districts who shall not at any time theretofore have been attainted or convicted of any treason felony or infamous offence and shall be otherwise qualified as hereinafter provided.” (House of Representatives Act 1867, 1867, p. 491)
Wilson, 1995). Ward also argues that the seats took the energy from the kīngtanga (Ward, 1999), to be discussed in Chapter 4.

The effectiveness of Māori MP’s in parliament was very limited. “The Māori voice was often ineffectual on matters of vital importance to them” (Sorrenson, 1986, p. B25). Further in the issues associated with whenua, Māori members of Parliament were “ridiculed” and “the Māori members were … [a] token representation that enabled the Pākehā members to salve their consciences while relieving the Māori of much of their land and autonomy” (Sorrenson, 1986, p. B26). For Māori, the representation offered no recognition or process for rangatiratanga as guaranteed in Te Tiriti.

3.3.4. Public Works Act 1876

The 1876 Public Works Act enabled the Crown to take land for the purposes of development, regionally or nationally. It was premised on “land ownership, and the development of towns and transport systems in the United Kingdom in the nineteenth century” (Davies, 2000, p. 4). The Act enabled land confiscation or transfer for the purposes of highways, roading, railways, water drainage and clearing of rivers. According to Davies, the idea underpinning the Act, which was influential in colonial attitudes to development, lay in the classification and utilisation of so called waste lands. The Act empowered the Crown, and more so local authorities, to take Māori customary land through “a series of legislative provisions that gradually extended”, identifying and annexing it for the purpose of national or regional development (Orange, 2004, p. 178). The arena of public works and confiscation was not new, however “…prior to the passing of the 1876 Act, legislation in the public works area was a comparatively piecemeal matter” (Ward, 1999, p. 235).

The Act could be applied to all lands, whether still under the customary or traditional ownership or lands granted title by the Crown (Orange, 2004). Despite this, the legislation tended to discriminate against Māori and was applied to Māori land. The Act was amended

130 The Public Works Act 1876 replaced the original Public Works Act which was introduced in 1864. The 1876 Act has been amended, repealed and replaced several times, with the current version being the Public Works Act 1981.
on many occasions and gave “ever increasing powers to the Crown and authorities” (Ward, 1999, p. 235). The Act overtly failed to recognise the rights of rangatiratanga, as guaranteed in Article 2 of Te Tiriti. Rangatira could not protect their land from the Act. From 1865 to 1928 five percent of Crown-granted land could be taken without any compensation. The takings had a clear intent, in that it targetted Māori with a distinct purpose of gaining important land for development from Māori. This directly opposed the rights of rangatiratanga and the mana of rangatira by removing their authority over the lands. As Marr explains:

In reality, it seems apparent that Maori were not generally treated the same as other inhabitants of a province. Settler interests invariably took precedence over Maori rights. In terms of roading, it became a very common complaint, for example, that where local authorities had a choice, they tended to take Maori land before European-owned land. Even where a required road ran along the boundary between Maori and European-owned land, it was often only taken from Maori land. In 1888 this issue was raised in the House and freely acknowledged by the Minister of Works. The Member for Western Maori complained about this practice and asked that the Government would give some instruction to local bodies so that the making of roads was carried out more fairly to the natives. ‘The roads were for the benefit of both races and should not be taken entirely at the expense of the Natives’. The Minister of Public Works was in complete agreement. (Marr, 1997, p. 75)

The Act was also described as establishing “a new pattern” which was “harsh and vindictive” for Māori (Marr, 1997, p. 105) with some 12,500 acres of land taken for public works between 1883 and 1912.

The authority of rangatira was undermined further by these land takings. The dislocation of Māori and hapū from lands and rangatiratanga directly influenced the traditional way of life in Māori societies. Rangatira responsibilities regarding kaitiakitanga and mana were compromised in the seizing of land under the Public Works Act (Ward, 1999, p. 141). However, land was also a foundation of identity and whakapapa, and the removal of land from traditional use clearly undermined Māori rangatira physically, spiritually and culturally. Immediately concepts of utu, balance and reciprocity, were no possible, because access to traditional whenua was no longer available to rangatira, their hapū and whānau as discussed (in Chapters 5 and 6).
3.3.5. Māori Political Autonomy

Māori did not simply accept these challenges to their rangatiratanga. I describe below some selected examples of the response of Māori to the views challenging their rangatiratanga and rights guaranteed in Te Tiriti are described below. The hereditary rights of traditional rangatiratanga in the 1840s and 1850s did not change. Broadly speaking, repeated efforts were made by rangatira to politically challenge the western system that they saw being established (Wilson, 1995). From the late 1850s, these efforts included the establishment of the Kīngitanga in 1858, the Kotahitanga in the late nineteenth century and Paremata, or Māori parliament around the same period, all of which I discuss below.

Kīngitanga

As previously noted, Te Wherowhero was pronounced Māori King in April 1858 at Ngaruawahia. His formal appointment was seen as a stand for Māori independence (Orange, 2004, p. 136). Supporters said, for example “Stand tho, o King Potatau I, Te Wherowhero, as a mana for man; for the land; to stop the flow of blood, to hold the peace between one man and other, between one chief and another chief. The King and the Queen to be joined in concord” (P. T. H. Jones, 1959). The concepts of mana and rangatiratanga were paramount to the cohort of hapū and iwi who appointed the leader.

The movement was a direct response to British authority and was empowered on a series of traditional concepts, which Article 2 of Te Tiriti guaranteed. Orange notes that King movement leaders “desired to work with the settler government in a kind of “conjoint administration” (Orange, 2004, p. 137). However, the Kīngitanga “failed to secure independent Maori government” and as a response, the Māori King “set up his own council, or Kauhanganui, in the early 1890s.” (Orange, 1987, p. 204). The Kingitanga “aimed at a Kingdom of Aotearoa governing its subjects through a Great Council or Kauhanganui” (Ballara, 1998, p. 218). The Kauhanganui continued to discuss “Maori autonomy (mana

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131 Tribal council, parliament
motuhake), Treaty rights and government failure to fulfil them were aired” (Orange, 1987, p. 212).

The Kīngitanga was not, however, inclusive of all hapū or all iwi. For example, Ngāi Tahu in Te Waipounamu, the South Island, did not join the movement. Pita Te Hori provided a perspective on the Kīngitanga:

Kua rohea atu tēnā motu mō tō koutou Kīngi. He Kīngi anō o tēnei motu, ko Tūāhuriri, ahakoa kua mate ia, kei te mau anō tōna mana, i runga i a mātou, ā, ē mōhio nei anō ōna uri …

[That island (making reference to the north island) has been divided by your King. There is another King of this island (the south island), he is Tūāhuriri. Although he is dead his authority remains with us his descendants] (Tau, 2016, p. 110).

In this text, Te Hori refers to the Land Wars of the North Island and the fact that Ngāi Tahu had not aligned itself to the Kīngitanga. This also clearly outlines rangatiratanga, for Te Hori remained at Tūāhuriri within the landscape and island of his people and ancestors. While the Kingitanga was a political collectivisation of hapū and rangatira, it also recognised the independent rangatiratanga of its alliance members. Rangatiratanga was still active, as noted by Te Hori, despite the failure of the Crown to recognise this authority.

**Kotahitanga**

Kotahitanga was a political response to the Land Wars and British sovereignty in the late nineteenth century. It recognised the autonomy of hapū, and was not a movement across Aotearoa, but rather a movement of connected hapū, collaborating on the issue of their rangatiratanga failing to be recognised. Kotahitanga, along with the previously mentioned Kauhanganui of the Māori King, were “clear manifestations of rangatiratanga” (Brookfield, 2006, p. 151). Tribal gatherings were held as early as March 1876 at Waiohiki and June of the same year at Pākōwhai on the East Coast (Brookfield, 2006) under the guise of kotahitanga or unity. The question of Māori representation in government was also discussed; in particular, the meeting discussed the Māori Representation Act 1867 and Māori concerns that the number of Māori MPs, which was fixed at four, should be decided in accordance with the Māori population. This development was a response “to Pākehā...”

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132 Pita Te Hori was Upoko, Head or rangatira, of Ngāi Tūāhuriri, a hapū in Noirth Canterbury, South Island of New Zealand.
133 unity, togetherness, solidarity, collective action
dominance in the post-war period” (Walker, 1990, pp. 152-153). Many hapū gathered at these hui with shared concerns about western dominance and the various impositions on traditional Māori ways of life. Even so, Henare Matua, chairman of one meeting, urged “the meeting to adhere to Christian worship and obedience to the Queen” (Walker, 1990, p. 152). Even in a time when rangatiratanga was still strong, rangatira themselves were in some ways obedient to the foreign sovereign monarchy or church. But, the Kotahitanga the Kotahitanga approach, which was inter-iwi and pan-Māori, did not have dominance over the rangatira and hapū approach. Rather, they were complementary paradigms of Māori power and influence.

Meetings were held in the far north, culminating in the first “large conference”, in Ōrākei in March 1879 (Orange, 2004, p. 181). This lasted some nine days and was attended by approximately 300 chiefs. These proceedings were well recorded. This representation clearly demonstrates the continuing role of rangatira in defined roles of leadership from within their communities. This continuance was despite western systems and beliefs becoming more influential in Māori communities (Orange, 1989; Walker, 1990).

Māori representation in Parliament was deemed to need a Māori election process to achieve a mandate. This meant democratically elected leadership based on the individual rights of those who were entitled to vote, which was defined by the Land Court owners. This represented a vast departure from traditional roles of rangatira and their rights to exercise rangatiratanga. Meanwhile, rangatira noted disillusionment “with the trends of government policy” and that their mana had been assumed by the Queen (Orange, 1987, p. 181). The focus of attention fell more towards the role of the Native Land Court than the Treaty of Waitangi itself, in fact recognising that some chiefs “while willing to accept the Queen’s authority” maintained the important understanding and concept of their individual mana. (Orange, 2004, p. 142). Despite the self-analysis and truth of their own actions in collectivising in movements such as the Kīngitanga, rangatira attending Kotahitanga did so with the traditional roles of representing their authority as autonomous hapū, concerned by shared issues, but acting with total independent authority.

**Pāremata**

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134 Parliament
One outcome of the Kīngitanga regional hui, regarding Kotahitanga, was the Pāremata Māori (Māori Parliament), established at Te Tiriti o Waitangi Marae, Pewhairangi by 96 chiefs, on 14 April 1892. The “establishment of … [the] parliament … [was] a result of the continued erosion of Māori ability to secure a measure of tribal autonomy and a further response to the alienation of land” (Cox, 1993, p. 61). As noted previously, the Māori Representation Act 1867 provided Māori representation in the House of Representatives. Its effect for Māori influence was at best marginal and did not represent rangatiratanga because the seats were filled by elected Māori representatives who were not rangatira of traditional hapū. The aim of the Pāremata “was … to work through the details of structural organization and the election of representatives…” as a forum. A British system of election was also replicated, Orange noted, that “adopted … European procedures… and the parliament … had two houses – an upper house of fifty chiefs and a lower house of ninety-six younger men…” (Orange, 2004, p. 209). The Pāremata was seen as a supplement to the European-dominated parliament, rather than being an organisation to supplant that forum.

The establishment of the Pāremata reflects the efforts of rangatira to maintain the rights guaranteed by Article 2 of the Treaty of Waitangi. The rearrangement of traditional systems of authority exercised prior to the arrival of non-Māori in development of the Pāremata, was a means to assert the authority of rangatira through rangatiratanga. In reality, however, by the end of the nineteenth century the traditional nature of ahi kaa and kaitiakitanga, as traditionally exercised on tribal lands was tenuous, Māori health was severely affected by introduced diseases and the rangatiratanga Māori exercised on their whenua was precarious (Sorrenson, 1986). This was despite a clear continuation of rangatiratanga in the immediate post-Treaty period, albeit with constant adjustment in response to new technology, knowledge and thinking:

In reality, of course, they [Māori land and communities] were simply areas to which the Crown’s revolution, begun in 1840, had not extended; and where, even after active resistance ceased, Māori self-government, claimed under pre-revolutionary legal orders and article 2 of the Treaty of Waitangi, persisted until the areas finally ceased to exist about the end of the century. (Brookfield, 2006, p. 115).

However, the British Parliament never recognised the Pāremata. While at the “inaugural assembly [it] was impressive” through “its attendance and its adherence to ritual, both spiritual and temporal”, it lost momentum with the Crown failing to recognise its status, rather than accepting “its own mandate as adequate and concentrated upon concrete issues rather than the abstractions of the Pākehā law” (Cox, 1993, pp. 68-70).
3.4 1890 to 1970: Continued marginalisation of rangatiratanga

Māori efforts to exercise rangatiratanga also continued in the period from 1890 to the 1970s. This period highlights the significant process of assimilation that undermined these efforts. These will include the Crown’s recasting of Māori into new systems of government such as Trust Boards and the introduction of democratic, elected leadership and representation. Despite the impact of these changes, Māori rangatira continued to attempt to exercise rangatiratanga with hapū, in the context of the Crown’s failure to guarantee and protect these rights.

3.4.1 Tohunga Suppression Act 1907

The Tohunga Suppression Act (1907) was one of the most direct acts to disestablish a Māori realm of leadership. As noted in Chapter 1, tohunga were rangatira and leaders in many aspects of whānau and hapū life. Walker describes the many activities which tohunga led:

from waka\textsuperscript{135} and whare\textsuperscript{136} construction to spiritual leadership in those activities which were tapu and required karakia, or ritual incantations, so as to “[address] the celestial realm of the gods” (Walker, 1990, p. 11).

In traditional society, tohunga had a clear role of supporting the social fabric and control of Māori society. This Act was to “supress tohungas [sic]” from exercising their rangatiratanga (Tohunga Suppression Act, 1907). The introduction of this Act was a clear infringement of rangatiratanga within hapū. As noted in Chapter 1, the interconnectedness of mana and rangatira partnered tohunga in the role they played in connecting the spiritual and physical realms of engaging with the environment. The Act was in part, ironically, as a result of the pressure applied by Dr Maui Pomare, a Māori member of Parliament. Pomare was seen as “going too far with his Pākehā education” (Mathiesen, 2006, p. 98) in his call to government

\textsuperscript{135} canoe
\textsuperscript{136} house, meeting house
for the improvement of health outcomes for Māori through the eradication of tohunga practice – the “demoralising practice of witchcraft” (Walker, 1990, p. 181). This Act drove traditional practices “underground”. Given tohunga were “trained in their own whare wānanga (school of learning)” (Walker, 1990, p. 67), intergenerational knowledge and practices were interrupted and in some cases lost altogether.

While many of the Acts and actions of the Crown affected and diminished the authority of rangatira, this Act was the most demonstrable in clearly targeting rangatira and what remaining mana and sovereignty they had among whānau and hapū. Rangatiratanga was clearly undermined by this legislation. The role of tohunga became covert. It was no longer practiced publically, which remains to a greater extent current to this day.

3.4.2 Māori and World War One and World War Two

The Māori war effort was related to the engagement of Māori in World War One and World War Two. The decisions associated with this effort were to challenge Māori, to challenge the decisions of rangatira and highlight the impacts discussed previously in this chapter from the period 1865 to 1915 in the role rangatira had in exercising rangatiratanga.

The decision of New Zealand to enter World War One was to draw a mixed response from rangatira. Māori had participated in military action beyond the New Zealand territorial boundaries prior to World War One through involvement with wars in the Sudan (1884), South Africa (1896) and Samoa (1899) (King, 1996). However, Māori were “exempt from conscription” (Walker, 1990, p. 181) as following the New Zealand Wars, Māori were not recognised as having the same status as non-Māori. Imperial policy opposed Māori fighting alongside Europeans, with fear that Māori may turn on their colonial masters’, given the New Zealand Wars not so long before in Taranaki and Waikato.

At the time or World War One, the Māori politician Te Rangihiroa (Sir Peter Buck) withdrew from politics and was one of the first to volunteer. Apirana Ngata established Te Hokowhitu a Tū and he “advocated a Māori military unit modelled on the Māori Pioneer Battalion”, which was realised in 1914 (Cox, 1993, p. 98). Of the 2,227 Māori who served in the war more than 15 percent died (336) and 774 were casualties (Sorrenson, 1986). Meanwhile post-
raupatu 137 iwi such as Waikato “refused to volunteer” (Walker, 1990, p. 181). For Te Puea 138 and Waikato Tainui, the New Zealand Wars had not long ended and the events had devastating ramifications for her people. In fact the Waikato ariki, Te Puea, “opposed military service and established an anti-conscription movement in her takiwā” (Walker, 1990, p. 181). The reality of the tension was best seen in the actions of Maui Pomare, Chair of the Māori Recruiting Board, who ultimately ended up being in direct conflict with whānau and hapū, some of whom who may have voted him into Parliament.

These alternative perspectives on whether to go to war or not highlight the impacts of colonisation of rangatiratanga. On the one hand, rangatira like Te Puea maintained rangatiratanga in the Waikato. It is clear that rangatira retained an active role in the discussions and decisions of this time. But rangatiratanga was now mixed with alternative Māori perspectives of the time. Those who recruited volunteers saw World War One as an opportunity to contribute to Article 3 of the Treaty of Waitangi where citizenship was a responsibility for Māori and non-Māori alike. In participating in the New Zealand contingent it was hoped that the previous assimilation and colonisation would be questioned or perhaps no longer applied because Māori were to offer service and sacrifice for the nation. While there was some difference of opinion about supporting World War One, World War Two was a different matter.

The mobilisation of tribal collectives to raise funds and resources during World War Two was led by the War Effort organisation, in particular, Lieutenant Colonel Hemphill (Ministerial Advisory Committee, 1986). This was partnered by the efforts of the Department of Māori Affairs. World War Two not only affected the men who went to war, it also affected the Māori rangatahi and wāhine 139 who, through the New Zealand Manpower Act 1944, were empowered to contribute to the war effort. Rangatahi were recruited into key industries, and wāhine were encouraged to move to cities to work in factories, or to work as farmhands in rural communities (Walker, 1990, p. 197). The period between the world wars had seen increasing poverty in New Zealand’s rural communities, the traditional location of whānau

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137 seize land through conquest, confiscate land
138 Te Puea Hērangi was the daughter of the first Māori King, Potatau Te Wherowhero and “combined a high tribal position within the Kingitanga with a talent for organisation, common sense and driving power” Famous as a Waikato Tainui rangatira as saying ‘Me ka moemoeā ahau ko au anake. Me ka moemoeā e tātou ka tara e tātou’: If I dream, I dream alone. If we all dream together then we shall achieve (Katene, 2013, pp. 77-78).
139 Woman, female
and hapū. The majority of Māori continued to just manage a precarious subsistence from land, with more reliance on work from non-Māori. Ramifications following World War Two was the loss of significant number of young Māori men and the social ramifications of such a loss along with the dramatic movement of Māori from rural to urban communities. The urban Māori population grew from 11.2 percent in 1936 to 22.8 percent by 1951 (Sorrenson, 1986, p. B65).

A significant outcome from the participation of Māori in World War Two was the role of the Māori Battalion. As Cox noted, companies were formed (‘A’, ‘B’, ‘C’ and ‘D’) and the four groupings were aligned with tribal clusters (Cox, 1993, p. 100). Although not inherently hapū based, there were interconnectedness of hapū, within iwi descent lines. The efforts and successes of the Māori Battalion were “uplifting [of the] Māori mana” (Walker, 1990, p. 195) and ultimately the sense of citizenship and recognition of Māori by non-Māori. Apirana Ngata, among others, was instrumental in its formation (Cox, 1993) from the Māori Pioneer Battalion of World War One. The prestige, or mana, of the Battalion was paralleled in the mana of the rangatira, as discussed in Chapter 1. Whatever influence rangatira exercised in the contested decision of whether to go to war or not, the war had an impact on rangatira (Soutar, 2016). Some 3600 men served voluntarily with the Maori Battalion; 649 were killed or died on active service; a total of 1712 were wounded; and 267 were taken prisoner or reported as missing. The rate of casualties was almost 50% higher than the average for the New Zealand infantry battalions (Ministry for Culture and Heritage, 2016a).

3.4.3. Māori Social and Economic Advancement Act 1945

The Māori Council was established under the Māori Social and Economic Advancement Act 1945. It gave “statutory recognition” for the establishment of “tribal committees” (Walker, 1990, p. 203). Its introduction was another intervention by the Crown to assimilate and control Māori by creation of “tribal districts” and “tribal executives” as declared by the Governor General from “time to time” (Māori Social and Economic Advancement Act 1945, 1945, p. 2). The Act was administrated by the Native Minister and Native Department, with accountability and approval for all appointments, activities and expenses by way of consent by the Minister. It sought to establish a new form of Māori leadership developed by
government and it reconstructed how Māori would participate in an organisational and collective way. It did not reflect the traditional role of rangatira or their authority to exercise rangatiratanga, rather it introduced a form of British style of democratically elected leadership.

Other examples from the Act demonstrate the marginalisation of rangatira and the erosion of right to exercise rangatiratanga. These included Tribal committee representatives and Welfare Officers being appointed by the Minister of Native Affairs, with terms of appointment being for two years with the right of reappointment by the Minister of Native Affairs. Further, British systems of process were required for Tribal Committee meetings such as requiring a quorum, voting, proceedings of the meeting and requirements for minute books (Māori Social and Economic Advancement Act 1945, 1945, pp. 3-5)

According to the Act, the tribal committees “may from time to time, define the boundaries of any kainga, village or pa … [and] assign a name by which the village shall be described or known …” (Māori Social and Economic Advancement Act 1945, 1945, p. 10). This had the effect of applying British structures and processes, based on the notions of individualism and democracy, and thereby undermining the collective identity of hapū and the inherited exercising of rangatiratanga by rangatira. The Māori Council Act 1945 in no way reflected the traditional system of mana and rangatiratanga, nor did it reflect the guarantees in the Treaty of Waitangi.

The Act also responded to the dramatic migration of Māori to the city which had significant effects on those entering new urban communities. Effects included Issues with Māori in housing development. Māori “were herded into rental accommodation” in what was described as “depressed central slums” (Sorrenson, 1986, p. B64). Similarly, the attractions of alcohol and problems with the law compromised the traditional way of life and, as noted by Sorrenson, without the “guidance of their leaders” this younger generation saw social problems arise. The Act referred to kaumātua\textsuperscript{140} and was presented as the Crown’s promotion of the social, spiritual, cultural, educational and economic advancement of Māori. It allowed for committees to establish Māori wardens who had a community focus to “ensure the promotion of harmony between Māori and Pākehā” (Walker, 1990, p. 203). This tribal

\textsuperscript{140} adult, elder, elderly man, elderly woman, old man - a person of status within the whānau
committee framework was the foundation of the 1945 Act. As Cox notes, the Act was a western political overlay.

The result of this determination was the establishment of the multi-tiered structure of Māori committees (originally called tribal committees), district councils, and the National Māori Council (Dominion Council). (Cox, 1993, p. 104)

The Act also defined elections and “clearly delineated ... boundaries”, along with a ballot system to elect up to seven (more latterly, eleven) representatives for the Council (Cox, 1993, p. 104). This form of leadership was introduced from western models of political representation and was in every sense contradictory to traditional systems of rangatira and their authority of rangatiratanga within hapū. It equally did not have any basis in the pūtake of rangatiratanga as discussed in Chapter 1 of this thesis: whakapapa, mana, tikanga and kawa, utu and so forth.

As Metge notes, there was inherent tension in this introduced system of “Māori leadership with ... many rangatira and kaumātua opposed ... as a threat to [others’] ... authority...” and rejecting the usurping of their mana. In doing so, this resulted in such rangatira “… refusing to …vote” (Metge, 1976, p.208). The reasoning for such challenge is clear, the Act totally rejected traditional systems of rangatiratanga and, in essence, removed the authority of rangatira from their basis in mana and whakapapa. The Act totally rescinded any mana whenua status or rights as the traditional means of determining rangatira. The new forms of Māori leadership would provide an alternative voice to rangatira and ultimately a means of government control over Māori relationships and interactions which had no correlation with the ultimate guarantees of Article 2 of Te Tiriti.

As Cox notes, “this [was a] conflict between kāwanatanga¹⁴¹ and tino rangatiratanga” and, for the Crown, it opened up a vehicle for a united Māori voice. In fact, in resisting state control, traditional hapū and alliances were collectivised into “tribal and supra-tribal rūnanga” so as to replicate the developing leadership of the Crown (Cox, 1993, p. 63). Cox goes on to note that in rural communities those “elected leaders” were representative of the rangatiratanga of their iwi, while in the cities given the right of all Māori adults to stand and

¹⁴¹ governorship, government, complete government
vote, tangata whenua\textsuperscript{142} and rangatiratanga were over-ridden by “majoritarianism, reinforced by arbitrary geographical considerations” (Cox, 1993, p. 105).

3.4.4. The Māori Affairs Act 1953

The 1953 Māori Affairs Act\textsuperscript{143} (amended in 1967) had a direct effect on Māori land access through the establishment of the Māori Trustee which empowered the recategorisation of Māori land. For example, the Trustee could take land with less than four owners through the mechanism of the compulsory purchase of uneconomic units (Walker, 1990, p. 206). Similarly, the 1953 Māori Trustee Act, the 1953 Town and Country Planning Act and the Counties Amendment Act all impacted on hapū and Māori communities, and were "considered to have contravened the Treaty" (Orange, 1987, p. 225).

Walker notes that “this meant for the state [that they] served the interests of the settlers … at the expense of Māori people, who were treated as if incompetent state wards” (Walker, 1990, pp. 138-139). Walker goes on to note that the Māori Trustee was an exploitive regime from the colonial period and again highlights the removal of the rights of rangatira and hapū to maintain rangatiratanga over lands traditionally governed under such authority. It also contradicts the promises of guarantees of such rights in Article 2 of Te Tiriti.

3.4.5. The Effects of the Hunn Report 1965 on Rangatiratanga

The 1961 Report on Department of Māori Affairs by Sir Jack Kent Hunn (Hunn Report) (Hunn, 1961) was a significant driver for Māori relocation. Hunn was the Deputy Chairman of

\textsuperscript{142} ‘people of the land’, indigenous people, local people

\textsuperscript{143} The Maori Affairs Act 1953 forced unproductive Māori land into use. Any piece of good land that was not being used could apply to have it vested in trustees through the Maori Land Court. This act, remained the governing legislation for Māori land for 40 years. The consequence has been described as “the state arrogating to itself power over Māori reserve lands … [and] Māori people had no say in their control and administration” (Walker, 1990, p. 138).
the Public Service Commission and Acting Secretary to the Department of Māori Affairs (Biggs, 1961). In early 1960, he was tasked “with investigating the state of Maoridom [sic] …[through] a comprehensive ‘stocktaking’ of Māori policies, management and assets, both human and material, … designed to provide a factual basis for more coherent and coordinated forward planning” (Hill, 2009, p. 89). The report, and subsequent processes, were driven by the Crown’s continuing desire for “one people” through assimilation policy (Orange, 1987, p. 226). Hunn observed that “it was more than likely that intermarriage would create one people – and that people would be all Pākehā … noting some would be more brown than others” (Orange, 1987, p. 226). Hunn spoke fervently on racial policy and believed that the natural consequence of evolution was the integration of Māori and Pākehā (Sorrenson, 1986, p. B49). This would have a significant impact on the traditional system of Māori societal frameworks and leadership.

The Hunn Report was in favour of giving Pākehā leadership priority and further undermining traditional rangatiratanga as exercised by rangatira. Walker notes that in 1951 there was a Māori population of 115,740, with only 19 percent of that population being “urban”, but by the next census the urban Māori population was 24 percent (Walker, 1990, p. 197). He noted that traditional communities – “tribal hinterlands” – were seeing 1 percent, or 1600 people, leaving these communities per annum in the urban drift. Metge (1964) highlights that over a five-year period, the Department of Māori Affairs relocated some 199 families through the provision of employment and accommodation from rural communities to the cities, while the department also assisted a further 485 families who moved on their own accord. Despite Hunn’s aspiration to mainstream Māori through assimilation, the vast majority of Māori opposed such aims. While they were becoming dislocated from their traditional communities, their “cultural continuity” prevailed (Walker, 1990, p. 199). However, the fragmentation of whānau and hapū through such urbanisation further dislocated whānau from their whenua, and further undermined the role of rangatira and rangatiratanga. As noted by Walker, the Hunn Report, confronted whānau in their move to urban centres, as the Hunn Report created the “universal culture of capitalism in what integrate[d] Māori into the social mainstream of Pākehā society” (Walker, 1990, p. 198). The impact was direct for rangatira and for those who had maintained rangatiratanga in the lives of whānau and their communities.
3.5 Conclusion

The Crown’s actions from the 1850s to the 1970s in New Zealand had a severe impact on rangatira and their rangatiratanga. Colonisation and assimilation failed to recognise the rangatiratanga of rangatira and hapū. The rights of Article 2 of Te Tiriti were dismissed and marginalised by the Crown in the establishment of the Acts discussed in this chapter. However, while the Crown ignored this rangatiratanga, rangatira struggled to hold their authority in their own space, such as the marae, within whānau and hapū. But the assertion of Crown sovereignty had a direct impact on that authority. The traditional way of life, in particular, the authority of rangatira had been undermined, eroded, and marginalised. It is worth repeating the words of Te Kemara and Tareha as they expressed anxiety at the time the Treaty of Waitangi was signed. They could clearly see the potential erosion of rangatira and their rangatiratanga:

We, we only are the chiefs - the rulers. We will not be ruled over. What, thou, a foreigner, up, and I down. Thou high, and I, Tareha …low? No, no, never…If all were to be alike, all equal in rank with thee… (Buick, 1936, pp. 137-138)

The rangatira Te Kemara and Tareha both realise the implications of signing Te Tiriti and expressed their concern for this governor authority, but they could not have foreseen the nature of this impact or the extent to which the colonial imperium would reach. The legislation the government passed – the Native Land Act (1865), Native Schools Act 1867, Māori Representation Act 1867, Public Works Act 1876, Tohunga Suppression Act (1907), Māori Social and Economic Advancement Act 1945 and the Māori affairs Act 1953. and so forth – clearly targetted the dismantling of the authority of the rangatira. This is despite the recognition and guarantees of rangatira in 1835 and 1840. As Head notes “… prior to 1840, the independence of Māori society was assumed by the British, but not its political sovereignty” (Head, 2006, p. 55).

Rangatira and hapū made many attempts to assert their authority and establish parallel western systems, such as the collective movements of the Kīngitanga and Kotahitanga, as ways to challenge the Crown’s failure to recognise their rangatiratanga. These movements represented the ongoing pursuit of ensuring the protection of these rights as guaranteed in He Whakaputanga and Te Tiriti. Despite these attempts, the New Zealand Wars, targeted processes of land confiscation and introduced regimes of social reform saw the
marginalisation of rangatira authority within hapū. For over half of the twentieth century, assimilation policies of the state continued to deny these rights.

The Māori aspiration for the recognition of rangatiratanga of rangatira remained at the heart of Māori challenge. This aspiration would start to be realised in the next phase of New Zealand history, one of revolution, founded on the recognition of rights being sought across the world. This process is addressed in the next chapter.
Chapter 4
The Treaty Settlement Process and Rangatiratanga
4.1 Introduction

In this chapter I discuss the Crown’s eventual response to the Māori grievances relating to breaches of the Treaty during the processes of colonisation and assimilation as discussed in the previous chapter. Following the signing of Te Tiriti o Waitangi in 1840, the Crown’s actions were in direct conflict with the explicit guarantees of tino rangatiratanga provided for in Article 2 of the Treaty of Waitangi, as discussed in Chapter 2. These rights were articulated in both the English and Māori versions of Te Tiriti o Waitangi. The English text clearly recognises ‘chiefs’ as the leaders of ‘tribes’, and guarantees continued “full exclusive and undisturbed possession of their Lands and Estates Forests Fisheries and other properties” (The Treaty of Waitangi, 1840). The Māori text articulates ‘rangatiratanga’ as the translation for possession, and guarantees the continued exercising of rangatiratanga within ‘ngā hapū’, or traditional societal groupings or collectives. However, following the signing of the Treaty, the Crown started to marginalise rangatiratanga, not recognise it and even outlaw such authority.

Here I will discuss and explain the Crown’s settlement process through the introduction of the Treaty of Waitangi Act 1975 and its amendment in 1985. I also provide an analysis of the components of the settlement framework. There are significant matters within the process and settlement regime which relate to contemporary iwi leadership. I also briefly discuss the elements of such settlements, from the Crown apology to the components of cultural and financial redress. Such matters as mandate and what is not settled within this process are also discussed. These matters are important in the question of rangatiratanga for post-settlement hapū and iwi. It is also important to explain this process in preparation for the case studies in Chapters 5 and 6. The key question to consider in relation to the components of redress is this: if settlements are the mechanism for addressing grievances relating to the rights guaranteed in Te Tiriti o Waitangi, do settlements re-empower and allow for re-establishment of the rangatiratanga of rangatira?

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144 origin, source, or foundation
145 tribe, sub-tribes, clans
146 tribe
4.2 The Growing Challenge of Māori Grievance

While Māori had challenged the Crown on matters relating to Te Tiriti o Waitangi from the early years after the signing of the document, it was not until the late 1960s that large-scale Māori activism occurred. The Māori Organisation on Human Rights (MOOHR) and Te Hokioi\textsuperscript{147} in Waikato, were two printed sources that looked to challenge the Crown on grievances relating to the Treaty. Their first production was in August 1968 (Walker, 1990, p. 209). These early portents of change aimed to be a “consciousness-raising mechanism” on Māori rights and Crown breaches of the Treaty of Waitangi, from issues such as the pollution of kaimoana\textsuperscript{148} resources in Bluff with the aluminum smelter to the stripping of pāua\textsuperscript{149} beds in the Wairarapa (Walker, 1990, pp. 209-210). MOOHR particularly challenged the Māori-Crown relationship and sign-posted their commitment to overcoming such oppression. However, Māori action went beyond printed material. Movements such as Ngā Tamatoa in the 1970s, and actions such as the 1975 land march and the occupation of Bastion Point from 1977 to 1978 were just some of the Māori responses to Treaty grievances. At this time Māori were confronting government on grievances, some of which dated back to 1840 (Wheen & Hayward, 2012).

Ngā Tamatoa was initially an activist movement based on the “Black Power Leaders such as Rap Brown and Stokely Carmichael of the United States” (Walker, 1990, p. 210), Ngā Tamatoa eventually established offices and developed a focus on the revitalisation of te reo Māori, Māori language. The activist dimension of that collective provided a direct confrontation with the system and structures of government (Walker, 1990). Ngā Tamatoa took to wearing black armbands and started a public awareness campaign to raise public awareness that Māori had lost some 25 million hectares of Māori land through Crown breaches of the Treaty of Waitangi (Walker, 1990).

One issue that spurred Ngā Tamatoa into action was the political threat to the nation’s awareness of the Treaty of Waitangi. The New Zealand Day Act 1973 amended the

\textsuperscript{147} Te Hokioi was a newspaper published by Māori activists aiming to raise concerns of the “Pākehā dominance and Māori subjection”. It was named after the “original Waikato newspaper of Te Tuhi and Kingi Tawhiao” (Walker, 1990, pp. 209-210).
\textsuperscript{148} food from the sea
\textsuperscript{149} large edible abalone
Waitangi Day Act to rename the 6th February as New Zealand Day (Orange, 1987). The Labour government of the time received objections to the proposal to change Waitangi Day to New Zealand Day were accompanied with submissions such as “one year training scheme for native speakers [to become teachers]” (Walker, 1990), and establishing a Māori language day. Actions such as these arose out of Māori reactions against the Crown in their failure to recognise rangatiratanga and marginalise this authority.

The Crown’s response to Māori action was significant. Belgrave notes three different options for the Crown to respond to the pressure of Māori activists at the time: to use its imperium in law changes, to do nothing, or to negotiate with Māori (Belgrave, 2012, p. 43). He goes on to note that the Crown has used all three options at various times since 1975. But prior to 1975, he notes that the culmination of these challenges was a Treaty of Waitangi Bill being introduced into Parliament, which became the Treaty of Waitangi Act in 1975 (Orange, 1987). This represented the realisation of some 40 years’ work of the Rātana members of Parliament in the Labour Party. The Act established the Waitangi Tribunal as a “permanent commission of inquiry into claims [brought forward] by Māori” (Orange, 1987, p. 230).

While this Bill was being prepared, a major Māori land march, led by Whina Cooper was to confront Crown and country. Whina Cooper was a respected elder who had whakapapa to Te Rarawa and Taranaki. Her father was a rangatira from Ngāti Manawa and Te Kaitutae hapū in the North and she had demonstrated strong leadership through her life (King, 1983). Whina played a leading role in church and community, and was recognised as a businesswoman and teacher. She challenged many aspects of Māori politics internal and external to Te Tai Tokerau (King, 1983). Some examples of her strong leadership and change include her frustration with “conventions that discouraged women from speaking on marae” (King, 2013). Her response to ensure women had the right to speak on important matters was to open a community centre, which she called Parish Hall, next to a shop to ensure women had the right to engage. However, those elements of rangatiratanga and traditional perspectives were not compromised. Despite providing a platform for wāhine to speak she equally did “not … usurp the functions of the traditional marae” (King, 2013). Dame Whina Cooper was demonstrating rangatiratanga, the qualities of a rangatira.

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150 genealogy
151 courtyard, open area in front of the meeting house in a village
Whina was also the founding president of the Māori Women’s Welfare League when it was formed in September 1951 (Walker, 1990). Issues faced by Māori around housing, poverty, and racial discrimination were high on her agenda. She led engagement with officials and representatives of the government at this time. In 1953 Whina received an MBE and in 1957, her final year with the League, she received the title Te Whaea o Te Motu - Mother of the nation (King, 2013). Her passion remained for Māori land rights, despite stepping back from public life following an illness in the late 1960s. However, the proposal for the Treaty of Waitangi Bill reinvigorated her frustrations with land alienation and grievances relating to the Treaty. In 1975, she proposed a land march, starting in the far north of New Zealand, that would aim to reach Wellington to coincide with the third reading of the Bill in October 1975. Calls for addressing any land grievances, through submissions to the Crown, were failing to gain any traction in government sectors (Walker, 1990), and the Act was seen as a chance to push this agenda. While challenging the Crown, Cooper equally despaired at the failure of the National Māori Council and Women’s Welfare League to convince the Crown of the need for substantive change. Following a hui\(^{152}\), she established Te Roopū Matakitae\(^{153}\), and on the 14 September 1975, she set out from Te Hāpua under the slogan of ‘not one more acre’ of Māori land. This emphasised that no more Māori land should go into the hands of Pākehā\(^{154}\) (Walker, 1990). The march took some four weeks and traversed major and minor settlements and cities throughout the North Island of New Zealand, galvanising a diverse range of followers. “It is testimony to the charisma and mana\(^{155}\) of Whina Cooper that she held the movement … [together, which] had in its ranks, radicals, activists, trade unionists and the dispossessed” (Walker, 1990, p. 215). The march arrived in Wellington on the 13 October 1975 and presented the petition with approximately 6,000 signatures. It was presented to Prime Minister Bill Rowling. The Treaty of Waitangi Act 1975 was passed into legislation on the 10 October 1975. (Walker, 1990, p. 214).

4.3 Treaty of Waitangi Act 1975

\(^{152}\) gathering, meeting  
\(^{153}\) loosely translated as the collective of prophetic visionaries  
\(^{154}\) New Zealanders of British descent  
\(^{155}\) prestige, authority, power, sovereignty
Given the demands and pressure being advanced by Māori, the 1975 Treaty of Waitangi Act was introduced by the Labour government, under the direct leadership of the Labour–Rātana Member of Parliament Matiu Rata (Orange, 1987). Rata was also a Ratana\textsuperscript{156} church minister, and he followed previous Ratana Māori leaders who had entered the government. The Treaty of Waitangi Act (1975) was the most defining moment for Māori since the House of Representation Act was passed in 1867. The 1975 Act, in essence, aimed to address grievances between the Crown and Māori. It has been described as “ambitious and comprehensive and [would] … change the political and economic shape of New Zealand” (Wheen & Hayward, 2012, p. 13). For Māori, it brought Te Tiriti o Waitangi rights held by rangatira and hapū, and their rangatiratanga, front and centre for the first time in more than 130 years.

Orange describes the introduction of the Act as being “a new phase in the Treaty's history” (Orange, 1987, p. 230). The Act was:

\begin{quote}

to provide for the observance, and confirmation of the principles of the Treaty of Waitangi by establishing a Tribunal to make recommendations on claims relating to the practical application of the Treaty and to determining whether certain matters are inconsistent with the principles of the Treaty. (Treaty of Waitangi Act 1975 (NZ), 1975, p. 2, Title)
\end{quote}

The jurisdiction of the Tribunal was limited to grievances that occurred after the passing of the Act in 1975, eliminating any opportunity for historical claims to be lodged. The Tribunal was set up as a “commission of inquiry” (Waitangi Tribunal, 2009, p. 1) which determined recommendations, relating to the claim, for consideration by the Crown. The Tribunal consisted of the Chief Judge of the Māori Land Court and Governor General appointees, on recommendation of the Ministers of Justice and the Minister of Māori Affairs (who was to be Māori by descent).

However, the Act did not identify rangatira of hapū as the claimants. In fact, Māori were again to be reframed by the Act as any “person of Māori race; and … any descendant of such a person” (New Zealand Government, 1975, p. 2). They were enabled to lay a claim for consideration with the Tribunal, as an individual or on behalf of a group of individuals. The Waitangi Tribunal received claims of Crown breaches against Te Tiriti o Waitangi from any Māori individual or group of Māori, not specifically from rangatira. The Tribunal would hear

\textsuperscript{156}Ratana was a faith movement, named after Ratana the person, endeavouring for “unity through a pan-Māori ideology” (Walker, 1990, p. 183).
the claimant and Crown submissions on the claims lodged. The Tribunal then provided a report to the Crown on their findings on the claim and made recommendations to the Crown to address grievances. These recommendations are not binding on the Crown.

To consider this Act in the context of traditional Māori leadership, it is important to note the very different community that was going to be engaged via the Act, or, more accurately, with the Waitangi Tribunal than the community which had signed the Treaty in 1840. By 1975, urban Māori were a dominant feature on the New Zealand landscape. Through the implementation of the 1961 Hunn report (discussed in Chapter 3) and the drive for opportunities for employment and wellbeing, urbanisation had seen a massive transfer of Māori populations from the rural sector to urban communities and cities (Walker, 1990). The traditional, rural land-based hapū had been severely altered by such factors as confiscation and forced sales of traditional tracts of whenua, and the mass migration to cities. With the transfer of land title came the deconstruction of traditional Māori collective, societal knowledge, and ways of life, none more so than that of the rangatira. The traditional rangatira was now displaced by a mix of these new realities and new contexts of leadership – multifaceted, and dislocated from traditional systems of appointment and responsibility.

MP Matiu Rata himself described this Act and subsequent establishment of the Tribunal as “a milestone of social and political achievement” (New Zealand Parliamentary Debates, 1975, p. 5407). The nature and extent of the adoption of the legislation was little understood by the government at the time.

However, as noted by Orange “the real problems affecting Māori were [actually] rooted in events and legislation before 1975” (Orange, 1987, p. 235). Soon after the passing of the 1975 Act, a further major protest occurred, the occupation of Takaparawha (Bastion Point), in Auckland. This was led initially by representatives of Ngāti Whātua, the mana whenua157 or traditional kaitiaki158 of Ōrākei on the harbour edges of what had become Auckland city. Ngāti Whātua ki Ōrākei are one of the hapū which constitute Te Rūnanga o Ngāti Whātua, a case study in Chapter 6. For that reason, it is important that I provide context for the occupation. Bastion Point history is significant for the hapū of Ōrākei. The occupation is well summarised by Walker. He describes close to a century of actions and the 280-hectre estate as a “microcosm of the Crown’s dealing in tribal land” (Walker, 1990, p. 216). As noted in

157 people who exercise kaitiakitanga and rangatiratanga in a geo-political area
158 guardian, caretaker
Chapter 2, Ngāti Whātua sold significant hectares in 1840, which saw the establishment of Auckland City. Ngāti Whātua reoccupied their lands at Ōrākei at this same time. In 1873, the Native Land Court issued 13 owners as trustees of the lands and a rider to the title of the land which stated “that the land shall be absolutely inalienable” (Walker, 1990, p. 216). However, the ‘inalienability’ was moved in 1882 with the passing of the Ōrākei Native Reserve Act which changed the trustees to owners, with the power to sell their lands. It also set aside papakāinga housing (which was to remain an inalienable reserve). Ultimately the Crown purchased the lands by monopolising the right to purchase the confiscated lands through the Public Works Act for defence purposes. By 1928 only the papakāinga housing area remained and only one year later Ngāti Whātua only held 1.2 hectares (Walker, 1990, p. 217). The greatest of all breaches of Te Tiriti o Waitangi rights was to come in 1951 when residents of the papakāinga were removed from their homes and resettled in another area. Their homes, including a meeting house, were demolished and burned. Walker explains the Crown’s rationale, saying:

The commission effectively prepared the way for the eviction eleven years later, by noting that the papakāinga was only 1.2 metres above the high-water mark. Therefore, in the interests of health and sanitation, ‘the natives could no longer in such a locality live the free life which they prefer’. The commission failed to sheet home responsibility to the city council for the muddy and insanitary state of the papakāinga. In 1912 the sewer line was built along the foreshore of Okahu Bay to the pumping station and outfall. The line was subsequently covered with soil and a road built on top. The road effectively blocked the runoff of stormwater down the gully behind the papakāinga, turning it into a quagmire in winter. The last act in this tale of man's inhumanity to man was played out in 1951 when the people were evicted from the papakāinga and moved into thirty state houses in Kitemoana Street above, and Reihana Street on the flat. The houses on the papakāinga, including the meeting house, were knocked down and burned. (Walker, 1990, p. 217)

This eviction was described as a “sordid tale of colonial oppression over the once proud owners of Tamaki Makaurau” (Walker, 1990, p. 215). In 1977 a proposed subdivision of the Ōrākei Reserve saw the Ōrākei Māori Action Group occupy the lands. The occupation lasted 506 days and was eventually ended by police. They removed people and structures from the land on 25 May 1978 (Walker, 1990). A similar occupation was undertaken in Raglan by Eva Rickard and others in 1978. This whenua was part of the traditional lands taken to be used for defence purposes during World War Two, but after that need was extinguished the Crown eventually leased the land out. In the end it became a golf course (Walker, 1990).

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159 original home, home base, village, communal Māori land
The effect of the Bastion Point occupation was to continue to apply pressure to the Crown to address historical Treaty grievances after the Treaty of Waitangi Act 1975 was passed. With pressure mounting to address the historic grievances, the Crown agreed to amend the Treaty of Waitangi Act in 1985. This expanded the Tribunal’s jurisdiction to “… any act done or omitted at any time on or after 6 February 1840, or proposed to be done or omitted, by or on behalf of the Crown” (New Zealand Government, 1985, pp. 6-7). The 1985 Amendment Act also included two schedules. The importance of the schedules was that the Māori text of Te Tiriti o Waitangi was statutorily recognised (D. V. Williams, 1989). Schedule 1 was made up of both the English version of the text as well as Te Tiriti o Waitangi, the original version of the text in te reo Māori. The second schedule outlined the provisions relating to the Waitangi Tribunal, established as part of the 1975 Act (Treaty of Waitangi Act 1975 (NZ), 1975). Although this amendment opened the door to historic claims, it is important at this point to restate that the signatories of the Treaty of Waitangi were “nga rangatira ki nga hapu …” or “… Chiefs and Tribes of New Zealand” (The Treaty of Waitangi, 1840). Any such historical claims are therefore based on recognising the rights of hapū rangatira who had the authority to initial Te Tiriti o Waitangi in 1840. The settlement process began to evolve in the 1990s.

4.4 The Post 1990 Settlement Process

Although the Waitangi Tribunal was established in 1975 after the passing of the Treaty of Waitangi Act and establishment of a process for claims to be considered, it was not until the 1990s that the settlement process and outcomes began to take shape. The principles underpinning the settlement negotiations were originally agreed in Cabinet in 1992 (Office of Treaty Settlements, 2002), with no cap on the nature or extent of settlement redress. Under the leadership of the National Party leader and Right Honourable Prime Minister, Jim Bolger, and the Minister in Charge of Treaty of Waitangi Negotiations, Honourable Douglas Graham, the Office of Treaty Settlements was established and the process for the Crown and wider settlement framework was developed. A detailed examination of these processes of Treaty of Waitangi settlements is not provided here, however, the frameworks established for
settlements are important to the question of post-settlement rangatiratanga. Therefore, the components of the Treaty settlements are considered here, in brief.

Cowie notes there were three periods of the settlement history for the Crown. The first was “1991 to 1999, when Douglas Graham was the Minister in Charge of Treaty of Waitangi negotiations and the main policy settings were established” (Cowie, 2012, p. 49). The later phases were led by Honourable Margaret Wilson from 2000-2007 and from 2007 “Michael Cullen and Chris Finlayson were noted as expanded financial policy settings in order to reach larger numbers of settlements more quickly” (Cowie, 2012, p. 49). However, it was the Right Honourable Jim Bolger and Honourable Doug Graham period of the 1990s that cast the die for settlements, particularly the commercial and financial redress and governance entity requirements. Stone notes this well:

The formula for financial and commercial redress in recent Treaty settlements was largely set by the first of the modern-day settlements entered into by the Crown in the mid-1990s. From 1993 to 1999, the National-led government concluded settlements with (among others) Waikato-Tainui and Ngāi Tahu. Those settlements included common elements of financial and commercial redress. First, the financial redress under each of those settlements was identical: $170 million. Second, both settlements included commercial redress in the form of the purchasing of, and rights of first refusal over, Crown land. In addition, the Ngāi Tahu settlement included deferred selection rights over Crown land. These fundamental elements of financial and commercial redress have been used in most, if not all, of the Treaty settlements concluded since the Ngāi Tahu settlement. From that perspective, the general formulae for financial and commercial redress, and the standard types of redress, were largely cast in the mid-1990s and have been followed ever since. (Stone, 2012, p. 139)

Vertongen also confirms that “the current Treaty settlement process – in which a large natural grouping of claimants negotiates with the Crown for a comprehensive settlement of their historical claims against the Crown – has evolved from the first settlements with Ngāi Tahu and Waikato-Tainui into a relatively standardised process that now regularly produces settlements” (Vertongen, 2012, p. 65). The large natural grouping is the traditional hapū as discussed in Chapter 1. Therefore, the 1990s was important for determining current Treaty of Waitangi settlements and institutional arrangements required to receive and manage settlements.

161 Deed of Settlement between Her Majesty the Queen in right of New Zealand and Waikato dated 22 May 1995, and the Deed of Settlement between Te Rūnanga o Ngāi Tahu and Her Majesty the Queen in right of New Zealand dated 21 November 1997.
In 1992, National, the government at the time, established principles to frame consistency in the approach of settlements. These principles included good faith, restoration and relationship, just redress, fairness between claims, transparency, and being government-negotiated (Office of Treaty Settlements, 2002, p. 25). Two years later, the government went further in defining its parameters for future settlements and in proposing an iwi-by-iwi basis for negotiation on claims. It also determined that one billion dollars would be the cap on settlements spending over the next several years (Wheen & Hayward, 2012, p. 20). This was to become known as the fiscal envelope. A year later the Office of Treaty Settlements (OTS) was established to lead negotiations on behalf of the Crown. Two major settlements followed quickly, Ngāi Tahu and Tainui.

Ka Tika ā Muri, Ka Tika ā Mua – Guide to Treaty of Waitangi Claims and Negotiations with the Crown identifies three components of a settlement, Crown apology, financial and commercial redress and cultural redress, as shown in figure 5.1 below.

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162 The negotiating process is to be conducted in good faith, based on mutual trust and cooperation toward a common goal
163 The strengthening of the relationship between the Crown and Māori is integral part of the settlement process ...
164 Redress should relate fundamentally to the nature and extent of breaches suffered, with existing settlements being used as benchmarks for future settlements where appropriate
165 There needs to be consistency in the treatment of claimant groups. In particular, ‘like should be treated as like’ so that similar claims receive a similar level of financial and commercial redress. The fairness is essential to ensure future settlements are durable
166 First, it is important that claimant groups have sufficient information to enable them to understand
167 The Treaty settlement process is necessarily one of the negotiation between claimant groups and the government. They are the only two parties who can, by agreement, achieve durable, fair, and final settlements.
As at 31 December 2016, 62 settlements had been completed (Office of Treaty Settlements, 2014). These are further detailed in Appendix 3. The first settlement was Waikato-Tainui in May 1995. This settlement established the framework for modern-day financial and commercial elements of settlement (Stone, 2012). The cash quantum of financial redress totaled $1,466,709,685 ($1.46 billion) in the period from 1995 through to 14 June 2014.
Figure 5.3 provides a visual representation of the Treaty settlements of the North Island and top of the South Island as at December 2014.

Figure 4.2. Office of Treaty Settlements, map of progress December 2016 (Settlements, 2016, p. 5)
A further 19 claimant groups or collectives have agreements in principle and a further 10 deed of settlements have been signed (Settlements, 2016, pp. 6-10).

The Crown acknowledges that Treaty settlements are only a portion of the actual fiscal value of the grievance established (Mikaere, 1997). Despite this, for the claimants there is a hope to re-establish the traditional mana and relationship which was breached in the grievance and which was guaranteed in Article 2 of the Treaty of Waitangi. For the Crown, it “sought to use settlements to achieve the extinguishment of customary [traditional] rights” (Belgrave, 2012, p. 31). Dean Cowie notes that the settlements include “an apology, and financial, cultural and relationship redress. Each addresses a different set of aspirations Māori wish to achieve” (Cowie, 2012, p. 60).

I now discuss these three aspects separately, apology, cultural redress and cultural redress and consider whether the elements, or pūtaki, that defined traditional Māori rangatiratanga are recognised in the component parts of settlements. In doing so I provide examples of the Ngāi Tahu elements of settlement under each component. Where appropriate, these ideas are linked to Ngāi Tahu and Ngāti Whātua, the case studies in Chapters 5 and 6.

4.4.1 Institutional arrangements of settlement

When settlements are made with Māori, new institutions are formed to allow Māori to receive settlement funds. Are these inclusive of rangatira and their right to exercise rangatiratanga? These structures are put in place to manage the settlement and also to manage the expectation of people with whom the settlement has been reached. While the Treaty of Waitangi Act is definitive as to who may lodge a claim, it has been legally challenging to ascertain group identity and representation in claims (Joseph, 2012, p. 151). As I discuss below, the Crown has required that claims and settlements be framed in large natural groupings, not as hapū who sign Te Tiriti. The legal challenges are associated with claimants being required to mandate their legitimacy within non-traditional large natural groupings.

\[168\] Definitive is used here to describe ‘who may lodge’ a claim, it is not definitive in the definition of ‘Māori’.
Furthermore, settlements with the Crown require Māori to use concepts of individualism and to use democratic election processes to define ‘large natural groupings’, their governance and their representation. Such institutional requirements contradict the role of rangatira and their rangatiratanga; they counter the very authority of the rights on which claims should be bought forward.

The Office of Treaty Settlements was originally formed in 1988, known then as the Treaty of Waitangi Policy Unit within the Department of Justice and at this time reported to, and advised, the Minister of Treaty of Waitangi Negotiations. Its functions ensured that the Crown undertook research into historical Treaty grievances and has its position represented at Waitangi Tribunal hearings. They also include advising and assisting claimant groups to ensure well-mandated, large natural groups of claimants are ready to enter negotiations, negotiate with Maori on behalf of the Crown, implement settlements and provide advice on the acquisition, management, transfer and disposal of Crown-owned property for Treaty claim purposes. (New Zealand Government, 2002, p. 3).

As noted in the previous chapter, any Māori person may lay a claim. As a commission of inquiry, the Tribunal hears the claim and then provides a report and recommendations to the Crown for redress of the claim, if upheld. Given the requirement for large natural grouping, as set out in Ka Tika ā Muri, Ka Tika ā Mua (2002), the rangatira who signed the Treaty are forced to put forward the claim in a vastly different grouping than their traditional hapū. Equally while representing the rangatiratanga of hapū, the process itself requires differing leadership as each step in the process is undertaken. For example, in the process of preparing evidence for the claim the leader of the larger collective may not be connected with some of the communities or peoples within the collective. They may not be the leader of one of the whānau or hapū groups. Once such representation is “... conferred by the claimant group [first] and then recognised by the Crown” (Office of Treaty Settlements, 2002, p. 29). Following the hearing, negotiations with the Crown take place and possibly a different representation may be required. Both steps bring the claimants towards an understanding of a final settlement package.

The requirement to form a ‘large natural grouping’ within this process raises a question about whether settlements are really for responding to the grievances or needs of historically independent hapū or iwi. Even before agreeing a settlement, it could be argued that the Crown was yet again restructuring these communities by collecting grievances into such
large [un]natural groupings that are not consistent with the rangatiratanga of autonomous claimant hapū or iwi. As noted previously in this chapter, the institutional arrangements for receiving and managing settlements by claimants started to be constructed and required by the Crown from the early 1990s.

The rights of rangatira, stemming from hapū, to exercise rangatiratanga are clearly not part of the settlement components. The traditional pūtake of rangatiratanga are not in any way reflected in this process. The Crown imposition requiring systems of ‘large natural grouping’ leadership and mandates through democratic appointment usurp and deny the rangatiratanga of rangatira. Under the traditional pūtake, the mana of the hapū through kawa and tikanga, utu and whakapapa were held in the responsibilities of the rangatira. Guardianship of whakapapa and whenua defined the role and responsibility of rangatira, which is a significant variance from western systems of legal requirements of entities, democratic processes and good practice governance.

Mai Chen\textsuperscript{169} notes that “successful governance is critical to ensuring that Treaty settlements are well used by hapū to benefit their people” (Chen, 2012, p. 188). The development of such a post-settlement entity (legal identity and structure) for the claimant group has provided challenges for hapū and iwi:

[For hapū and iwi claimant groups] pre-settlement structures are almost always inadequate for the task or fail to meet the Crown’s requirements [to receive and manage settlements]. Development of a governance entity can be a source of contention for the group, as it grapples with transforming the fluid tikanga governing tribal politics into legal documents and Western concepts of trusteeship. Common challenges include how individuals, hapū and marae\textsuperscript{170} are represented in voting systems. For example, choices range from ‘one member, one vote’ to elect board directors, through to one-member voting for their hapū or marae representative on the board. The Crown generally insists on a democratic form of governance, and on legal entities that at the time of settlement are wholly accountable to the members of the group… . (Cowie, 2012, p. 54)

Warbrick also notes further that requirements for ensuring that assets and cash components received by the claimant groups, are maintained in “robust legal entities” (Warbrick, 2012, p. 94). The Crown’s dictation of required systems and frameworks is an absolute contradiction of the rights articulated in Te Tiriti o Waitangi of self-determination or rangatiratanga. It is

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\textsuperscript{170} courtyard, open area in front of the meeting house in a village
further in breach of the Crown’s acceptance of the United Nations Declaration on the Rights of Indigenous People (2007). The UN Declaration states political authority in leadership is defined through affirming “representatives chosen by themselves in accordance with their own procedures as well as to maintain and develop their own indigenous decision-making institutions” (Article 18) (United Nations General Assembly, 2007, p. 8). For the claimant group, it could be argued from an Article 1 perspective of the Treaty that, in a partnership discussion, the claimant group and Crown could decide together on the most appropriate model of structure for a post-settlement collective.

However, this right of rangatiratanga is again ignored in the very process of settling a historic grievance for the very same thing. These new post-settlement entities and incorporations are a recruitment for settlement, but do they enable rangatiratanga? This will be discussed in Chapters 5 and 6.

4.4.2 Crown apology

The first component of settlement is the apology from the Crown. The Crown apology is one of the components of the historical account lodged by the claimant group, the Crown acknowledgement of that history and the apology by the Crown to the claimant group (Office of Treaty Settlements, 2002, p. 79). The historical account is an agreed statement that provides an accurate summation of the relationship between the claimant and the Crown to ensure that the key facts of the relationship are captured, in particular the breach or breaches of the Treaty of Waitangi and its principles. The apology is the basis for the Crown acknowledgment and acceptance for the breaches. It is noted in the settlement framework that this apology may include:

- the pain and suffering caused by the grievances arising as a result of the Crown’s breaches of the Treaty and its principles
- contributions the claimant group has made to public benefit
- the consequence of the breach, including landlessness and social impacts. (Office of Treaty Settlements, 2002, p. 79)
In recognising the actions of the past, it also provides a basis for looking forward. The apology makes significant steps towards:

- recognising the impact of the Treaty breaches on the claimant group
- restoring the honour of the Crown, and

rebuilding the relationship between the Crown and the claimant group. (Office of Treaty Settlements, 2002, p. 80)

Maureen Hickey references the apology and notes that “... while the Crown’s systematic attempt to resolve historical Treaty grievances is commonly called the ‘settlement’ process, the Crown aims to do more than just ‘settle’ claims in a legal sense ... [and the] ... offering of an apology ... is part of that reconciliation (Hickey, 2012).

The apology recognises the whakapapa and connectedness between hapū or iwi making the claim. However, the apology is made to the collective claimant group and not the rangatira as recognised in Article 2 of the Treaty of Waitangi. In providing an apology, the Crown also acknowledges the connections with the claimant group and the whenua which they define as their tūrangawaewae. While the apology provides reciprocity of past grievances it does not restore utu in the traditional sense of attaining at a state of ea (Mead, 2003). While the apology recognises the breaches of the Treaty of Waitangi, it does not recognise or re-establish either rangatiratanga or the role of rangatira.

In the Ngāi Tahu settlement an apology was provided by the Crown to the iwi. The apology was made in te reo Māori and English. Although the quote is lengthy, it is important to reproduce in its entirety, so the reader can comprehend the nature of a Crown apology while establishing and preparing the reader for the Ngāi Tahu case study in Chapter 5. The English text of the apology reads:

The Crown recognises the protracted labours of the Ngāi Tahu ancestors in pursuit of their claims for redress and compensation against the Crown for nearly 150 years, as alluded to in the Ngāi Tahu proverb “He mahi kai tākata, he mahi kai hoaka” (“It is work that consumes people, as greenstone consumes sandstone”). The Ngāi Tahu understanding of the Crown’s responsibilities conveyed to Queen Victoria by Matiaha Tiramōrehu in a petition in 1857, guided the Ngāi Tahu ancestors. Tiramōrehu wrote:

This was the command thy love laid upon these Governors... that the law be made one, that the commandments be made one, that the nation be made one, that the

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171 a place to stand
172 be satisfied, satisfy, settled, avenged
white skin be made just equal with the dark skin, and to lay down the love of thy graciousness to the Māori that they dwell happily... and remember the power of thy name.

The Crown hereby acknowledges the work of the Ngāi Tahu ancestors and makes this apology to them and to their descendants.

The Crown acknowledges that it acted unconscionably and in repeated breach of the principles of the Treaty of Waitangi in its dealings with Ngāi Tahu in the purchases of Ngāi Tahu land. The Crown further acknowledges that in relation to the deeds of purchase, it has failed in most material respects to honour its obligations to Ngāi Tahu as its Treaty partner, while it also failed to set aside adequate lands for Ngāi Tahu’s use, and to provide adequate economic and social resources for Ngāi Tahu.

The Crown acknowledges that, in breach of Article Two of the Treaty, it failed to preserve and protect Ngāi Tahu’s use and ownership of such of their land and valued possessions as they wished to retain.

The Crown recognises that it has failed to act towards Ngāi Tahu reasonably and with the utmost good faith in a manner consistent with the honour of the Crown. That failure is referred to in the Ngāi Tahu saying “Te Hapa o Niu Tireni!” (“The unfulfilled promise of New Zealand”). The Crown further recognises that its failure always to act in good faith deprived Ngāi Tahu of the opportunity to develop and kept the tribe for several generations in a state of poverty, a state referred to in the proverb “Te mate o te iwi” (“The malaise of the tribe”).

The Crown recognises that Ngāi Tahu has been consistently loyal to the Crown, and that the tribe has honoured its obligations and responsibilities under the Treaty of Waitangi and duties as citizens of the nation, especially, but not exclusively, in their active service in all of the major conflicts up to the present time to which New Zealand has sent troops. The Crown pays tribute to Ngāi Tahu’s loyalty and to the contribution made by the tribe to the nation.

The Crown expresses its profound regret and apologises unreservedly to all members of Ngāi Tahu Whānui for the suffering and hardship caused to Ngāi Tahu, and for the harmful effects which resulted to the welfare, economy and development of Ngāi Tahu as a tribe. The Crown acknowledges that such suffering, hardship and harmful effects resulted from its failures to honour its obligations to Ngāi Tahu under the deeds of purchase whereby it acquired Ngāi Tahu lands, to set aside adequate lands for the tribe’s use, to allow reasonable access to traditional sources of food, to protect Ngāi Tahu’s rights to pounamu and such other valued possessions as the tribe wished to retain, or to remedy effectually Ngāi Tahu’s grievances.

The Crown apologises to Ngāi Tahu for its past failures to acknowledge Ngāi Tahu rangatiratanga and mana over the South Island lands within its boundaries, and, in fulfilment of its Treaty obligations, the Crown recognises Ngāi Tahu as the tāngata whenua of, and as holding rangatiratanga within, the Takiwā of Ngāi Tahu Whānui.

Accordingly, the Crown seeks on behalf of all New Zealanders to atone for these acknowledged injustices, so far as that is now possible, and, with the historical grievances finally settled as to matters set out in the Deed of Settlement signed on 21

The apology itself was delivered by the Right Honorable Prime Minister, Jenny Shipley at Onuku Marae, on Banks Peninsula in Canterbury on 19 November 1998 (Te Rūnanga o Ngāi Tahu, 1998). Through this, the Crown recognised the failure to ‘acknowledge Ngāi Tahu rangatiratanga’ and the pūtake of mana Ngāi Tahu held in its takiwā, and also recognised that Ngāi Tahu continued to hold rangatiratanga within its takiwā.

4.4.3 Financial and commercial redress

The second component deals with the financial and commercial component of settlement. This can include a cash and asset quantum, which may include Crown assets, such as property. An overarching principle with this aspect of the redress is that the quantum of the settlement “should relate fundamentally to the nature and extent of the Crown’s breaches of the Treaty and its principles” (Office of Treaty Settlements, 2002, p. 81). The settlement recognises the loss of land and/or resources which have limited the opportunities for economic growth and development, although the Crown does not provide full compensation based on losses. Redress aims as a whole to:

- enable the claimant group’s sense of grievance to be resolved
- contribute to the economic and social development of the claimant group
- take account of New Zealand’s ability to pay, considering all the other demands on public spending such as health, education, social welfare, transport and defence.

Ka Tika ā Muri, Ka Tika ā Mua – Guide to Treaty of Waitangi Claims and Negotiations with the Crown (2002) clearly outlines the Crown’s approach to redress quantum. Such quantum is based on time that has passed since the grievance action itself, overlaps between claimant group(s), and the benefits that Māori have gained with the arrival of European settlement (Office of Treaty Settlements, 2002, p. 83). Settlements are not just in the form of a fiscal transfer, however, they are seen as providing the possibility of nation-building outcomes. As noted by Justice Joe Williams, settlement affords to Māori the opportunity to “take ownership of a future that is different than … [their] past” (J. Williams, 2008, p. 29). However, the key point of the financial redress is that these monies and assets are to be
paid to a newly established corporate entity. In other words, claimant groups are required to become corporate entities to receive settlement redress. For Ngāi Tahu, this saw the establishment of the Te Rūnanga o Ngāi Tahu Act and the Ngāi Tahu corporation in 1996, discussed in Chapter 5. In this process, once again, hapū are redefined by the process to receive redress (as discussed below).

For Ngāi Tahu the total cash quantum was $170 million. From this settlement Ngāi Tahu had the opportunity to purchase Crown properties held in a “defined ‘pool’” (Te Rūnanga o Ngāi Tahu, 2016b), via a deferred selection mechanism which was available for 12 months from the legislation being passed. The financial components of the Ngāi Tahu settlement included “high country stations ... eight other properties ... [and a] range of assets [including] 55 commercial properties ... 54 farms ... [and] Crown forestry assets” (Te Rūnanga o Ngāi Tahu, 2016b). It also included the right of first refusal, where in respect of the defined range of assets “Ngāi Tahu will have first opportunity to acquire a large range of Crown assets” (Te Rūnanga o Ngāi Tahu, 2016b). The final aspect of this component was the relativity clause, noting Ngāi Tahu was the “first iwi to enter into a comprehensive treaty settlement” and relativity provided an insurance against the risk of the “unknown” (Te Rūnanga o Ngāi Tahu, 2016b).

Stone notes that generally, the “… financial and commercial redress comprises cash (known as ‘quantum’) and property-related instruments, which usually involve the Crown making available to settling groups certain Crown-owned lands at market price” (Stone, 2012, p.139).

Privately owned land is not part of Crown settlements. This was established following one of the first settlements with Te Roroa, a hapū of Ngāti Whātua, in 1990. In the Te Roroa report in 1990, the Tribunal recommended to the Crown the purchase of private lands in expectation of a settlement with Te Roroa, as this land was identified as being important to the claimant group. However, there was a significant negative reaction by the private

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173 At the time of settlement the $1 billion cap on Treaty of Waitangi settlements was still proposed by the then national government. Should that arrangement change, the relativity clause provided an opportunity for Ngāi Tahu to negotiate the change in policy against the total Crown expenditure for settlements. With the Crown having exceeded the $1 billion in Treaty settlements, Ngāi Tahu, may enter into an agreement for finding a relativity payment, based on the additional settlement monies paid of the $1 billion.
landowners. As a result, the Crown moved to remove private lands from future negotiations or settlements (Wheen & Hayward, 2012).

4.4.4 Cultural redress

The third component of the settlement is the cultural redress. This includes aspects of settlements that do not correlate to financial or commercial redress. It might include the ownership or guardianship of sites of spiritual and cultural significance to claimants, having public access restricted to areas where traditional foods or resources are harvested, and similarly, the exclusion from decision-making on areas with environment or resources with cultural significance (Office of Treaty Settlements, 2002). Cultural redress recognises the claimant group has historical connection and engagement with culturally significant sites.

The Office of Treaty Settlements notes that, as the “Crown owns and manages the resources [where culturally important sites may exist], it must act in the best interests of New Zealand as a whole and in accordance with treaty principles” (Office of Treaty Settlements, 2002, p. 92). When considering cultural redress as part of the settlement process, it is essential to acknowledge that the associated redress of cultural rights links to the pūtake of rangatiratanga discussed in chapter 1. In this aspect of a settlement, the Treaty partners are the Crown and rangatira. The rights of rangatira to exercise rangatiratanga were severely eroded through land confiscation, alienation, and Crown policy, as discussed in chapter 3. So, despite the recognition of the need to protect hapū rangatiratanga to sites and resources of significance, cultural redress through Treaty settlements still does not provide rangatiratanga for rangatira and hapū.

Key types of resources which might be part of cultural redress include:

- wāhi tapu and other sites of significance (wāhi whakahirahira) including mountains
- rivers and lakes (waterways)

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174 origin, source, or foundation
175 sacred place
176 important place
wetlands, lagoons, indigenous forests and tussock lands

coastal areas including the foreshore and islands

customary freshwater and marine fisheries

geothermal and mineral resources

plant and animal species

moveable taonga177 (artifacts), and

traditional place-names. (Office of Treaty Settlements, 2002, p. 93)

Of the three components of Treaty settlements discussed in this chapter, cultural redress has the greatest potential to connect with the traditional realms of rangatira and rangatiratanga. In some cases, it returns taonga to hapū and iwi. One such example associated with the Ngāi Tahu settlement package, is the return of pounamu to Ngāi Tahu by way of the Ngāi Tahu (Pounamu Vesting) Act 1997. The Act states “Pounamu … in the takiwā of Ngāi Tahu …becomes the property of Te Rūnanga o Ngāi Tahu” (Ngāi Tahu (Pounamu Vesting) Act 1997, 1997, p. 4). Such a settlement enables the re-establishment of rangatiratanga over pounamu. However, such authority is now enabled for the Ngāi Tahu corporate identity who ultimately receives the settlement. It is not provided to rangatira to exercise rangatiratanga, as guaranteed under Te Tiriti. In other negotiations, sites and resources important to hapū may not be returned, as they are held in conservation estate, under government agency control. In these cases, hapū may be provided co-governance or special limited rights to such sites. This does provide a level of re-establishing rangatiratanga for hapū with a perspective of kaitiakitanga178 and connectedness to important places. It may recognise the right to re-assert kawa179 and tikanga,180 in such places. However, the rights are conferred to the corporate entity (as discussed above), and not rangatira. 181

For Ngāi Tahu the cultural redress was a significant aspect of the settlement. In addition to pounamu, cultural redress included the high country stations in Central Otago (Te Rūnanga

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177 treasure
178 guardianship, stewardship
179 kawa is frequently used to refer to rituals or protocols related to, but not limited to, the formal welcome of visitors on the marae
180 tikanga is customary practice in all Māori contexts, not only those applied on or at the marae. Tikanga is the appropriate behaviour relevant to kawa associated with the ritual
181 tikanga is customary practice in all Māori contexts, not only those applied on or at the marae. Tikanga is the appropriate behaviour relevant to kawa associated with the ritual
o Ngāi Tahu, 2016a, pp. 80-85), recognition of Ngāi Tahu mahinga kai, or traditional food gathering rights, across the takiwā (Te Rūnanga o Ngāi Tahu, 2016a, pp. 86-151), renaming of Mount Cook National Park to Aoraki/Mount Cook National Park and ancillary claims across the Ngāi Tahu rohe (Te Rūnanga o Ngāi Tahu, 2016a, pp. 46-48). The vast range of cultural redress re-enabled joint management of natural resources in areas of importance to Ngāi Tahu such as Lake Waihora in Canterbury, and nohoanga\footnote{dwelling place, abode, encampment} sites across Te Waipounamu. As noted by Ngāi Tahu, this aspect of the settlement “aims at restoring our [Ngāi Tahu] ability to give practical effort to our [Ngāi Tahu] kaitiaki responsibilities”, which were “dramatically eroded in the last 150 years” (Te Rūnanga o Ngāi Tahu, 2016a). The significance of this in respect to rangatiratanga is discussed below in the Ngāi Tahu case study (Chapter 5).

4.5 Mandate

Another significant element in settlements is the process of mandating. As noted earlier, the Crown requires claimants to cluster into larger natural groupings for settlement negotiations. The mandate required by the Crown aims to ensure that the claimants who have had their grievance upheld are the right people to be negotiating their interests with the Crown. The inherent challenge is that the mandating process produces leadership that is implemented and exercised differently from traditional rangatiratanga. The process, the mandate for any settlement that needs to be achieved, and the responsibility for that facilitation rests with the claimant group’s lead negotiators. As noted in Treaty of Waitangi Settlements the “relationship between mandated negotiators and the wider tribal membership is critical to the success of the negotiations” (Cowie, 2012, p. 50). Based on the experiences of early settlements in the 1990s, for example Te Rūnanga o Ngāi Tahu and Waikato-Tainui, the Crown shifted the mandate expectation to being a requirement prior to negotiating a settlement, as opposed to Ngāi Tahu and Tainui, where the mandate was undertaken after a settlement was agreed. The Ngāi Tahu experience was fraught with much challenge in government and parliament and largely explains why the government requires mandate to
be established much earlier in the process by claimant groups. The challenge related to determining the right to represent claimants and how any settlement might be managed, however, is in gaining and holding the trust of many hapū and, in some cases, iwi too. This raises a challenge for claimant groups. What are the competencies required for such leadership? Is the traditional structure of rangatira exercising rangatiratanga the same as the competencies needed in these processes of settlement negotiations, as designed by and for the Crown? Equally, how is such trust maintained through non-Māori processes?

There is a contradiction in negotiating a claim, within the large natural grouping requirement in a Crown imposed system of democracy via mandate, as opposed to hapū rangatiratanga. Therefore, is the grievance process about protecting the rights of this rangatiratanga and hapū, and not the interests of the Crown? In Chapter 1 it was argued that rangatira had a clear basis for their role in leading hapū, which ultimately was to uphold the mana of the collective. The equipoise of inherited whakapapa and the exercising of mana were complementary. There are clear contradictions between this traditional mode of leadership and that of elected or appointed leaders in the Treaty settlement process. Despite this, for any settlement to be achieved, a "secure mandate [must be determined] on the part of the claimant … before negotiations can start (Office of Treaty Settlements, 2002, p. 27). This mandate must be provided to the Waitangi Tribunal along with representing its tribal narratives too, which accurately record their identity and authority of the leader to bring forward the claim. This is referred to as a deed of mandate. This deed requires a definition of the claimant group, states the claims which are intended to be settled, identifies the area to which claims relate, and states the authority to represent the claimant group in negotiations with the Crown (Office of Treaty Settlements, 2002, pp. 42-43). The definition of the claimant is noted as usually including the following:

names of a founding ancestor (or ancestors) who is common to many (but not necessarily all) of the iwi or hapū;

a list of iwi and hapū names (this should include all historical descent lines, even if they do not form distinct communities today)

a description of a land area in which the ancestors of the claimant group exercised customary right (Office of Treaty Settlements, 2002, p. 42)

The reality is that the "claimant community [must be] … recognised by the Crown" (Vertongen, 2012, p. 66). The Crown requires claimant groups to facilitate a mandate from the claimant cohort, as recognised by the Crown. Joseph contends that this challenge is
“equally contentious” today with the “multiple, diverse and even competing” identities of the individual peoples of the claimant collective (Joseph, 2012, p. 151). This challenge is tied to the need for official recognition, through legislation, discourse and litigation. Joseph is clear that these requirements of mandate by the Crown have been established to “advance their [Crown] agendas” under the guise of group identity and representation (Joseph, 2012, p. 156). He notes the overlay of focus for the Crown is that of mainstream corporate governance, rather than allowing for any traditional Māori tribal governance. Joseph also recognises the Crown aspirations to negotiate only with large natural groups. The primary advantage of these requirements is identified as the Crown not having to deal with “disputes amongst Māori when different kin groups are involved in the same settlement” (Joseph, 2012, p. 156). Equally, the large natural grouping through iwi, tribal, and pan-tribal groupings is seen by Joseph as the Crown fitting “its own notions of political organisation, representation and governance” (Joseph, 2012, p. 161). These cut across and again fail to recognise the rangatiratanga of rangatira and hapū.

Large natural groupings and their mandate create challenges for rangatiratanga. As discussed in earlier chapters, there was no homogenous Māori grouping or shared sovereignty. Rangatiratanga was clearly based on, and recognised as being exercised by, rangatira in whānau and hapū. There were nevertheless many strands of collective identity in the form of whānau and, in some cases, iwi. These traditional social units conflict with the Crown’s stipulation that it would negotiate only with large natural collectives. The Crown’s requirement of a mandate stemming from such a construct of identity, therefore, contradicts the authority and rights of rangatira, articulated in the 1835 Declaration of Independence and 1840 Treaty of Waitangi.

Once the claimant collective is established and its identity confirmed, the claimant group may then either go through grievance hearings with the Tribunal or may enter into direct negotiation with the Crown through engagement with the Office of Treaty Settlements regarding their grievance. While both pathways are independent of each other each of the two “options are governed by specific Crown policy” (Joseph, 2012, p. 154). For either process, three tiers of Crown requirements need to be met for a settlement with the Crown. The first is for claimants to prosecute their claim of the Crown’s breaches of Te Tiriti o Waitangi. The second is to represent the collective and negotiate a potential settlement. The final process is to create an entity for the claimant to satisfy the Crown, that they have the right to govern and administer post-settlement assets.
Joseph recognises the “enduring issues with the mandate” in these processes (Joseph, 2012, p. 156). These include intra-tribal disagreements about who represents claimant bodies and some claimant members simply refusing to participate. However, the debate that arises with claimant group communities about mandate has little to do with the claimant groups. Rather, the requirement of the Crown to have to form collectives that are not recognisable in relation to traditional structures is the issue. Such groupings contradict traditional Māori perspectives of societal structures, rules and rangatiratanga. In fact, Joseph notes examples within Te Arawa and Ngāti Tama, where traditional hapū challenged the negotiating collective as not representing their interests, having their mandate, or not holding the rangatiratanga of the hapū within the large natural grouping.

4.6 What is not settled by Treaty settlements?

In recognising the components of a settlement, it is important to also identify what is not settled. The reinstatement of rangatira and rangatiratanga is not included in settlements. Authority to re-establish traditional aspects of rangatiratanga to traditional whenua is not explicitly included. Also, the large natural grouping does not reflect or recognise traditional hapū. Therefore, self-determination of societal rule is not re-empowered. As Wheen and Hayward conclude:

Although provision has been made in some settlements for Māori input into management of some natural resources … these provisions are limited. They do not speak to the kind of influence and control that ownership of resources might bring, which is central to the exercise of tino rangatiratanga, especially when settlements are considered as a whole and from a national perspective … [F]or now however, the hope that Treaty settlements will restore the relationship between Māori and the Crown ‘ignores the reality that the settlements do not address tino rangatiratanga and are not freely entered into or negotiated’. (Wheen & Hayward, 2012, p. 202)

The United Nations Special Rapporteur Rodolfo Stavenhagen visited New Zealand in 2006 when looking at the situation of human rights and fundamental freedom of indigenous rights, and reported that:

Existing settlement acts should be amended, and other such acts in the future should be framed, so as to enable iwi and hapū to self-determine an appropriate corporate structure for receipt and management of assets … the Crown should engage in negotiations with
Māori to reach agreement on a more fair and equitable settlement policy and process. (Stavenhagen, 2006, p. 21)

Stavenhagen recognises that rights extend beyond “individual rights to collective rights” (Stavenhagen, 2006, p. 7). In particular, he recognises that the sovereignty to “retain or reclaim their decision-making capacity over … matters, including social and political organisation” extends beyond the Crown’s current framework for Treaty settlements (Stavenhagen, 2006, p. 8). This rangatiratanga is noted as also respecting individual participation in political processes, but Stavenhagen acknowledges that this is a determination for Māori, not the Crown.

4.7 Summary

This chapter outlines the general process, principles, and framework of settlements. From the Treaty of Waitangi Act 1975 and the Treaty of Waitangi Amendment Act 1985 claimant groups could lodge grievances in regards to breaches of Te Tiriti o Waitangi. The Tribunal’s functions are “to inquire into and make recommendations upon … any claim [within its jurisdiction] … and examine … and report on any proposed legislation referred to the Tribunal under that section” (New Zealand Government, 1985, pp. 5-6,17). In the 1990s a whole institutional process emerged to deal with the negotiation and settlement of Treaty claims. Throughout the evolution of the settlement process, the Crown has determined it appropriate to deal with a particular group who hold a mandate to negotiate a total “settlement package” (Vertongen, 2012, p. 67). These mandated leaders are not the same as rangatira who led their hapū in 1840, as recognised in the Treaty.

The Treaty settlement agreed to contains three elements, an apology, a financial and commercial redress and a cultural redress component. Once settlements are reached, the Crown requires claimants to become incorporated organisations to receive assets. This requires the election of leaders who are not always rangatira in a traditional sense. The Crown solely determines the settlement processes (Warbrick, 2012). Settlements are seen by the Crown as full and final. However, while the claimant group accepts a settlement, the scrutiny of the Crown remains central. The Crown’s requirement for post-settlement governance melded with the expectation of democratic process of representation actually
cuts right across the guarantees of rangatira and rangatiratanga. Although Māori can say no
to a settlement, in saying ‘yes’ that “space away from Crown interference” or imperium
may strengthen, but it will always be to a degree limited with western overlays of democracy
and governance being imposed through these process (Bargh, 2012, p. 174). These may
need to be considered if rangatiratanga is to be achieved.

The Crown’s mandate requirements fail to recognise the rangatiratanga of rangatira
guaranteed in the Treaty and is a continuation of the redefinition and marginalisation of
rangatiratanga discussed in Chapter 3. Rangatira, and the role of maintaining and exercising
rangatiratanga in traditional collective groupings, is once again being reconfigured by the
state, or Crown. Treaty settlements are redefining what is and who is a Māori tribe in the
twenty-first century and, in doing so, have defined a preferred structure, mandate, and
governance model for the future. Camara Jones, an expert in racism studies, recognises the
inherent restrictions of post-settlement Māori institutions simply do not “address the
structural barriers” for Māori (C. Jones, 1999, p. 55). To re-establish rangatiratanga, the role
of Māori leadership must be about the empowerment of the rangatira, a critical element to
reflect upon. Jackson best articulates this when he notes that “[until the] Crown is … [willing]
to put the fundamental issues of sovereignty … on the table [this] process of grievance …
[is] not a framework for a good faith Treaty relationship” (Jackson, 2007, p. 17).

Chen observes that the “post-settlement era will pose challenges for the Crown as Māori
increasingly want … to determine their own directions” (Chen, 2012, p. 185). While there is
an element in this process for recognising land losses by Māori, and with settlement clearly
including an apology, a financial component and consideration of cultural redress, the reality
which needs to be confronted is the aspiration for rangatiratanga (Mikaere, 1997, p. 455).
Bargh recognises that the Crown has, for more than a century and a half, been “actively
undermining Māori political institutions and decision making” (Bargh, 2012, p. 173). Given
that Te Tiriti o Waitangi Article 2 guarantees rangatira their continued rangatiratanga, it could
be assumed that settlements would rebalance or reinstate this guarantee. However, the

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183 Saying no was an article by Moana Jackson in Kia Hiwa Ra, in September 1997, when providing
an analysis of the Whakatōhea being challenged in their negotiations, and potential acceptance of a
settlement, with the Crown. Jackson notes “The Minister of Justice also warned Whakatōhea that if
they did not accept the deal they would have to "go to the back of the queue", with a clear message
that a new deal would take years to re-negotiate” (Jackson, 2007, p. 17). He goes on in the article to
note that the “continuing unwillingness on the part of the Crown to accept that we can and will say
"no", or that we [Māori claimant groups] have the right to define the terms upon which we will accept
any negotiation process, will ensure that the basic issues of colonisation will remain unaddressed".
settlement process leaves this issue unresolved and, as noted by Moana Jackson, settlements are not therefore full and final (Jackson, 2007).

It is clear in this analysis that rangatiratanga is not included in the provisions of Treaty settlements. This is illustrated by Rumbles, where he notes that the three aspects of settlement provide recognition of the grievance, restoring the relationship of the claimant and the Crown and contributing to the economic development of the claimant. Within this he notes that the Crown would not relinquish sovereignty; rather through settlement it would “help recreate an economic base for Māori” (Rumbles, 1999, pp. 14-15).

This is the basis and foundations for my discussion with participants from Ngāti Whātua and Ngāi Tahu in Chapters 5 and 6. I turn to examining two case studies of rangatiratanga in a contemporary context for Ngāi Tahu and Ngāti Whātua.
Chapter 5

Ngā Uri o Tahu Pōtiki

Ngāi Tahu – Case Study 1
Section A: The rangatiratanga of Ngāi Tahu

5.1 Introduction

Ko Aorangi te maunga tapu
Aorangi is the supreme mountain

Ko Waitaki te awa
Waitaki is the river

No Ngai Tahu nga uri o Tuahuriri
And Ngai Tahu are the descendants of Tuahuriri

Nga Mana
To those with authority

Nga waka
To the canoes

Nga manu kōrero
To the orators

Ko Nga Tipuranga
We the generations

E karanga nei
Who are calling

Pupuritia to Maoritanga
Hold fast to your Maoritanga

Pokaitia ki roto i to manawa
Fold it within your heart

Tu Tuia i te haerenga tangata
Unite in the brotherhood of man

Te hoa haere o te hunga whakaaro nui
He that walketh with wise men

Ka Whai whakaaro
Shall be righteous exalteth

Ma te tika ka kaka ai te iwi
A nation

Hui e Taiki e
Together it is done

(Tau, 1992, p. 456)
This chapter provides a case study of the perspectives of Ngāi Tahu leadership, provided via interviews during 2012 and 2013, in response to the research question, do Treaty settlements enable rangatira\textsuperscript{184} to exercise rangatiratanga?\textsuperscript{185} Chapter 6 provides a second case study focusing on Ngāti Whātua, the collective who descend from the ancestor Haumoewarangi.\textsuperscript{186} The Ngāti Whātua case study provides perspectives on rangatiratanga which may be contrasted with those expressed by the Ngāi Tahu leaders in this chapter.

This chapter will first outline the methodology of the interviews conducted with both the Ngāi Tahu and the Ngāti Whātua research participants. It will describe the participants’ profiles and discuss the processes for their selection and participation in this research. It will also provide an outline of the questions and aims of the engagement with the research participants. Following that discussion, an abbreviated history of Ngāi Tahu history is provided, so as to contextualise tribal whakapapa,\textsuperscript{187} societal structures and history in relation to the period from the signing of Te Tiriti o Waitangi (Te Tiriti) through to the settlement with the Crown in 1998. The second part of the chapter will provide an analysis of interviews conducted with Ngāi Tahu participants who contributed to this research. The aim of these interviews was both to look for evidence of the pūtake discussed in Chapter 1 and to determine the degree to which traditional rangatiratanga is exercised in post-settlement Ngāi Tahu society.

5.2 Methodology

Before discussing the Ngāi Tahu case study, it is necessary to establish and explain the case-study methodology of this chapter and Chapter 6. Ngāi Tahu was selected as the primary case study for this research because of my whakapapa, and my involvement in the dynamics of iwi development and my prior exposure to the challenges, realities, and opportunities of rangatiratanga moving into the future. The second case study selected will

\begin{flushleft}
\textsuperscript{184} chief, noble \\
\textsuperscript{185} sovereignty, ultimate chieftainship, chieftainship, right to exercise authority, chiefly autonomy, self-determination, self-management, indigenous rights, mana Māori \\
\textsuperscript{186} Haumoewarangi is the ancestor of the iwi Ngāti Whātua \\
\textsuperscript{187} genealogy
\end{flushleft}
examine Ngāti Whātua to provide a reflective study, an alternative with which to consider rangatiratanga and its future. The pūtake\textsuperscript{188} that underpinned rangatiratanga, identified in Chapter 1, will be introduced as the framework for considering the research question in regard to each iwi.\textsuperscript{189} Ngāti Whātua are not presented by way of comparison with Ngāi Tahu, as the two are completely different case studies and contextually vary in so many aspects. Also, to consider Ngāi Tahu as a sole case study may highlight that no iwi could emerge without the traditional pūtake discussed in Chapter 1. Therefore, the Ngāti Whātua case study represents aspects and reflections of how pūtake and rangatira of hapū can be represented outside or, or within, a post-settlement corporation framework, such as adopted by Ngāi Tahu. Ngāti Whātua also represent hapū who have settled independently from the iwi corporation. The Ngāti Whātua case study offers a point of difference from Ngāi Tahu, to emphasise the variation in circumstances that can be expected between iwi. The chapter structures for these two cases varies. Both chapters are introduced here and a summary discussion of the two chapters is provided at the end of Chapter 6.

At the outset, I recognised the privilege and honour it was in having been afforded such taonga kōrero – treasured conversations – with participants. In both cases, I selected interviewees on the basis that they are members of their hapū and Ngāi Tahu or Ngāti Whātua iwi. They also currently hold positions of leadership as part of their roles and responsibilities within and outside their respective hapū and iwi. These participants are recognised as leaders of their respective people, tribal entities, and communities. Male and female participants were interviewed from Ngāi Tahu and Ngāti Whātua. Rangatira are few and far between in the Ngāi Tahu and Ngāti Whātua communities. The participants in this research were already known to me and were identified through long-standing personal relationships. They are recognised as elders in their whānau, hapū and iwi, as well as in national Māori circles. I contacted the four participants from each iwi and outlined the research proposal and provided them with the opportunity to contribute as a participant.

Following their consideration and agreement (and appropriate ethical approval from the University of Otago Human Ethics Committee), interviews were conducted with participants, with a series of introductory questions used to initiate dialogue. Their agreement to participate was based, in part, on their trust in me and on their commitment to the wellbeing

\textsuperscript{188} origin, source, or foundation
\textsuperscript{189} tribe, people, nation
of their peoples into the future. This personal trust in my research meant that the participants declined to sign the ethics consent form for Otago University. Rather, they based their participation on the concept of mana\(^{190}\) in their engagement with me as the researcher, and placing the utu,\(^{191}\) or reciprocity, on me to return their contributions back to their communities in the form of this thesis. All interviews, bar one, were conducted individually. In one interview, two Ngāti Whātua rangatira were interviewed together. Every effort has been made to ensure the anonymity of the participants is preserved. Where identifying characteristics or specifics of participants is used within this chapter, I will use [anonymous] to replace the identifying content.

In most cases the interviews with participants were open-ended, not locked to any specific format or timeframe. Interviews were held over three to four hours, on two different occasions. In one session, the interview was held over two whole days with two participants, and I was taken to wāhi tapu\(^{192}\) sites, or traditional areas sacred to the participants and their whānau,\(^{193}\) hapū\(^{194}\) and iwi. It is beyond words how much this treasured time, experience, and giving of their knowledge and personal contributions meant to me. It is one of the most precious things ever provided to me, personally or professionally, recognising it was provided to me in their own way, with their own views and of their own free will.

The research is qualitative and uses case study method. This method enables the examination of rangatiratanga within the context and complexity of a homogenous te ao Māori, but with a specific focus on the place of hapū and iwi of the participants engaged. As defined by Yin (1984), the case study research method “as an empirical inquiry that investigates a contemporary phenomenon within its real-life context; when the boundaries between phenomenon and context are not clearly evident; and in which multiple sources of evidence are used” (Yin, 1984, p. 23).

I have used instrumental approach with participants’, as it explores the real-life context of rangatiratanga, as defined by participants in their community. In terms of the case study, I identified participants who are rangatira in Ngāi Tahu and Ngāti Whātua. This was essential to get relevant data, in order to consider the research question of whether Treaty

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\(^{190}\) prestige, authority, power, sovereignty
\(^{191}\) reciprocity, reciprocation, balance
\(^{192}\) sacred place
\(^{193}\) family, extended family
\(^{194}\) tribe, sub-tribe, clan

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settlements re-enable rangatiratanga. Having undertaken a literature review on traditional rangatiratanga and identifying potential pūtake, I designed open-ended questions, using an iterative method, to look at interviews as a means to validate, or otherwise, those pūtake for exercising rangatiratanga.

These questions were semi-structured, to build rapport with the participants and to provide an introduction of myself and the broad overview of my research. I then outlined the intention of asking open-ended questions and proposed that I record the interview on a dictaphone, gaining consent from participants to this knowledge capture. The consent was subject to me personally transcribing the interview, in full, and providing a copy of the transcript to the participant for them to edit, amend and endorse as an accurate record of the interview. I also provided assurance that this data would then be anonymised in the thesis. The interview was then undertaken and at the end of the discussion I reiterated the process of returning the transcript for endorsement, and reassured participants in regard to their anonymity in the final thesis.

For the design of the questions, I ensured they were free-ranging and probing of the topic of rangatira and rangatiratanga from the experiences of the participants, within the context of the participants and in their words. I maintained, having asked the initial question, to place myself as an observer in the process, with the aim of to ensuring validity and richness of the contributions of the participants. The outline for the interview was as follows. In the first instance a general series of questions were asked on contemporary leadership. These included:

- How would you define current Ngāi Tahu/Ngāti Whātua leadership?
- What are your principles of leadership, as a leader in your own right?
- In considering your role as an iwi representative, who do you represent – corporate, iwi, hapū, urban collectives?
- How were you appointed to leadership, and by whom and why?

I also sought to have participants identify the strengths and weaknesses of such leadership in these preliminary discussions. The aim was to provide a “warm-up” in the engagement, and also to talk clearly about Māori/iwi leadership and not pre-judge or frame rangatiratanga at the outset.
The second phase of questions aimed to elicit interviewees’ perspectives on the structures and societal frameworks and histories for Ngāi Tahu and Ngāti Whātua. Participant responses provided some insights, where applicable, on settlement impacts for communities. The questions in this phase aimed to clarify the whānau, hapū and/or iwi realities of Ngāi Tahu and Ngāti Whātua and how participation was defined and validated. The third grouping of questions focused on the participants’ first memories of Ngāi Tahu, Ngāti Whātua or other rangatiratanga ‘in action’. These were followed by questions about: rangatiratanga in traditional times; the knowledge, perspectives, and understanding of rangatiratanga held by participants’ ancestors and peoples; and what changes participants have seen over the course of their lives. At the conclusion of this section of questions I introduced the pūtakae identified from my research and their underpinning of traditional hapū.

An analysis of the responses provided by participants in the first part of the interviews was discussed with the participants, if required, through a second part of more searching open-ended questions. The final series of questions looked at rangatiratanga in traditional Ngāi Tahu and Ngāti Whātua life and asked what had changed over time for their leaders and their people. It also explored the role of rangatiratanga in contemporary Ngāi Tahu and Ngāti Whātua and whether the pūtakae have relevance and currency moving into the future.

Following the conclusion of the interview, I undertook transcribing of the interviews in full and provided each participant a copy of the transcript and in turn agreement that the transcript material was accurate and captured their contribution to the research. The participant-approved texts were then analysed for the purposes of identifying and discussing the pūtakae against the research question. The analysis was done by identifying discussion within each transcript which linked to each pūtaka or theme. Texts were searched for pūtakae relating to rangatira and rangatiratanga methodically within each transcript. In particular, the search looked for validation or challenge to traditional pūtakae and ideas that demonstrate the contemporary place of pūtakae today.

Having undertaken the analysis and to ensure I did not affect the data, nor misinterpret the data, I provided a copy of the anonymised transcripts and my analysis to my supervisor, to ensure integrity of the feedback. The data was then used in the thesis. I would note that I have removed verbal hesitations made by the participants from the quotes provided here to provide clarity for the reader. This is indicated by the use of ‘…’ in text. Similarly, I have used brackets ‘[ ]’ to provide inserts for clarity for the reader.
The latter part of this chapter focuses on the interviews with Ngāi Tahu leaders. First, however, discussion turns to the history of Ngāi Tahu to provide context for my interviews and analysis.

5.3 Ngāi Tahu whakapapa

Ngāi Tahu histories of migration and evolution are well documented (Dacker, 1994; H. Evison, 1997; Tau, Goodall, Palmer, & Tau, 1990; Tribunal, 1991). I will summarise the histories to provide a basis for understanding Ngāi Tahu as a people. This section will look at the formation of the iwi through the migration and evolution of people connected by three lines of whakapapa. This chapter will also briefly discuss the initial engagement of Ngāi Tahu rangatira with non-Māori and the outcomes of these interactions. It will also include an analysis of the ways that Ngāi Tahu formed organisational structures as mechanisms to oppose, maintain and seek to retain or rebuild. Finally, this section will outline a discussion of Te Kerēme, or the Ngāi Tahu claim, its history and the resulting settlement for Ngāi Tahu in 1998.

Ngāi Tahu arrival in Te Waipounamu

The first indigenous people arrived in Te Waipounamu approximately eight hundred years ago (Anderson et al., 2014). The name Te Waipounamu is founded on the taonga pounamu,\(^\text{195}\) also called greenstone, New Zealand jade or nephrite. Originally called wāhi pounamu, meaning the place of greenstone, the South Island came to be known as Te Wāhi Pounamu (Waitangi Tribunal, 1991, p. 702). Evison also states that another name for the South Island is Te Waipounamu, and it is sometimes referred to as Te Waka a Māui\(^\text{196}\), or Te Waka o Aoraki\(^\text{197}\) from mythology (H. C. Evison, 2006). Te Wai refers to water, and Te Wai Pounamu therefore means the greenstone waters, as pounamu is often collected in rivers.

\(^{195}\) greenstone, a type of jade
\(^{196}\) or The Canoe of Māui
\(^{197}\) The canoe of Aoraki
Ngāi Tahu originated in three main streams of migration: Waitaha, Ngāti Māmoe, and the hapū that came to comprise Ngāi Tahu in the 20th century. Rākaihautū was the founding member of the hapū Waitaha who first occupied Te Waipounamu. Rākaihautū was described as an atua\(^{198}\) or deity. It is said that when he arrived in the Te Waipounamu, he used “his kō [digging stick], to gouge out all the major lakes in Te Waipounemu” and these actions were to be known by iwi as “Kā Puna Wai Karikari o Rakaihautu (The burrowed springs of Rakaihautu)” (Russell, 2000b, pp. 163-164). The descendants of Te Rapuwai were said to be the first fully human inhabitants of Te Waka o Aoraki and known as Waitaha.

Over time and generations, Waitaha hapū status was maintained and upheld as mana whenua\(^{199}\) and ahi kā\(^{200}\) within their boundary of tribal authority. Waitaha rangatira held ultimate responsibility to steer the endeavours of whānau and hapū by their mana through kawa and tikanga, and utu, or reciprocity as they exercised rangatiratanga and kaitiakitanga within their takiwā.\(^{201}\) Although there were some permanent kāika\(^{202}\) (settlements), Waitaha were more mobile in search of resources for their ongoing survival.\(^{203}\)

The isolation of the Waitaha hapū was to change in the sixteenth century. By the late 1500s, the Ngāti Māmoe peoples traversed their original takiwā to Te Waipounamu. They arrived from the Wellington area of the North Island. It has been recorded that Māmoe came to Te Waipounamu from Hawaiiki\(^{204}\) (Tikao & Beattie, 1990), although many note they originally came from the Hawkes Bay in the East Coast of the North Island where they were “associated traditionally with the ancient pā (fortified place) at Heipipi and Ōtatara” (Tau & Anderson, 2008, p. 26). Ngāti Māmoe integrated with Waitaha through warfare and marriage. In Ngāi Tahu: A Migration History (Tau & Anderson, 2008), Carrington noted Ngāti Māmoe had intermarried with Waitaha and the two peoples had absorbed each other. Their marriages and treaties united the hapū through Te Waipounamu and locked these two streams of people together. A century later, the largest migration stream, Ngāi Tahu, arrived over the space of two generations. Tā Tipene O’Regan gave a series of lectures in 1998...

\(^{198}\) translated as god but, more correctly, ancestors whose mana is extant, usually in a specific domain

\(^{199}\) The people who exercise kaitiakitanga and rangatiratanga in a geo-political area

\(^{200}\) burning fires of occupation, occupation rights

\(^{201}\) territory, district or space occupied by a hapū or iwi

\(^{202}\) Kāika is a dialectical reference to the term kāinga, meaning permanent settlement or place of being.

\(^{203}\) Utilisation of the resources have been recorded in the aforementioned research (Russell, 2000a).

\(^{204}\) ancient homeland - the places from which Māori migrated to Aotearoa/New Zealand
regarding Ngāi Tahu and he noted that an “examination of the whakapapa clearly shows …
that Ngāti Māmoe were an integral component of the so-called Ngāi Tahu migrations from
the south-east North Island into the South Island. That is, they actually belonged to the
earlier so-called pulse of migration” (Tā Tipene O'Regan, 1998, p. 8). Like Ngāti Māmoe,
Ngāi Tahu through a complex integration of intermarriage and treaties absorbed the earlier
hapū into the developing Ngāi Tahu whakapapa.

Ngāi Tahu, like other iwi, had political, economic and welfare systems, based on
rangatiratanga, in place prior to and during the arrival of the first British settlers to our shores
(Waitangi Tribunal, 1995). Modern Ngāi Tahu can whakapapa back to their Waitaha
ancestors and traditions. The whakapapa at the introduction of this chapter shows my
genealogical and geographical connection to my tūpuna205 and the environment I descend
from and live among (Tau, 1992). Such connections also determine access to resources and
the right to participate in tribal life. This shared Ngāi Tahu whakapapa connects all things
and reinforces the fact that Ngāi Tahu come from the same origin, and that the strength and
wellbeing of the environment determines the wellbeing of the people. Therefore, Ngāi Tahu,
like other iwi, are not alienated from the whenua206 and moana207.

By 1800, about 20,000 Ngāi Tahu (Ngāi Tahu, 1995) had established themselves across the
South Island. Ngāi Tahu had interactions with other hapū and peoples. As discussed in the
next section this included repelling raids from northern rangatira. Whakapapa underpinned
societal structures, and whānau and hapū were the traditional kinship structure. As noted in
Chapter 1, Māori society, including Ngāi Tahu, depended on each member contributing to
the overall wellbeing of the whānau, and in turn hapū, under the guidance of rangatira.

**Societal change**

This societal organisation, as discussed in Chapter 2, was to be disrupted with the arrival of
non-Māori from the late eighteenth century. The arrival of Pākehā was recognised as a new
opportunity. Ngāi Tahu speedily saw the economic opportunities and quickly turned their
well-developed trading instincts and abilities to take advantage of the new economy that
grew around the supply of provisions. One important source of protein for Ngāi Tahu was

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205 Ancestors
206 land
207 lake, sea
offshore fish. Similarly, rangatira and whānau seasonally hunted whio\textsuperscript{208} and tītī\textsuperscript{209} (H. Evison, 1997) amongst other mahinga kai,\textsuperscript{210} from traditional mahinga kai sites. These taonga of Ngāi Tahu whānui were connected to the mana and development of rangatira, whānau and hapū. When looking at kai,\textsuperscript{211} for example, rangatira seized the opportunity to lead resource access and optimised these skills and leadership with the arrival of non-Māori to New Zealand. Rangatira used the protein-based resources in Murihiku (such as fish and seals) to provide supplies to those who had arrived from lands afar. Ultimately this was to “form the basis” of certain commercial fisheries “in the late nineteenth and early twentieth centuries” (Anderson, 1998, p. 137).

Early interaction with Pākehā provided Ngāi Tahu with new skills, tools, knowledge and technology, along with muskets, a new military tool. Muskets were “the single most important determining factor in Māori political history from 1800 – 1840” (Ballara, 2003, p. 15). Much has been written on the scale of Māori deaths due to muskets, from as many as 60,000 to 80,000 (Ballara, 2003, pp. 45-46), however, Ian Pool suggests it was more likely that 30,000 or even closer to 20,000 may have lost life due to muskets (Pool, 2013, pp. 56-57). Regardless, this point is important for the events that unfolded in the 1830s when Ngāi Tahu hapū at Kaikōura, Kaiapoi, and Akaroa were attacked by a war party under the leadership of Te Rauparaha,\textsuperscript{212} a northern chief famous for warfare and conquest. The more southern Ngāi Tahu of Murihiku and Ōtākou, under the rangatiratanga of Korako and Tūhawaiki, travelled north to enact utu for the actions taken against their kin. This action in the first instance repelled Te Rauparaha, but more importantly it re-established the mana of Ngāi Tahu, and nearly two centuries later this would be acknowledged by the Crown. Despite the assertion of Ngāi Tahu sovereignty in the actions of repelling Te Rauparaha and capitalising on the advantages of these new opportunities and technologies of non-Māori, there were costs. Diseases and epidemics, alcohol, loss of life, and the fragmentation of kinship and societal structure along with the loss of land was the price Ngāi Tahu paid for contact with Europeans, however, Māori remained dominant in the population nationwide. For Ngāi Tahu, these impacts were also the case. An example was at the kāik of Ōtākou,

\textsuperscript{208} blue duck, Hymenolaimus malacorhynchos
\textsuperscript{209} muttonbird, sooty shearwater, Puffinus griseus, young of the sooty shearwater
\textsuperscript{210} cultivation, traditional food gathering
\textsuperscript{211} food
\textsuperscript{212} Te Rauparaha was a Ngāti Toa warrior and leader
Moeraki, old Waikouaiti, Moturata, and Tautuku where shore-based whaling had seen Ngāi Tahu capitalise on trade while also providing security for whānau (Kāi Tahu ki Otago, 1995). Non-Māori maintained relationships with rangatira and had opportunities for development in the new land they had arrived in. The settlers, a minority of the population, continued to negotiate for resources, rather than take what they wanted for granted. Pākehā needed supplies and resources that could only be supplied by Māori via their mahinga kai and kaimoana resources. Māori became expert cultivators and providers of the foods (such as the potato) that were introduced to Aotearoa by non-Māori, and Pākehā also sought these supplies. “Māori rapidly adopted much European technology, including new crops and farming techniques … and new transport equipment including quite large ships [saw] Māori [produce] food and forest products for European immigrants …” [and this] included exporting such taonga to Australia (Coleman, Dixon, & Maré, 2005, p. 9). These traditional resources were also part of Ngāi Tahu identity and a responsibility for rangatira in the determination of mana, an aspect of tikanga and important for utu.

Hana O'Regan notes that hapū were renowned for their mahinga kai and the developed tribal economy was a continued foundation for Ngāi Tahu whānui (H. O'Regan, 2001). Each hapū, and the takiwā in which taonga were procured, was renowned for its particular specialities and a unique economic culture developed around seasonal harvesting, production and trade. That economic culture emerged as a central component of the southern identity in generations to follow (H. O'Regan, 2001). This enabled the continuation of rangatiratanga as exercised by rangatira, whānau and hapū, albeit in different ways to traditional rangatiratanga. These resources required management, with rangatira ensuring tikanga and mana were maintained in the connectedness with such taonga. This was key in upholding ahi kā in their takiwā (Garven et al., 1997) and rangatira understood and maintained this responsibility, through exercising rangatiratanga in their kaitiakitanga. Whānau and hapū seized these opportunities and rangatira ensured the ‘protection’ as mana whenua. This history is well documented in the Ngāi Tahu Report (Tribunal, 1991).

Ngāi Tahu rangatira were signatories to the Treaty of Waitangi in June of 1840. The signing took place off the headland at Ōtākou, at Okains Bay Horomaka (Banks Peninsula), and off Ruapuke Island in Murihiku (Southland). Signatories at Akaroa included John Tikao and

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213 food from the sea
214 treasure
215 collective
Iwikau, with leading chief Tūhawaiki signing 11 days later on Ruapuke Island on 10 June 1840. At that signing, other signatories included Taiaroa. At Ōtākou, the assent of the Ngāi Tahu chiefs Korako and Kareta was secured (Tribunal, 1991). These rangatira were eminent leaders who signed Te Tiriti o Waitangi. In the development of the relationship with non-Māori, Ngāi Tahu were engaged in the ultimate aims of Te Tiriti o Waitangi, which was to enable settlement and government in the south, the acquisition of their land, while retaining their rangatiratanga as rangatira in their hapū and communities.

**Ngāi Tahu social structure**

As discussed previously, the Ngāi Tahu relationship with non-Māori was active at the time of the signing of Te Tiriti o Waitangi in 1840. As noted in Chapter 2, Te Tiriti o Waitangi also provided for the pre-emptive right of the Crown to purchase lands from Māori. In Te Waipounamu the transfer of Ngāi Tahu lands from mana whenua to the Crown took place through three major land purchases. These became known by the name of the blocks of land sold. The Ōtākou purchase was signed on the 31 July 1844. The New Zealand Company estimated the area of the block was 400,000 acres. However, during the Waitangi Tribunal hearing that land quantum was noted as being 534,000 acres (Tribunal, 1991, p. 48). The second sale was the Canterbury purchase, which saw 20,000,000 acres sold (South Island total acres is 37,366,040 acres) for £2,000 and was to be known as “Kemp’s deed”, after the name of the secretary who negotiated the sale (Tau & Anderson, 2008). The final sale, the North Canterbury purchase, took place on 5 February 1857. In excess of 1,000,000 acres was included in the sale, albeit that the Akaroa lands were agreed “at the end of 1856” (Tribunal, 1991, p. 102). Less than five years from the first sale, the initial issues of grievance arising from the Ngāi Tahu sales were recorded. In 1849 Tiramorehu, a Ngāi Tahu chief from Moeraki just north of Dunedin, wrote to Governor Grey expressing concern that Grey had “reneged on his promise to pay Ngāi Tahu for Kaiapoi” (Tribunal, 1991, p. 75). This was to prove to be the start of the Ngāi Tahu claim (H. Evison, 1993). Tiramorehu maintained campaigning for the claim, and even with “ill-health and advancing years he led a petition almost thirty years later, in 1874, with 278 signatures regarding promises made in the Ōtākou purchase” (H. Evison, 1993, p. 436). Evison notes that in the same year the exasperated chiefs held a hui petitioning their grievance to the parliament.
Hapū frustration at the Crown’s failure to uphold promises made as part of this sale also gave rise to the politicised organisational structure of rūnanga.\(^{216}\) In 1879, Ngāi Tahu leaders confirmed the 1874 strategy of establishing a rūnanganui, or tribal parliament, to represent the collective of Ngāi Tahu whānui (H. Evison, 1997, pp. 307-316). This decision was also to be the genesis of Te Kerēme (the Ngāi Tahu claim). This agreement, which represented the first collectivisation of Ngāi Tahu since the repulse of Te Rauparaha some half a century earlier, was made toward the end of the nineteenth century. Ngāi Tahu systems were based on rangatiratanga. Rūnanga provided the organisational foundation for managing tribal affairs. Through thirty years petitioning their grievance, the hapū of Ngāi Tahu established an iwi-level political status. The individual hapū, each of whom represented the individual people and marae within the regions of Te Waipounamu, became members of the rūnanganui.\(^{217}\) This organisational structure would endure to today. Rūnanga became the governing councils that would manage the affairs of whānau, and kāika\(^ {218} \), on behalf of Ngāi Tahu descendants. During the assimilation policies and practices of the mid-nineteenth to the late twentieth centuries, the claim remained a focal point. Rūnanga managed the collective interest of Ngāi Tahu whānui. In political advocacy and representation, the role of rangatira were instrumental in the decision to create rūnanga.

The socio-political structure that Ngāi Tahu has relied on since the mid-19\(^ {\text{th}} \) century has been the rūnanga system, which has been adapted to suit Ngāi Tahu concepts of how social and political institutions should be structured. Ngāi Tahu rūnanga acts as the māngai,\(^ {219}\) or mouthpiece, for the people ... they are the basic foundation blocks of the Ngāi Tahu iwi. (Kelly, 1991, p. 14)

The decisions of rangatira in 1874 and 1879 to establish rūnanga were important. In the first instance they were forced to establish rūnanga as political and administration bodies because of the Crown’s failure to protect promises made in their purchase of almost the entire Ngāi Tahu takiwā. The ability of these rangatira to exercise their rangatiratanga was compromised and the wellbeing of their people was affected by a range of Crown actions, from taking lands that were not for sale through to failing to establish hospitals and schools.

\(^{216}\) tribal collective, council
\(^{217}\) tribal parliament
\(^{218}\) home, address, residence, village, settlement, habitation, habitat, dwelling. Kāinga and Kāik are Ngāi Tahu dialect for Kāinga
\(^{219}\) mouth, spokesperson
as promised at the time of the land sales (Tribunal, 1991). The agreement to establish rūnanga first and foremost collectivised the claim as an iwi, despite the claims being specific to affected hapū. The decision was Ngāi Tahu rangatira exercising their rangatiratanga, in the interests of their whānau and hapū. The politicisation of their grievance would be considered by the Crown through a number of processes, as discussed in Chapter 3.

Some seventeen inquiries, including select committees of Parliament and Royal commissions, were held from 1872 to 1920 to consider Ngāi Tahu grievances (Tribunal, 1991, p. 16). A commission of inquiry in 1920, considering issues with the Kemp’s purchase (almost a century earlier), recommended £354,000 be paid as compensation for failure by the Crown to provide “ample” or “liberal” reserves (Tribunal, 1991, p. 92). This was opposed by a number of Ngāi Tahu whānui as it was considerably short of demands and expectations made by the leaders. It was not until 1944, however, that effect was given to the 1920 decision with the Ngāi Tahu Settlement Claim Act, with the Crown agreeing to provide £10,000 annually for thirty years.

There was a mixed reaction to this proposed redress. Some were in support, believing that Te Kerēme had gone on too long, while others dissented and based their opposition on the amount of the settlement being insufficient compensation, that a trust board structure was an inappropriate mechanism to administer a settlement, and that there had been a lack of consultation for such a settlement (Tau, 1992). One such objection came from W. A. Pitama of Tūāhuriri in Christchurch. He wrote to the Press newspaper an open letter printed in the paper on the 24 January 1945:

Sir, - This letter is written by way of a solution to this burning question and as a guide to the Government, which has not met the owners nor expounded its policy regarding what it intends doing with the £10,000 for the next 30 years. Social security has made us all equal. There are two main hapus [sic]. Foremost is Ngai Tuahuriri; next is his half-brother, Ngati Huirapa. Ngai Tūāhuriri are those people originally of Kaiapoi, and embracing Rapaki, Banks Peninsula, Wairewa, Taumutu and Westland, besides others living elsewhere. Ngati Huirapa are originally Temuka people, covering Morven, Waihau, Glenavy, Moeraki, Waikouaiti, and Otakou, besides others living elsewhere. Pay these two hapus [sic] £5,000 each, for them and their descendants. Let them form their own committees under least possible muddling Government supervision. Remember, the Ngai Tahu claim strictly belongs to those whose elders lived within the block boundaries, 1848, and no one else – yours, etc., W. A Pitama (Pitama, 1945, p. 8)

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220 Ngāi Tahu collective
221 The Ngāi Tahu Claim
However, despite such opposition to ‘muddling Government supervision’, the unincorporated rūnanga model stayed in place until the 1940s. The second organisational structure that came to represent the collective of Ngāi Tahu, in 1946, was the Ngāi Tahu Māori Trust Board (NTMTB). It came into being with the passing of the Ngāi Tahu Māori Trust Board Act 1946. Ngāi Tahu whānui opposed the imposition of this identity and it was seen as the Crown setting out to “de-tribalise” Māori and amalgamate them even further into European society (H. O'Regan, 1996). The NTMTB was accountable to the Minister of Māori Affairs, not the people, and there was no recognition of the role of rangatira. This was contradictory to the concept of tino rangatiratanga, where tribal accountability of the rangatira was to whānau and hapū. Rūnanga remained in place, with marae being the location of the rūnanga activities of each takiwā. Representation, previously in the rūnanganui, was replaced in the NTMTB. Representation on the NTMTB was provided through internal rūnanga processes within the regions.

Despite being an imposed organisational structure, Ngāi Tahu utilised the Act to maintain its political voice and challenge for the Treaty grievances the rūnanganui had previously been advocating. It also used the NTMTB to invest in various economic endeavours, such as fishing and tourism. The structure was also pivotal in pursuing the Ngāi Tahu claim while providing a vehicle from which the claim to the Waitangi Tribunal was developed later in the century. The organisational structure remained in place until almost the end of the century, disestablished with the passing of the Te Rūnanga o Ngāi Tahu Act in 1996 (New Zealand Government, 1996, p. 13). The hapū structure was to become less visible over time, with rūnanga advocacy undertaken by the NTMTB. The marae and rūnanga became the representations of the hapū and iwi collectivisation. This did not diminish or replace hapū, as the whānau who upheld the mana of marae and rūnanga were also the same as those who belonged to hapū in more traditional times.

Te Kerēme

As articulated in the previous section, rūnanganui, or political councils, were established in 1874. Their purpose was to advance Ngāi Tahu concerns associated with the failures of the Crown to fulfil promises associated with the Treaty of Waitangi, and were to became the genesis to Te Kerēme, the Ngāi Tahu claim. As outlined in Chapter 4, the ability to present

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222 The Ngāi Tahu land claim, Wai27
issues to the Crown over failings or grievances associated with the Treaty of Waitangi was provided in 1985 with the passing of an amendment to the Treaty of Waitangi Act 1975. This change gave the Waitangi Tribunal retrospective powers to consider Crown breaches of the Treaty of Waitangi since 1840. Ngāi Tahu seized this opportunity to prepare a claim.

In 1986, the NTMTB lodged its claim, focusing in particular on breaches associated with Article 2 of Te Tiriti o Waitangi which guaranteed rangatira their rangatiratanga. Over the next eighteen years, Ngāi Tahu worked towards the development, recognition and adoption of a tribal corporate body that was consistent with the constructions of Ngāi Tahu tino rangatiratanga. In 1991, the Waitangi Tribunal recommended to the Crown that Ngāi Tahu be provided a ‘legal’ identity that was more accountable and responsive to Ngāi Tahu whānui. The NTMTB was of the view that the trust board structure was not going to sustain the needs of Ngāi Tahu into the future. As noted previously, the authority of the NTMTB ultimately sat with the Minister of Māori Affairs. This thinking is well described by Tā Tipene O’Regan, noted in the Ngāi Tahu Sea Fisheries Report (1992), that the “NTMTB, is not, in its present form, an appropriate vehicle to deliver what is going to be required in the 21st century” (Waitangi Tribunal, 1992a, p. 1068). While the reference related to the Ngāi Tahu Sea Fisheries claim, the issue was systemic and needed to be addressed if and when any settlement may be negotiated.

Doug Kidd, National Member for Marlborough, tabled the Te Rūnanga o Ngāi Tahu Bill in Parliament on July 27, 1993. The bill was introduced to Parliament and was linked to the Ngāi Tahu claim. The bill itself had many elements. In his speech to Parliament, Doug Kidd noted that the “Ngāi Tahu Māori Trust Board was not an appropriate structure to control and administer tribal assets …[with] Ngāi Tahu [intending] to establish a new rūnanga” (New Zealand Parliament, 1993, p. 16890). The bill provided for the dissolution of the NTMTB and to vest all the assets in Te Rūnanga o Ngāi Tahu (the Council of Ngāi Tahu), being the eighteen “papatipu rūnanga of Ngāi Tahu whānui” (New Zealand Government, 1996, p. 7). It also made clear that a charter would be prepared to establish “all the rules by which Te Rūnanga o Ngāi Tahu will administer its affairs” (New Zealand Parliament, 1993, p. 16891). The bill was to introduce a corporate structure and processes for Ngāi Tahu people, and it would receive and maintain settlement assets from the Crown. Ultimately, this corporation would represent the individual and collective interests of Ngāi Tahu whānui. As discussed in Chapter 4, the Crown required a way to legally recognise Ngāi Tahu as an iwi. This appears to be an absolute contradiction when Te Tiriti o Waitangi recognised hapū, along with the
rangatira who represented these collectives. The basis of the Ngāi Tahu corporation was prepared by the NTMTB as part of the wider settlement consultation negotiated with the Crown. Without a legal identity to settle with, the Crown could not provide conclusion to the agreed settlement, which the bill enabled.

On August 21 1993, a meeting of Ngāi Tahu whānui was held at Oraka Aparima, in Southland, where the proposed charter of Te Rūnanga o Ngāi Tahu was adopted, recognising that in the context of Government settlements, the offer for settlement of grievance was seen as being the best that could be attained, within the context of the settlement desires of the Crown. It outlined a model of organisational representation of the iwi if it were to receive settlement. As discussed in Chapter 4, one such requirement was mandate. The Crown required Ngāi Tahu to demonstrate that its registered members accepted the offer via a democratic vote of acceptance. Within the Ngāi Tahu claim there were challenges to the mandate Ngāi Tahu proposed. These challenges were made by Waitaha and Ngāti Māmoe, claiming in select committee hearings that the tribal claim did not represent their peoples (Tribunal, 1991). During the processes of this claim, these matters were presented and challenged with Ngāi Tahu whānui. In the end, these claims were rejected and the Ngāi Tahu settlement proceeded. The representation of issues of Waitaha and Ngāti Māmoe were seen to be part of the Ngāi Tahu claim.

The path to the settlement being passed in Parliament was not an easy one, with challenges occurring both internally and externally to Ngāi Tahu whānui. The corporate structure established in 1996 was to receive the Ngāi Tahu settlement. The structure of Te Rūnanga o Ngāi Tahu, however, did not reflect the role of rangatira as discussed in Chapter 1. Equally, the traditional hapū had been replaced by eighteen papatipu rūnanga, each providing representation on the tribal governing board, Te Rūnanga o Ngāi Tahu. Rangatira in their traditional form were a notable absence, replaced by western models of representation which were being advocated for inclusion in the bill. One such advocate for these inclusions was MP Sandra Lee, who said that this structure:

> does not provide a real democratic model or vehicle. It does not enshrine the social structures of Ngāi Tahu to advance our cause into the 21st century. We do need corporate structures, but we do not want corporate structures like the previous ones (New Zealand House of Representatives, 1996 (28 February), p. 1193).

Western accountability processes were seen by Lee as providing a deregulated sense of authority where ‘the people’ would elect representatives, not be excluded in a perception of
power by just a few. This contradicts the authority of rangatira and their rangatiratanga in hapū, and in turn the traditional pūtake discussed in Chapter 1.

The Te Rūnanga o Ngāi Tahu Act was passed in 1996. The Act established an organisational structure and defined processes of governance and participation of Ngāi Tahu whānui, both in anticipation of settlement, and managing the political needs and aspirations of members who whakapapa from Tahu Pōtiki. The organisational design is given in Figure 5.1. As noted in section 4.6, the Te Rūnanga o Ngāi Tahu settlement set precedent for future settlements. As the first major settlement, it became evident that Ngāi Tahu would require a legal personality to receive the settlement redress. Ngāi Tahu’s opposition to this process is clear in its 1996 Annual Report:

The most defining event of the year under review would have to be the passing of the Te Rūnanga o Ngāi Tahu Act into law on 24 April [1996]. The struggle over our legislation has been well reported to you [the registered members of Te Rūnanga o Ngāi Tahu] previously. Suffice to say that the opposition to the recovery223 of our legal personality as a people continued to be opposed by Ngāi Tahu parliamentarians right up until the very last. With the passage of the legislation the Ngāi Tahu Charter became a reality and the Ngāi Tahu Māori Trust board was no more… (joint Chair’s Report) (Te Rūnanga o Ngāi Tahu, 1996a, p. 7)

The passing of the legislation was very much challenged under the “dramatically changed character of the new MMP parliament” that was in place in 1996 (Te Rūnanga o Ngāi Tahu, 1996a, p. 7). The challenge from the mixed member proportional representation meant that while approval held with the government (the National Party), the Act required support from other political parties. This opened up more opportunities for challenges to the passing of the legislation and potentially the Treaty settlement. Ngāi Tahu recognised clearly the resolve and leadership of the Prime Minister, Right Honourable Jim Bolger, noting he “strengthened” the ability of the Minister of Treaty Negotiations, Honourable Doug Graham, to move the Bill “through the final stages in Parliament” (Te Rūnanga o Ngāi Tahu, 1996a, p. 7).

Although the Ngāi Tahu Claims Settlement Act1998, which gave the settlement legal effect, was “almost completely in line with the Waitangi Tribunal’s recommendations”, the Act took six years to negotiate the parliamentary phase. The Crown recognised the challenge with traversing this process. The Office of Treaty Settlements also advises that “… claimant groups may find that matters they think are better discussed only among their members

223 The recovery is signalled here as having an entity recognised by Ngāi Tahu, as opposed to the Ngāi Tahu Trust Board entity forced into the iwi in the 1940s by the Crown.
become subject to public debate through the legislative process” (Office of Treaty Settlements, 2002, p. 68), again an issue seriously confronted by Ngāi Tahu in the Te Rūnanga o Ngāi Tahu Act in 1996 through Ministers Tirikatene-Sullivan and Lee, discussed above. The legislative process creates issues with democracy processes for appointments to the governing aspects of the Te Rūnanga o Ngāi Tahu Act.

The current Crown process for a governance entity “simply refers to the legal entity the claimant group will use to represent them and to hold and manage the settlement redress to be transferred by the Crown under the Deed of Settlement” (Office of Treaty Settlements, 2002, p. 67). It is also a Crown expectation that the structure “… adequately represents all members of the claimant group, has transparent decision-making and dispute resolution procedures, is fully accountable to the whole claimant group, ensures the beneficiaries of the settlement and the beneficiaries of the governance entity are identical when the settlement assets are transferred from the Crown to the claimant group, and has been ratified by the claimant community” (Office of Treaty Settlements, 2002, p. 67).

The final point made by the Office of Treaty Settlements is that the governance entity must be ratified by the claimant group. The two core elements which must represent members are firstly that the entity holds the assets of settlement and secondly, that the entity makes decisions on assets management and benefits generated from those assets are used for the benefit of claimant group members. Therefore, contemporary structures are described by the Office of Treaty Settlements as follows:

Increasing numbers of claimant groups have found that private trusts, with subsidiary trusts or companies to manage the settlement assets, meet their post-settlement objectives. The Crown is also comfortable about transferring settlement redress to such entities. (Office of Treaty Settlements, 2002, p. 67)
The key characteristic of Te Rūnanga o Ngāi Tahu was the establishment, or confirmation, of eighteen papatipu rūnanga being the constituent representatives, with each democratically electing a representative to Te Rūnanga o Ngāi Tahu. Each representative, while elected by the rūnanga, “shall … act [in] the best interests of Ngai Tahu Whānui as a whole” (New Zealand Government, 1996, Section 15 (3) (c)). These two key elements almost totally contradict the original concepts of rangatira and their enactment of rangatiratanga. The contradiction resides in the fact that the authority of the representative is based on the mana of the rūnanga, yet their requirement as governors at the table is to represent the interests of all Ngāi Tahu whānui. To provide an example of the problem, if a decision was required where the decision would be detrimental for the rūnanga, yet advantageous for Ngāi Tahu whānui, the representative must vote for the latter, based on the primary consideration to ‘vote’ for the whānui. This is not only a contradiction for the rūnanga, it is
also a challenge to the rights of rangatiratanga by rangatira, who were acting in the interests of their people, the whānau and hapū. If the rūnanga is considered as a contemporary reflection of the hapū, the contradiction is significant. Issues of whakapapa and mana are not a consideration in appointees to Te Rūnanga o Ngāi Tahu. Rūnanga elect their representatives to Te Rūnanga o Ngāi Tahu democratically.

Having had the Ngāi Tahu claim upheld, established a repository for the assets via the Te Rūnanga o Ngāi Tahu Act 1996, and negotiated a settlement, the tribe completed the settlement in the passing of the Te Rūnanga o Ngāi Tahu Settlement Act in 1998. It is important to reflect here on the implications of the Act when considering the issues of democracy and the challenges raised by Lee and others with regards to representation and leadership. In the first instance, the status of Te Rūnanga o Ngāi Tahu is that it is “recognised as the representative of Ngāi Tahu whānui”. The 1996 Act defines the role of Te Rūnanga o Ngāi Tahu representatives “requiring the members of each Papatipu Rūnanga to elect … in a democratic manner by postal ballot, the members of that Papatipu Rūnanga who are to be charged with the duty of appointing to Te Rūnanga o Ngāi Tahu” (New Zealand Government, 1996, s. 16). This process of appointment via postal ballot is not a direct postal vote for the Te Rūnanga o Ngāi Tahu representative however. The postal ballot is to appoint an appointments committee, and the committee is, rather, a form of electoral college. Each member to the appointments panel and each Te Rūnanga o Ngāi Tahu representative must have “established his or her entitlement by descent” through registration at Te Rūnanga o Ngāi Tahu (Te Rūnanga o Ngāi Tahu, 2012, p. 18). This process of postal voting election for an appointment committee reflects the external influences of Sandra Lee and others, previously outlined, for a “democratic model or vehicle”.

Further, the Te Rūnanga o Ngāi Tahu Charter notes that election to the appointment committee is conducted by each papatipu rūnanga every three years and is done “… in a democratic manner by postal ballot of all eligible members of the papatipu rūnanga” (Te Rūnanga o Ngāi Tahu, 2012, p. 21). The rūnanga is required to have rules for their process and comply with these elements of the Te Rūnanga o Ngāi Tahu Act (1996) and Charter (2012). The aim of these requirements is to ensure all members of that papatipu rūnanga, over the age of 18, “have a reasonable opportunity to participate in the postal ballot” (Te Rūnanga o Ngāi Tahu, 2012, p. 21). Nominations can be self-nominated or through nomination by another person. The committee then elect the Te Rūnanga o Ngāi Tahu representative for that rūnanga. They too can nominate, or be nominated to be, the
representative through an election process of the Committee, as defined by the rūnanga policy or process. Once elected, the Te Rūnanga o Ngāi Tahu representative is responsible to follow the objectives of the Te Rūnanga o Ngāi Tahu charter. These are provided below to show the collective nature of the iwi being the ‘authority’, not the hapū which make up the collective of the ancestor, Tahu Pōtiki. These are important to the question of the research, when considering rangatiratanga as discussed in Chapter 1. For this reason, I have provided the full list of the objectives.

**Objectives of Te Rūnanga o Ngāi Tahu**

The objects for which Te Rūnanga has been established are:

(a) to be the repository of the collective Tino Rangatiratanga of Ngāi Tahu Whānui;

(b) to be the representative of the collective interest of Ngāi Tahu Whānui and the legal representative of Ngāi Tahu Whānui in relation to that collective interest;

(c) to receive the assets and assume the liabilities of the Ngāi Tahu Māori Trust Board in accordance with the Act;

(d) to receive assets transferred by the Crown in settlement of;

   (i) Ngāi Tahu’s claim WAI 27 to the Waitangi Tribunal arising from numerous breaches by the Crown of its obligations under the Treaty of Waitangi; and

   (ii) any other claims by Ngāi Tahu relating to the breach by the Crown of any obligations to Ngāi Tahu;

(e) to hold the assets and liabilities of Te Rūnanga, and administer those assets and the liabilities of Te Rūnanga as kaitiaki of Ngāi Tahu Whānui;

(f) to constitute the body through which Ngāi Tahu Whānui:

   (i) will confirm the enduring tribal structure which properly represents its Tino Rangatiratanga;

   (ii) will through the Office of Te Rūnanga, NTHC, the Te Rūnanga Subsidiaries and such other persons as Te Rūnanga considers appropriate, manage its affairs, business, assets and liabilities;

   (iii) may distribute benefits directly or indirectly to the members of Ngāi Tahu Whānui either in their individual capacities, or through their Papatipu Rūnanga or upon any other basis which Te Rūnanga may select;

(g) to act as the Trustee of the Charitable Trust;

   (i) to settle on, transfer, sell, gift or otherwise dispose of the whole or any part of the assets of Te Rūnanga to the Charitable Trust and to lend money to the Charitable Trust to facilitate any such settlement, transfer, sale or other disposition;
(ii) in addition to the objects set out in sub-clause 3(f) to constitute as the Trustee of the Charitable Trust a further body through which Ngāi Tahu Whānui:

(A) will through the Charitable Trust, the Office of Te Rūnanga, NTHC, the Te Rūnanga Subsidiaries and such other persons as it considers appropriate, manage its affairs, business, assets and liabilities; and

(B) may distribute benefits directly or indirectly to members of Ngāi Tahu Whānui either in their individual capacities or through their Papatipu Rūnanga or upon any other basis which Te Rūnanga may select, provided that no distribution shall be made except in furtherance of the charitable objects of the Charitable Trust. (Te Rūnanga o Ngāi Tahu, 2012, pp. 15-16)

The key feature of this section of the Charter is Objective (b), where the representative is first responsible to Te Rūnanga o Ngāi Tahu. This means the mana and authority of the rūnanga – noting the connection of rūnanga to original hapū – is secondary to the collective of Ngāi Tahu whānui. The appointment of the Te Rūnanga o Ngāi Tahu representative is a vast departure from the recognition of the rangatira, discussed in Chapter 1, who exercised rangatiratanga within their hapū. That authority cannot be seen, or reflected, in the existing charter. It could be asserted that even if the mana of the hapū was able to traverse the appointment committee process and by some means appoint their rangatira, they are not to enact their hapū rangatiratanga for they must act in the interests of Te Rūnanga o Ngāi Tahu first and foremost. However, as highlighted, the reality of hapū is not reflected in the Act or Charter beyond a reference point of pre-treaty Ngāi Tahu society.

As noted in Chapter 4, the settlement provided redress for Crown breaches of the Treaty of Waitangi, and included components for cultural, non-cultural and commercial redress. As an alternative to the role of rangatira, the tribal corporate have engaged with Ngāi Tahu whānui looking to establish a vision for the future. This vision was encompassed in the collective’s 25-year strategy called Ngāi Tahu 2025. This vision is also founded on a series of tribal values. These values are based on those of tūpuna and Ngāi Tahu tikanga. It is expected that the tribal organisation will be guided by these values, and that they underpin all activities:

**Rakatirataka**\(^{224}\) Ngāi Tahu staff are committed to upholding the mana of Ngāi Tahu at all times and in all that they do.

**Whanaukataka**\(^{225}\) Ngāi Tahu staff respect, foster and maintain important

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\(^{224}\) Ngāi Tahu dialect for rangatiratanga

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relationships within the organisation, within the iwi and within the community.

Manaakitaka\textsuperscript{226} Ngāi Tahu staff pay respect to each other, to iwi members and to all others in accordance with tikanga Māori\textsuperscript{227}.

Tohukataka\textsuperscript{228} Ngāi Tahu staff pursue knowledge and ideas that will strengthen and grow Ngāi Tahu and our community.

Kaitiakitaka\textsuperscript{229} Ngāi Tahu staff work actively to protect the people, environment, knowledge, culture, language and resources important to Ngāi Tahu for future generations.

Manutioriori/Kaikōkiri Ngāi Tahu staff are imaginative and creative leaders who must continually break new ground.

(\textit{Te Rūnanga o Ngāi Tahu, 2004, p. 2})

In 1998, Ngāi Tahu as an iwi initiated its post-settlement development journey. This journey is not simply about preservation of Ngāi Tahu as a static entity, locked in some nostalgic dream of traditional nationhood. But, to rephrase the research question: does the Ngāi Tahu Treaty settlement enable Ngāi Tahu rangatira to exercise rangatiratanga? In answering this question, it is important to establish the perspective of those people who are the contemporary leadership of the iwi. The following sections look at the issue of rangatiratanga and the pūtake which has underpinned a thousand years of development and whether these foundations remain representations for the future of Ngāi Tahu rangatiratanga.

\textbf{Section B: Participant responses and pūtake of rangatiratanga}

Anei ngā kōrero taonga mai i ngā ngā rangatira o ngā uri o Tahu Pōtiki.

(Here are the treasured contributions from the rangatira of Tahu Pōtiki, the ancestor of Ngāi Tahu whānui).

\footnotesize{
\textsuperscript{225} Ngāi Tahu dialect for whanaungatanga
\textsuperscript{226} Ngāi Tahu dialect for manaakitanga
\textsuperscript{227} Māori customary practices
\textsuperscript{228} Ngāi Tahu dialect for tohutanga
\textsuperscript{229} Ngāi Tahu dialect for kaitiakitanga
}
This section provides an analysis of the interviews with Ngāi Tahu participants conducted as part of this research. The ultimate purpose of these interviews is to determine to what extent Ngāi Tahu’s settlement has enabled Ngāi Tahu to exercise the tino rangatiratanga guaranteed in Te Tiriti o Waitangi in a post-settlement environment. Firstly, I have endeavoured to thematically group the content of the interviews against the pūtake discussed and identified in Chapter 1 in order to understand the nature of rangatiratanga for the Ngāi Tahu participants. However, it is at times difficult to separate discussion about leadership into separate themes because the pūtake of rangatiratanga were clearly not isolated. Overall, the analysis shows that the pūtake remain an important influence, despite the structure of post-settlement leadership. I will look at the pūtake of whakapapa, mana, hapū, whenua and utu in traditional and contemporary contexts. I also discuss other aspects of leadership which arose from the interviews.

**Whakapapa and the exercise of rangatiratanga**

Overall, the participants confirmed that in traditional rangatiratanga, whakapapa is an intrinsic element of identity, either individually or as part of a wider whānau and hapū collective. Participants noted the role of whakapapa in creating and maintaining societal frameworks which were a key aspect to determining leadership and the roles rangatira played in whānau and hapū. For example, they said:

… [whakapapa was a] fundamental component of a functioning community …

… whakapapa links … mean something…

There’s no purpose of [maintaining whakapapa] unless you actually have an aspiration. Unless you want that identity to have a certain form. Absolutely no … point in all of that stuff, research units and whakapapa units and all that unless you have an aspiration. Then you want that identity to persist and its character to be expanded to reflect the traditions, the things from which we come.

However, despite the importance of whakapapa as noted in the above quotes from participants, the reality of colonisation and assimilation was clearly seen by those interviewed as disempowering the hapū. This had a severe impact on the role of whakapapa of rangatira and their enactment of rangatiratanga. Despite Ngāi Tahu now having gained settlement with the Crown, there is a significant challenge in maintaining or rebuilding the mechanisms and knowledge of tribal whakapapa. The contemporary reality of whakapapa clearly remains a pūtake for participants. However, they said there are issues with colonisation over the last two centuries:
... firstly that Ngāi Tahu individual expertise at whakapapa is pretty weak continued [sic] by this time ... we’re seriously stretched or challenged to have this sort of knowledge within ourselves [however] ... one of Ngāi Tahu’s gifts was how shattered it was, culturally I think the whole lot of reasons that is ... things that they would never have done or could never have done [by other iwi], ... Ngāi Tahu could.

In some cases, the role of whakapapa knowledge remains in whānau passing from generation to generation. In response to how whakapapa knowledge was transferred, one participant shared their ‘entrance’ to engaging in this taonga and the test they needed to overcome in order to gain access and knowledge amongst their own kin and led by whānau. This example describes an engagement with a whānau elder when seeking an understanding of their whānau whakapapa.

‘So you think you know the whakapapas [sic] do you?’ I said ‘Yes I do.’ [He/she] said ‘Right ... go and get one of those big rolls of paper’ brought it in to the whare ... ‘righto, write them up’. So I went back to creation and I wrote the whole lot down and I was just coming down through the whakapapa lines putting husband – wife, husband – wife and I put this particular woman, ‘Oh no don’t put her’ I said ‘Aunty, the fact that they’re half-brother, half-sister they did it that way’. We’re Catholics today and we frown upon it but ... This is who we are and you can’t cut her out. And when I’d finished, she said [referring that I am responsible for our whānau whakapapa] ‘you’re it’ and gave me all the originals. And ever since then I’ve been in charge of the whakapapa for the family and it was amazing cause what’s happened over the years is nearly every family of [our whānau and hapū] has delivered their whakapapa to me.

your whakapapa would not put you on the front line but ... whānau has ... reputation ... and your own merits [get] you to a senior position where you can affect things and people begin to look upon you.

It is evident from the above feedback that whakapapa was a fundamental aspect for identity. It was also clear that the hapū collective was represented by the rangatira. Rangatira clearly were the lead for the people and the collective. While the participants recognised this as a challenge, it was equally identified as an opportunity. As discussed in Chapter 1, the role of rangatira was responsible for the intergenerational transfer of knowledge within a hapū and the people. The impact of colonisation now means that the ability to track and learn whakapapa is not just maintained in whānau and hapū through intergenerational transfer. It is no longer within the means or capability of hapū or rangatira. However, many participants agreed on the importance of whakapapa. They collectively noted that colonisation has meant that in some people’s lives, whakapapa is a ‘registration’ process with a tribal corporate and not necessarily connection and participation in whānau and hapū.
The comments of those Ngāi Tahu interviewed indicate that they all believe whakapapa was a pūtake for rangatiratanga traditionally. The relativity for whakapapa in contemporary roles is also still important. Participants acknowledged that intrinsically whakapapa and the histories of tūpuna or ancestors from whom they descend, provided the ‘rights’ and/or responsibilities of such leadership. As discussed earlier in this chapter, the implications of whakapapa are far-reaching and defined before one is born. The larger natural grouping of Ngāi Tahu whānui is whakapapa. The continuation of whakapapa and its mana from generation to generation remains and informs identity. The participants noted this, saying for example:

... I’ve inherited the mana attributed to my uncle and my grandfather. It's, you know, hey well he's a [whānau - anonymous], they were good people you know so you, you take on a bit of that mana, but ultimately you got to show.

... why am I in the top five [hapū] … and … who says … this is the recipe obviously by definition, this is the recipe that could be got away with where enough people say that's a fair representation of who I think I am and how I see myself in a frame that is both collective and me as an individual…

While those interviews recognised that whakapapa was a key pūtake for rangatira in traditional hapū, they were more explicit that colonisation and assimilation has changed the commanding aspect of whakapapa. However, whakapapa was seen by participants as continuing to provide the basis on which rights and responsibilities are framed within a whānau or hapū. They observed that whakapapa has also become a ‘registration’ process for being a member in the iwi, which differs from the context of whakapapa as determining those who would execute rangatiratanga traditionally.

**Mana and the exercise of rangatiratanga**

As discussed in Chapter 1, mana was a critical pūtake for rangatira and their role in exercising rangatiratanga within their whānau and hapū. Mana is inherited through whakapapa, and enhanced, or diminished, by the actions of the person. As previously highlighted manaakitanga\(^230\) is one by-product of the concept of mana and connects well to this point. Overall, participants clearly expressed that mana was a pūtake for rangatira to exercise rangatiratanga. The following demonstrate the traditional role of mana in

\(^{230}\) hospitality, kindness
communities and its associations with rangatira. These responses were to the question of mana, and its association with actions and histories of rangatira, for Ngāi Tahu participants.

We know that our leaders took care of … our people. They looked at the environment, they looked at the health and well-being, they looked at the context of the situation that they were in and they would've demonstrated a clear leadership-type style that enable[s] people to grow.

… mana is, has always been the function of both merit and description.

Well, Tūhawaiki clearly emerged, he was a junior, Whakataupuka his uncle was the senior but he died young and circumstances produced [or] propelled Tūhawaiki forward. But Tūhawaiki didn’t need to become the man he became. He could have sat on his butt and just been a local chief. Te Hau Tapanui o Tu didn’t need to become the man he became. He could have sat on his butt and managed his affairs perfectly well… to be the leaders that they were. But, they were created and shaped by their particular circumstances in time.

Ngāi Tahu participants were clear about the enactment of responsibilities and actions, which are significant determinants in mana. In turn, mana underpinned rangatira. Whakapapa, as one pūtake, was not always enough; it was within the hapū, and in the activities of the people, that mana rested. Although the context for Ngāi Tahu has changed significantly from traditional times, interviewees’ statements clearly demonstrate mana as critical for the facilitation of the person exercising rangatiratanga within communities; whether expressed as caring for the people, or demonstrated by exercising rangatiratanga amongst the people. For example, these comments show that mana is derived from action of the person among, or for, their people.

[What defines his mana is…] his capacity and willingness to stand … out there in the rain and put down a hāngī\textsuperscript{231} at a tangi\textsuperscript{232}. What redeems [anonymous], full of sloth, which academia represents. It’s his work on pohā with his pōua\textsuperscript{233} and his burning capacity and his willingness to kōha people … What redeems [anonymous]? It’s his grandmother, his association with his father’s commitment to the resource and he knows how to dive, he knows how to harvest … he’ll not be a leader unless he can demonstrate, I don’t know where I got it from, but this is a line you should write down.

Well I think in a sense you inherit some mana…

Like Uncle [name] would never publicly support me and he got asked once how come, cause we know you do support him but you'll never do it publicly. Uncle [anonymous]

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\textsuperscript{231} hāngī, earth oven - earth oven to cook food with steam and heat from heated stones
\textsuperscript{232} to cry, mourn, weep, weep over, funeral
\textsuperscript{233} old person, grandfather
response was a maunga has to cast its own shadow. If I’m the shadow in front of him all the time he’s never going to learn to do the job properly.

In discussing a contemporary perspective, the participants also made clear distinctions between the conceptual realms of rank versus the pūtake of mana. In particular, the rank bestowing the power of a title or position in an organisation differs significantly from the undertakings of rangatira and the mana of the whānau, hapū, or community. Rangatiratanga and authority, the perceived role of being ‘in front’, is clearly not seen by interviewees as being akin to holding a position of management, or a defined role such as one with a job description or organisational title. This challenge raises questions for contemporary Ngāi Tahu leadership, as demonstrated in the following responses to questions about contemporary positions of leadership as compared to traditional rangatiratanga.

The leader of this organisation is … a technical role of actually leading a team, getting, working towards outcomes etc. That’s all it is, just technical. Leadership is actually organic and it comes through demonstrating from flax roots, doesn’t matter what you’re in.

… but most of my views on … [leadership] are the evolved, [leaders] are a combination of evolved views and experience … books on leadership aren’t much help.

… rank I would liken to role [as opposed to rangatiratanga].

It is clear that participants view contemporary organisational roles and functions as differing from the traditional rangatira exercising rangatiratanga. In response to a question about mana and its correlation with Ngāi Tahu rangatiratanga, there was a rich and deep kōrero which draws on the importance of wisdom, language and imagery as aspects that play a role in the mana of a leader. This is particularly the case when discussing the histories of the people rangatira are leading. These skills of language, imagery and wisdom were individually and collectively exercised by rangatira. For example:

… good [leaders] … know all about the hooks … make the connections so … they all play[ed] … intelligently … and change the face of New Zealand history …

Further, one participant noted the importance of language for the rangatira in articulating to their people the challenge to be met, within the context of that challenge:

… vocabulary of … [and] metaphor on story and myth and legend and whakapapa and using one to describe, using a traditional frame and traditional language in that sense, imagery and … describe the current situation and the challenge that’s ahead…

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234 to tell, say, speak, read, talk, address
...to me everyone has mana despite your whakapapa ... and I think mana is something that we develop ourselves [however] ... to walk around with a 'mana crown' and say because I whakapapa to this whānau, there is a sense of community perspective that they’re greater than the other. I think that’s absolutely not okay.”

... [Mana] is applied to you by people [by the hapū] as a consequence of your own merit. That was just inherited and is basically that bit that puts you in the pool for consideration ...

When discuss the elements of mana, the Ngāi Tahu participants also expressed the role of rangatira through time, from pre-European contact to now. These two examples reference the traditional process of burying whānau in the urupā which was a skill passed from generation to generation, compared to the contemporary example of one participant being ‘chosen’ for positions of leaderships by other rangatira and whānau.

While you were away, we had a discussion, you’re it”, “I’m what?”, "You're in charge of the urupā, that's your job. Now here’s your first job,” “Those boys are first up on the hill now and we do it, we have run it. I run it until 2007 when the first of my generation died... we’re all in our mid-50s, it’s time to hand it over to the kids.

Well I was a young Ngāi Tahu boy, been in the University Māori Club that he was the patron of, he kept an eye on me... He knew my parents, knew my mother, [anonymous] is his wife. He's a [anonymous]. My mother was a part of that nexus ... and of course we all do that [making linkages through whakapapa and mana of whānau we are connected to and with].

Undoubtedly mana was highlighted clearly by all participants as a pūtake of traditional rangatiratanga. It was also clear, as one participant said, that “a man will never amount to anything unless he believes in something larger than himself”. Mana is in part inherited, but it is also framed clearly in the actions of the person(s), not just the status, role, title, or rank that is held. One participant particularly noted that the disruptions to traditional lives impacted on the responsibilities for rangatira. Noting rangatiratanga is no longer isolated to hapū, which is another key issue of the future rangatiratanga of Ngāi Tahu. The following feedback was highlighting the importance of those relationships between communities for the mana of the people rangatira represent.

John Rangihau pointed out many years ago, the greatest challenge for our future is not the relationship between Māori and Pākehā, that will work itself out, the great challenge is the relationship between Māori and Māori. He said between Māori and Māori, between iwi and iwi.

As noted in Chapter 1, mana was significant to the credence of a leader and the authority they held within their whānau and hapū. Mana was embedded and enhanced in the essence
of oratory tales or whakapapa and identity of the people of the whānau and hapū. It was seen, it was felt and it was recognised. All interviewees recognised mana as a traditional pūtakae. Its bearing on the rangatira and by default their peoples was immense. This was clearly identified in the participant whakaaro and kōrero, however, their responses to questions also noted that mana remains an important element for contemporary Ngāi Tahu. Much has changed through the processes of colonisation and assimilation; however, mana has remained an element lived in our communities and still a credo for determining rangatira.

**Hapū and the exercise of rangatiratanga**

As previously established, rangatiratanga was exercised over hapū. Unlike the concepts of whakapapa and mana, hapū was the context in which these pūtakae of rangatiratanga were exercised by rangatira. As discussed in Chapter 3, hapū have been disrupted by the process of colonisation. Treaty of Waitangi claims and negotiation outcomes have also impacted on the role of hapū. In discussing hapū, I asked the participants for their perspectives of Ngāi Tahu hapū traditionally and in the contemporary realities of Ngāi Tahu communities. I sought clarification of the traditional hapū of Ngāi Tahu and how such hapū have changed through time. Overall, participants recognised that rangatira started at ‘home’. Participants recognised the hapū as being ‘home’. The centre of Ngāi Tahu was whānau and hapū, as seen in the following example.

> Leadership is at home – in our own – and I’m not even going to say rūnanga … Leadership … is in your own home.

In asking the question of rūnanga as a modern-day term and structure among Ngāi Tahu communities, I asked if the hapū had been superseded by the tribal corporate established to receive settlement, and by default, whether the role of rangatira had been usurped by the tribal roles of governance and management. In response, participants said:

> … [and] when did we trade the hapū in - I don’t think we did …

> …basically we’re still doing exactly the same things the old timers did. It’s all about the community, all about protecting the people and going forward, growing the people.

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235 to think, plan, thought, opinion, plan, understand, idea
236 As noted in Chapter 1, the term traditional used in this thesis as being the time preceding the arrival of non-Māori, the time when authority of rangatiratanga and their exercise of rangatiratanga was in place.
Your community [hapū] always know who the drivers are and the leaders are.

Whether you attend as the hapū or you attend as the rūnanga you’re still the same people. It’s just a vehicle for us to have a voice. Just a modern vehicle.

The participant responses indicate that Ngāi Tahu have remained consistent as a hapū-led iwi. As outlined in Chapter 1, rangatira were seen as being based among and with the people and for the people. The following quotes demonstrate traditional and contemporary interconnectedness between rangatira, the people, and home or hapū, a pūtake for the right and responsibility of exercising rangatiratanga:

… cause if no-one’s following you, you’re not actually leading anything [and] … you’ve got to have your community … otherwise you don’t have leadership.

You’re no leader if you haven’t got people. … if you’re not able to bring people with you, you’re not a leader … other people define you as a leader, you don’t define it yourself, and you become that leader through other people enabling you … to be that leader.

… our grandfather always drummed it into us; a true leader is a servant.

Another thread of feedback from the Ngāi Tahu participants was the validation of the histories and framing of Ngāi Tahu hapū. In particular, at the time of pre-European contact, five hapū were noted as representing the collective: Kāti Kuri, Kāti Huirapa, Ngāti Irakehu, Ngāi Tūāhuriri and Kāi Te Ruahikihiki. In asking participants about the five hapū, there was particular feedback noting the events of the nineteenth century and the arrival of non-Māori, and more latterly Te Tiriti o Waitangi, which was to time-lock the hapū and iwi (via the 1840 rule). This is despite clear evidence here that within and external to Ngāi Tahu communities, hapū were not a static collective of five distinct geographical communities. When I asked the participants broadly about the traditional structures of Ngāi Tahu, they all told me that their perspectives of hapū for Ngāi Tahu, both across the iwi and also pertaining to their own whakapapa and context, are within the rights and context of hapū.

So we’ve gone for a structure with what we call the five primary hapū but actually if you go down to the whakapapa unit, Ngāi Tahu has 168 hapū and one of the big drives of Whetu [Tirikatene-Sullivan]237 was that it should be allocated based on hapū. And as I said to them that’s one million each. Its 168 … opportunities of falling over by divvying it up like that, you have no economies of scale.

… we’ve gone for a structure that talks about the five primary hapū … plus Māmoe plus Waitaha … my family have called themselves Ngāti [anonymous] and that’s in recognition

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237 Whetu Tirikatene-Sullivan was a Labour Member of Parliament who held the Southern Māori Seat during the Ngāi Tahu settlement of 1996.
of [anonymous] saving our line and bringing it back to Kaikōura through Tuhuika. You've got some of the families of Kaikoura call themselves Ngāti Moraka. Some call themselves Ngāi Terakitawhio. Now while the tribe might collectively say that we're all Ngāti Kuri that is not the reality amongst the community. We all have that Kuri whakapapa but we carry different inscriptions.

There is intersection of hapū and whakapapa. Participants noted that while there is a recognition of the five primary hapū within Ngāi Tahu whakapapa and communities, there is also dispersed whānau and complexity with the agreed five hapū. In one particular comment, and the only traditional framing of Ngāi Tahu as an iwi, a participant referenced the repulsion of Te Rauparaha, discussed earlier in this chapter. This hapū identity was primarily and clearly the social reality for Ngāi Tahu, prior to the arrival of non-Māori through to, and post, the signing of Te Tiriti o Waitangi. It is evident that the other hapū of Ngāi Tahu do link to the five primary hapū, and that the repulsion of Te Rauparaha re-established a Ngāi Tahu collective as holding rangatiratanga in Te Waipounamu. According to one participant:

... you could argue that Te Rauparaha sealed some of that fate cause that's when the five [hapū came] back together ... to repulse really, if you were to think that the southerners came forward the Tahu Pōtiki link joined together to repulse and I guess validate what we now know as a contemporary sort of iwi model, but back then it really wasn’t. It was a whakapapa move to protect ourselves and support our whanaunga[238] not probably necessarily for political reasons in the sense that we might know them now but just purely as ahi kā and keeping mana really ... one generation before, what would the five be, would it have been five or would it have been seven and who would have been a top ranking? At what point, if you'd asked that question, would have been a Ngāti Māmoe head brand that had sat on top of this collective of people or Waitaha brand that have been used.

Participants recognised clearly that traditionally hapū held the authority and rangatiratanga of Ngāi Tahu. They also recognised that the hapū interconnectedness began with sharing of a wider vision and purpose by rangatira traditionally, but also in the process of carrying Te Kerēme, and now as Te Rūnanga o Ngāi Tahu. The role of rangatira in fostering and leading aspects of this commonality of aspiration was important. In noting the settlement with the Crown and the rūnanga structure being the ‘representative’ bodies of what were traditional hapū, I asked interviewees about the role leaders had in ensuring the future of their peoples and whether in the contemporary context the visionary aspects of rangatiratanga in hapū had moved to Te Rūnanga o Ngāi Tahu, or an iwi level. In response, participants said:

238 relations

Page 160
... That constituency of vision ... [or] group of people who have common territories, they don’t have to be entirely shared, but they all understand the horizons. And even if they don’t exactly share each other’s, they all have a need for horizons, they understand...

... [in 1897] the rūnanga model came into being as one of its political vehicles that it sort of took forward [our identity and claim the adoption of this rūnanga in 1986 was when] the leadership started to go away from an individual hapū level into this thing called Ngāi Tahu ...

There will be some real clear central things that we will need to drive as an iwi but mostly things should be driven in our own homes.

We are unconfident about it we’re unsure, it's really complex, and we do have our own propensity to fall back into the, shall we call it, petty provincial’ um regional; that sort of political way of conducting ourselves and taking our eye off the big horizon.

... this speaks to [the] core question what does settlement do for leadership? Settlement ... [must] provide an opportunity for [hapū] to reclaim its own leadership, its own story.

As these responses show, hapū were the clear ‘community’ in which rangatiratanga was exercised. Rangatira operated and coherently gained, maintained and enhanced their mana and the mana of the people they were leading. It is clear there are now new structures, such as rūnanga, which have political and wider roles among Ngāi Tahu whānui. This has affected hapū and, by process, affected the place of rangatiratanga and rangatira. In saying that, however, hapū remains a basis of identity and a determinant of Ngāi Tahu as a people.

**Whenua and the exercise of rangatiratanga**

In Chapter 1, I suggested that the connectedness with whenua in a Māori traditional world was one that extended beyond place. Whenua represented a deity; it represented an ancestor from whom persons, whānau, and hapū descend. Whenua also represented for hapū and rangatira a responsibility to care for Papatūānuku as the sustainer of the harvesting of food and resources for whānau and hapū. This collection and management ensured sustainability for the current generations and for those to follow into the future. In a wider perspective, whenua also provided a key aspect of identity in which whakapapa, mana, and utu were clearly linked. Whenua took the names of ancestors, of rangatira and of events surrounding and involving rangatira and their descendants. Ultimately, rangatiratanga of whānau and hapū was connected with land, its protection, its development and its guardianship.

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239 Earth Mother
However, colonial acquisitiveness and the desire for land access drove the dispossession of whenua from Māori and the alienation of Māori from the traditional rights to exercise collective rangatiratanga guaranteed in Te Tiriti o Waitangi. In doing so, colonisation disempowered the authority of rangatira and their role in their communities, among their peoples. The connections of Ngāi Tahu to Te Waipounamu, or the South Island of New Zealand, have been established and described in this chapter. The authority of Ngāi Tahu rangatira signing Te Tiriti o Waitangi was guaranteed to be protected by the Crown in 1840. Whenua was clearly a pūtakē within traditional Ngāi Tahu whānau and hapū, as well as a pūtakē of the role of rangatira. However, participants were explicit that guarantees in Te Tiriti o Waitangi of rangatiratanga over whenua were breached. During my engagement with participants, I discussed the impact of land alienation on Ngāi Tahu. They all stated that there were clear intentions of the Crown to acquire land. The following feedback demonstrates this strong and consistent view.

Cause that's exactly what the Pākehā law changes in 1873 [with the Native Land Act] …and that was exactly what was intended … [by Walter] Mantell and [George] Grey and all these guys. You could read it in the script, now unless you understand, unless you understand the ideological foundations of Māori dispossession, you are never going to be able to conceptualise or lead people to the notion of repossession and redevelopment.

… all these … arguments …[the] treaty's not a complex question, it's been made complex … by its relative inconvenience to the assumption of state power by this bunch of settler usurps, who also brought about as in Mantell & Co, this total ideological belief in dispossession [of land].

The participants particularly highlighted how the current status of Māori land ‘ownership’ of whenua has been framed as a result, with land held by communal shareholdings and unworkable or unproductive to a greater extent.

But if you have a look at the history of capitalism from the start of the industrial revolution, on average land has returned between 1% – 2% over that time frame from the industrial revolution. Stocks and bonds have returned 4% – 5%. That’s the full extent of it. But the wealthy do not own land… I like the concept of ownership of land but it’s got to be practical. We could keep buying up land for the purpose of buying land but reality is, your income is the oil that runs the machinery that gives us the things that we want. Without that income we can't have the $400K a year distribution to the offices of the rūnanga … Well take whānau then. You take the whānau of New Zealand, Māori whānau collectively they own $1.6 billion worth of reserve lands. Thirty percent of that is growing productive, seventy percent is growing weeds.

The participants’ kōrero made it clear that land remains important for the basis of rangatiratanga and the role of rangatira had a clear link and connection to whenua.
However, traditional Ngāi Tahu identity and rangatiratanga was premised on the association with guardianship of whenua by the rangatira and the hapū. It provided the basis for hapū and development of the society. As noted by participants, the basis for the future of post-settlement Ngāi Tahu will include the question of the role of rangatiratanga of whenua. As participants stated above, the context for such authority in a contemporary sense, however, is vastly divergent from those traditional realities. The many western constructs now in place over lands, such as ownership, title, and it being an ‘asset’, are the opposite of land as a pūtake of the role of rangatira in traditional times. The participants were clear also that there is an ongoing role to navigate for the next iteration of Ngāi Tahu leadership, which will be fundamental in the future of Ngāi Tahu whānui.

**Utu and the exercise of rangatiratanga**

As discussed in Chapter 1, utu was the concept of maintaining balance and reciprocity. Aspects of the participants’ feedback highlighted utu and the reciprocity associated with rangatiratanga. Concepts of tapu and noa are examples of realms or processes that maintain a balance in communities. Breaches of balance in communities disrupt wairua (spirituality), through the relationships of Te Rangi (the conceptual frame of heavens and gods), Papatūānuku (mother earth), Te Pō (the conceptual realm of the dead) and Te Ao Tūroa, the world between both Te Rangi and Te Pō, where the people and whenua coexist. As noted by Metge (1976), this interdependence interlocked these dimensions and maintained reciprocity and balance.

Participants noted this interdependence and the reciprocity of people with rangatira and the role of rangatira exercising rangatiratanga for the people. Clearly one is based on the other and vice versa and thus contributes to achieving utu, balance, in relationships. For example:

> They don’t care how much you know until they know how much you care. And until they know how much he cares for them, all for the dream, all for the identity. As long as they know how much he cares for something larger than himself he won’t be a leader.

> … but all I can say, the first requirement, if you’re ever going to be a leader, the first requirement is you’re going to need followers … and none of them can follow you, unless you’re able to deliver certain things.

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240 under ritual restriction
241 free from ritual restriction, normal
I make it a point of actually engaging with them all once a week when I’m here on Monday, if I’m here. Participating in the activities, even when ... we have a forum each Monday which is sort of a social forum, waiata, karakia. And even when I haven't got something to say, I'll say something and I just keep it quite short. I don't ramble on but it's actually about enabling the voice of the leader to be in front of them and really giving them a sense of confidence to actually hear their voices.

This kōrero validates that a present and participating rangatira ensures balance. The kōrero also confirms the continuation of traditional aspects of utu as a pūtakē for rangatiratanga within contemporary Ngāi Tahu. In a similar way, the visioning by rangatira for the Ngāi Tahu claim on behalf of the iwi, discussed earlier in this chapter, remains important for current rangatira, albeit with a new vision now being developed. The participants were all clear that if there was not a clearly shared purpose, or a vision, for the betterment of the people, the role of the rangatira was compromised. Purpose, vision and role were interdependent. In looking to the sustainability of the people participants noted that utu was, and continues to be expressed as the vision for the people along with maintaining the mandate and support of the people. For example, they said:

... there’s got to be that belief that your aim is something larger than your own personal interests, and there you go. There’s got to be the capacity to articulate the dream in such a way that people believe, in both the dream and the fact that they can be part of it and that its possible and there’s got to be an understanding on the part of the leader of what is required to maintain that mandate. Now what no-one was ever able to accuse me of, was that I was out there without a mandate.

A horizon which was set – there would be in the future inter-generationally sustained by our own efforts, an identity, a character, a tradition of the Ngāi Tahu nation. And enough of them believed in it to carry me through. That’s why I always had the paepae, that’s why I always had the kaumātua’s242 seat. They believed it could happen; and they believed I could help make it happen.

The participants were clear that the utu of attaining settlement must be to have a vision and to lead the next societal era of Ngāi Tahu whānau, hapū and iwi to the next ‘horizon’. As one rangatira explained, at length regarding a recent iwi-to-iwi discussion, there was consideration of buying a business outside the Ngāi Tahu takūwā. The participant said:

The old fella comes in and says to me, ‘boy, that’s our whale watch. We’ve had our eyes on it for years. We actually own the land and we’re not going to renew the lease when it expires. But boy, that’s our whale watching, we’d really like Ngāi Tahu to, to pull out’. And I went ‘Matua, we’re the teina here ... Ngāi Tahu will pull out. I’ll catch you up in the future’ and I hung up before [Ngāi Tahu employee sitting alongside me] could say

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242 adult, elder, elderly man, elderly woman, old man - a person of status within the whānau
anything… Three weeks later [the other person called me back and said]… ‘Now … would Ngāi Tahu like to be our joint venture partner?’ There’s the payback [reciprocity]. A small ma and pa business to a thermal power station, I know which one I think got a better future for Ngāi Tahu.

The structure internally is doing well. It is now time to turn our eyes on to our communities. How do we build the community economy in the communities? Now … you might’ve seen the Ngāi Tahu properties company’s gone out to the papatipu rūnanga and they’re going to put up 20% of their investment properties; things like the Police stations, the courts and the Christchurch City Council, for our rūnanga to invest in, guaranteeing us a 7%–9% net cash return per annum. Which is really good, but in many ways it’s just a continuation of a … social welfare mentality. We will give them a good, safe investment and we’ll manage it for them, blah, blah, blah that is not building our communities... The economic opportunities the rūnanga [anonymous] needs is those sort of things in our area… Because all the rūnanga want to have to be able to bring people home, well we've got to build the economies in our own area and while its good, safe investment, property, it really doesn't teach us anything. It just teaches us more of this.

In another kōrero, a participant made it clear that utu is in the undertaking of the mahi of the rangatira: “some people have the ability to change things, and if they have the ability to do so, they have a duty to do so”. Those interviewed clearly all agreed that utu is evidenced in the histories of Ngāi Tahu rangatiratanga and that it remains an important consideration for the rangatiratanga of Ngāi Tahu sovereignty and authority into the future.

Unfolding Ngāi Tahu leadership

During the interviews with the Ngāi Tahu participants, a number of other aspects of leadership arose which don’t rest specifically on any one pūtake as outlined in this thesis. While the open-ended questions were structured around exploring the validity of pūtake in Ngāi Tahu traditionally, and assessing whether these pūtake continued to play a role in contemporary Ngāi Tahu leadership, the participants also provided valuable insights into the contemporary realities of what might be described as rangatiratanga. These elements related to the settlement and influences, processes and/or outcomes which had impacts on Ngāi Tahu rangatiratanga. They also had kōrero pertaining to ‘visioning’ for the future and the structural implications for Ngāi Tahu necessary to achieve such a vision. In considering the question of post-settlement rangatiratanga, this kōrero is important in order to ‘contextualise’ the role of pūtake in Ngāi Tahu today. The question now for Ngāi Tahu is what lies in the future, given that the iwi is in a post-settlement era of development having traversed Te Kerēme and settlement negotiations with the Crown. Participants discussed aspects of the settlement itself. Their commentary provided original insights to the question
of rangatiratanga and the role of rangatira for Ngāi Tahu, and possibly other iwi, into the future.

Settlement and the vision

A key component of this taonga kōrero was the role of visioning, or looking to the future for the destination of dreams. Whether or not to create a vision and the implications of not doing so, were both raised as critical. Leading that process was seen by participants as being the role of rangatira. As Ngāi Tahu looks into the future, a key linkage, also noted in visioning, is that the pūtake discussed in this thesis were seen as underpinning the iwi vision. Participants talked of the current challenge of establishing the next ‘Ngāi Tahu vision’, an issue for all those interviewed in this research.

Leadership for me is actually about setting clear direction … about … clear outcomes that I’m seeking either in life or in the context of the, the group or the environment or the organisation that I’m in and looking at those outcomes and matching it with baseline values that I bring with me.

Leadership’s about having a dream, which is focussed on a horizon being able to articulate a dream in such a way others want to go there with you. The next bit is the operational task of navigating the route to that horizon. Horizon’s a big wide thing, you might only be going for some parts of it. There’ll be different fishing grounds en route, there’ll be storms, there’ll be rocks, and there’ll be reefs.

I want to take you to a [new] … future we don’t know … I can see this other bit of the future and … we need to start to make ourselves uncomfortable here and leaders by this definition, leaders use all these tools, I’m calling on whakapapa, I’m calling on language, I’m calling on arcane references to old gods to describe this to you to reassure you that we’ve done this before.

For the Ngāi Tahu participants interviewed, there needs to be a new vision. However, as one participant noted, “no one’s quite sure where they want to go … [so] do we have a clear view of what tino rangatiratanga looks like for you or my kids….”. There was also an interesting variation in one piece of feedback where one participant discussed that visioning extends beyond the leadership, stating, ‘I think what we should be doing is equipping our own families and our communities to be enabling them to do that [visioning].’

It is clear that Ngāi Tahu leadership has been disrupted by the the Crown failing to recognise Ngāi Tahu rangatiratanga, as discussed in Chapter 2. This was confirmed in the interviews

243 treasured feedback, special nature of the discussion
with Ngāi Tahu participants. When asked about the structures formed as part of the settlement process, and the associated requirements for the receipt of assets and responsibilities, participants strongly raised issues of reliance and pervasiveness of western elements of leadership. There were key elements that participants noted in regard to such influences. This included the view that the Crown had clearly compromised the traditional exercising of rangatiratanga by rangatira, as seen in the traditional pre-European Ngāi Tahu hapū. They said, for example:

Māori across the country are enormously colonised, effectively colonised and I’m thinking of all the people to whom this would be most offensive, I think of the Porous [sic], the Tuhoes [sic], I think we’re all there, one way or another to a greater degree, we’re just trapped in someone else’s paradigm really and I think the big tino rangatiratanga challenge for Māoridom … is to work out how to reclaim the paradigm that … we might call that whenua or mana or whakapapa or utu …

… that’s the great danger [because we have been colonised and] we’re educated in western frames. We developed a whole heap of western rules; we’re living in a context of a western base model, which unfortunately has got some massive inherent contradictions and corruptions within it in the same terms. So any redevelopment model we undertake should not be saving or should not be aiming to emulate the dysfunctional and the corrupt elements, the inherently corrupt elements of the settler state and its economy … whilst we should regard ourselves as completely free to adapt and adopt into our forward beliefs about what we should become, anything we want to, we do not need, and neither should we, simply imitate the existing status quo – particularly as it’s almost certainly on its conceptual last legs.

…because I think at times we’ve been guilty of over reliance on external views and opinions and models … it’s a little bit of abdication of leadership…

In a discussion about the traditional realms of Ngāi Tahu rangatiratanga and the process of the iwi traversing the claim process, one participant shared a perspective of the traditional and contemporary roles of the two rangatira who led the Ngāi Tahu claim:

… you could actually say one’s a traditional man and one’s a contemporary man, so really, [current/recent Ngāi Tahu rangatira] … didn’t go anywhere … without the mandate of the people244 …. [They notably said to] … Doug Graham in the eye … no, this is what we stand for and this is what we’re doing … so there’s leadership actually again in a very traditional frame.

In a subsequent part of the same kōrero the participant notes one of the contemporary challenges for Ngāi Tahu. He said:

244 This reference is made to the Ngāi Tahu people who had overwhelmingly endorsed the proposal for settlement offer, along with the Te Rūnanga o Ngāi Tahu model.
... [In making contemporary decisions, leaders are] burden[ed] by the past and what] was in the ... tribal leadership’s minds; what were they thinking when they signed the Treaty [across Te Waipounamu], what did they think they were buying into?

What is clear from this quote, as was intimated in the other feedback from participants, is that there is delineation from traditional rangatiratanga to the now-alternative model of Ngāi Tahu iwi leadership. The question of what continues from the past – and explicitly, the question of what must continue into the future – is the challenge which this thesis considers. The role of pūtake in the experiences of each participant’s leadership has been expressed and noted that it creates and informs their identity and associations with the role of rangatira amongst their people. As previously discussed in this thesis, the pūtake identified are not absolute, or indeed exclusive, and some may reject those identified in favour of others. However, the participants’ contributions below are not contesting the pūtake in Chapter 1; rather, they are expressing the many layers, considerations, qualities, and attributes associated with Ngāi Tahu rangatiratanga. Pūtake are originary and foundational. Therefore, rangatiratanga rests on them and draws essence from the pūtake. Pūtake are not always singularly exercised. Participants also shared the challenge of leading.

Internal clarity, fortitude and servitude must be a consideration for leadership.

... you have to do quite a lot to move people from [the current state] and so I think if you are coming into iwi leadership you've really got to come with being a massively great self-reflector and knowing continuously where you’re coming from when making decisions around future, around the here, the here and now and around the future.

Rangatira is about servitude. It’s about servitude to the people because without your people, you’re the Rangatira of what?

[one of those first expectations was] ... to front for the Ngāi Tahu Trust Board with the Prime Minister, with Keith Holyoake. That's now 12 Prime Ministers back.... [because] the ferry hadn't sailed and I was going to have to go to the Prime Minister by myself the next day. [The Board noted that I had …] written the script, you've written all the papers for us, go down and do your stuff.

... a lot of the leadership within Ngāi Tahu, there’s not leadership from the front. It’s a quiet leadership from the back.

Another significant thread of kōrero was generated by participants when asked about the role of leadership in Te Rūnanga o Ngāi Tahu. I asked participants for their thoughts on the matter of rangatiratanga exercised by rangatira as compared to positions held or named in the Te Rūnanga. The position, or title, or rank, as opposed to what was clearly defined as the inherent mana of the traditional role of rangatira, were clearly different. One participant
noted the issue of being appointed and then believing the appointment itself deemed them as a ‘rangatira’. They noted “Power and influence are seductive; when people get into those seats, guess what, they don’t want to get out of them”. Similarly, another participant noted the importance of traditional pūtake and processes of Ngāi Tahutanga, or ‘practices’:

Yeah, [Ngāi Tahutanga is] much more evident because we’re a highly emotive iwi. Iwi are our bones, our collective bones. We’re living and breathing it… as opposed to working with a non-iwi organisation, you could quite easily keep the two separate from your home and your, your home, yourself, your being and actually your work life. In this organisation you can’t.

Unintended consequences and Murphy’s law – you see, one of the things is, we, if we don’t continue, we must remember to remember certain things. We must always remember to remember that we need to do this thing in order to develop the process of transmission and transition. It requires people, it requires human capital, it requires ideas and requires contact and shared experience and the evolution of a constituency of vision. I don’t know where I got that from but it’s good …

Participants expressed the importance of traditional pūtake for contemporary Ngāi Tahutanga and Ngāi Tahu rangatiratanga. While there is coherence and clarity from all participants regarding the traditional pūtake that defined the hapū reality of Ngāi Tahu rangatiratanga, the contemporary reality for ‘Ngāi Tahu’ is now an iwi framework established through internal decisions a century ago and formalised via requirements as part of the settlement process with the Crown. While participants noted there was some benefit in aspects of introduced and ‘new ways of leading’, such positives were balanced with concise concerns expressed for the ‘iwi’ when considering ‘rangatiratanga’.

The future

So, to the future of Ngāi Tahu, post-settlement. The participants identified that the future raises complex and fundamental questions for Ngāi Tahu, in particular, the exercising of rangatiratanga by rangatira. Participants, in some way, identify aspects for the future of the Ngāi Tahu we know and see in our communities.

A key aspect of the kōrero of those interviewed related to corporate or tribal structures. All noted the external models that were engaged and devised for a Ngāi Tahu post-settlement entity have focused the tribe on the ‘business’, external requirements, and relationships at a political level. They said:

To me it looks like taking it back to flax roots. In order to get there, I am looking towards building up leadership in whānau communities and in order to get there, we’re using this
structure or mechanism called Te Rūnanga to actually find our pathway back to enrich our own back in their own whenua, back in the own families and back in their own communities to, to build, to build their lives. They shouldn't have to depend on a central corporate such as what we've got here.

Now the difficulty is, in this leadership transition … we then set up a structure with staff. We've got communications people, we've got legals [sic], the lawyers and we've got [staff and teams] ... doing all the knowledge base of the tribe and the advocacy and forward maintenance, waiata245 and cultural competence and te reo and so on. We have got a whole lot of people on staff doing these things but at our senior representative level, we don't have people with experience in dealing with the macro tribal relationships with the Crown and our staff people don't tend to have that.

... Ngāi Tahu has done, it's reached, it's looked outwards and reached outwards for its models by which it's conducted itself across this last two or three decades...

What is missing in the latter two kōrero is the link to whānau and hapū. It could be perceived from this line of thinking that the iwi corporation is the contemporary 'home' for Ngāi Tahu rangatiratanga. However, in prompting this question with the participants, they still identify the 'home' sovereignty as the place for Ngāi Tahu rangatiratanga.

...as three people at [rūnanga – anonymous] or thirteen people at [the rūnanga], how are we defining what's the tino rangatiratanga of that whare, and we ain't there yet ... The challenging of our own thinking about what tino rangatiratanga [actually means at] an individual, a whānau at the hapū level, and therefore what we want all this glorious playground full of machines and toys and dollar bills and lovers and human capital so we are not yet owning our own conversation. The settlement delivered options, might be a seat at the um the board table somewhere on the conservation board. It is a whole shit load of million, billion dollars' worth of asset here...

One participant went on to describe in a Ngāi Tahu meeting that while there was an intention to collectivise for the purposes of attaining a settlement with the Crown, but there was also an intention once achieved to re-establish or refocus back at the level of hapū:

... a conversation ... in simple terms [was] we've got more leverage as a solid block, add the 10 individual bits together and we'll get 20 times the punch and we might get some priority, we ...[traded, we] put all our waka246 together we'll do as well as we can collectively. We'll bring that back ... we'll grow capacity at the centre to do those things and then having got that better down we'll turn around and we'll turn our attention to the regions and we'll take the benefits systematically back to where they came from ... that was the trading in of story for purpose ... absolutely in a sense quite clearly with an expectation, contract had two parts and I think the thing we have failed to do is meaningfully get back to now [to the hapū] ...

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245 song/poem
246 canoe

Page 170
One participant said that “so much of Ngāi Tahu's story is abstract, it's theoretical, it's out of a textbook, it's out of someone else's textbook”. This recognises the adoption of someone else’s models and having been tribally institutionalised; it is one of the biggest challenges for the future. While the formation of Te Rūnanga o Ngāi Tahu as a corporation is seen as ‘quite intelligent’ by all of the participants. It was also recognised that Te Rūnanga o Ngāi Tahu does not ‘reflect what we’re about’. As one participant said, different thinking was required and a new vision was needed to be 'something larger than your own personal interests'.

Participants did raise the point that the settlement itself did not mean that Ngāi Tahu rangatiratanga was now re-established. Beyond the aforementioned challenges, and with a tribal entity and structure, the Crown was seen as continuing to challenge the tribal authority and possibly breach Te Tiriti o Waitangi rights guaranteed in Article 2. One participant observed that:

So in 2003 we had the foreshore seabed through the courts. [In] 2004 [the Crown] slammed legislation across us and, in my opinion … that legislation turned Māori into second-class citizens because we didn't have the same right of due process as Pākehā. Then in 2005, National in the national elections run the campaign ‘Kiwi not Iwi’. Let's get rid of the Māori seats so they turned on us. Labour just won that 2005 election.

Another participant said "we've had an excess of 130 breaches of our settlement since we've signed" the Ngāi Tahu settlement. The issue raised here is that as Te Rūnanga o Ngāi Tahu enacts Article 2 protection on behalf of the iwi, as an iwi, the traditional hapū and role of rangatira exercising rangatiratanga remains silent and remain invisible. A further participants noted that “the Crown could extinguish the Treaty at any time”. Which poses the question if that was to happen what have iwi got left? The participants’ responded by referring to whakapapa, mana, and identity as a member of a whānau and hapū community and Ngāi Tahu iwi.

In analysing the issue of Ngāi Tahu rangatiratanga and the contemporary challenges of being a corporate entity, the role of the rangatira and rangatiratanga versus the titles and roles stipulated within Ngāi Tahu structures remained a critical consideration for participants. One issue identified by participants pertained to the post-settlement structure, Te Rūnanga o Ngāi Tahu. Was the corporate itself limiting the ability of contemporary leaders to think about and see rangatiratanga as traditionally exercised? Participants noted the way traditional aspects of rangatiratanga are almost assumed in contemporary titles or roles:
…does that make a leader because you are voted into a position? No it doesn’t. Is the kaiwhakahaere at the moment, [the] leader because he’s chairman of the board? The two things don’t necessarily go together but of course we do conflate them. [However] the external world sees them one and the same, so there you get an interesting question about how much are we playing again someone else’s game you could say or playing to the gallery it actually suits us… It happens to be chairman of the Ngāi Tahu Māori Trust Board that’s not even responsible for its own people at all. It’s responsible for the Minister of Māori Affairs so, again, we, I think we played the game as well; we played the imperfections because we want to.

The participants in this research observed that the context for rangatiratanga is vastly different now than in traditional times. ‘Rangatiratanga’ amongst the hapū and rangatira has moved to the tribal entity. Appointed governors do not necessarily see collectivism or hapū, or rights of rangatiratanga, in the collective framework:

They’re what I call the i-Tahu, I want, it’s my right, the tribe must do this for me.

… every koha247 laid on that Marae belongs to pā248 trustees not to the rūnanga… in one of our Te Rūnanga o [anonymous] AGM we cannot have the home people taken out of the Marae. They can’t be removed because we have our own standalone trust and it was a deliberate decision to do that. So yep you can come in and take over the rūnanga but that does not give you any right whatsoever on the marae.

… you know you’ve got all those old names still operating, but we’ve come into a modern construct and I think that’s what’s got to be kept in mind. The papatipu rūnanga are just a construct, they are not the people. It’s a vehicle for the people to have a voice and it’s just a modern rendition of how we’re looking after our politics I suppose you could put it that way.

In regards to the future, while considering the many opportunities or challenges, or both, it was remarked by one participant that, for Ngāi Tahu rangatiratanga, the decisions for the future “will be seen to be a hinge in Māori Development indigenous development history in this country”.

**Post-Settlement**

The final theme that emerged from the engagement with Ngāi Tahu participants is that of the experiences and implications of being in ‘post-settlement’. Having traversed the claim, negotiation and settlement process, participants’ comments are important for the consideration of moving into the future and for the role of rangatira in determining
rangatiratanga. The pre-settlement reality of Ngāi Tahu whānui was described by one participant as being the mamae, or hurt. As noted in this chapter, there had been several generations of grievance, and of rangatira, who had carried the claim on behalf of the whānau and hapū. One participant conveyed this by stating:

… if you’re still deeply embedded in your historical pain, then your whole, your lens is going to come through the pain, you know that lens of pain and everything’s going to be tainted by that but if you’ve moved on from that, it doesn’t matter, it doesn’t mean leaving it, it means or enables you can take a real strength to what sits in the future as well as being able to look at how I bring that past with me.

Despite the challenges, the Ngāi Tahu interviewees had confronted them within the context of the time and within the organisation’s realities of the period. The resilience was seen in the following participant quotes:

I remember a meeting in the Ngāi Tahu Māori Trust Board room … in the late 80s … I’m just remembering … the code … and the community leaders were there because at that point there was no ‘Ngāi Tahu’ claim, it was 10 Ngāi Tahu claims.

… going into the settlement process of the restructure and design. We had a traditional Māori trust board, which had been led with a very narrow agenda [by Crown policy and control … but] led in a very powerful way – a dominating way by Frank Winter.

Well what’s Ngāi Tahu doing in 1980s, 1990s is just doing the same thing, it’s just being rational, in fact it’s a different environment, it’s a different ask, it’s a different need. How do we best deploy ourselves against that need?

I also asked participants about the Crown influence on parts of the settlement. They highlighted the significant influence the Crown had on the contemporary Ngāi Tahu ‘organisation’. They said as the iwi moved through the claim process and started to consider the structural arrangements for post-settlement, the organisational design, requirements and structure were raised. They also highlighted that these decisions almost established a template for the Crown for all post-settlement entities. They implied that there is almost homogeneity in the designs of post-settlement tribal corporates.

I was quite clear in my head at the time [when the Ngāi Tahu Claim Settlement Bill was being passed] that between Whetu Tirikatene-Sulli...
... the whole [Te Rūnanga o Ngāi Tahu] mechanism is so sophisticated, it's part of its problem ... and is layer and layer and layer of complexity, it was very Wellington, it was best smartest thinking from the finance whizzes, the CS First Boston and the Bell Gully at the time, but we were still trying to run it like the [hapū]. ... [It could be suggested] that the machinery and the thinking was actually way ahead of community capacity to use it.

... that's why the [tribal corporate] configuration of ... CS First Boston ... and ... Nick Davidson ... all looked the same, ... it was all non-indigenous, wore a suit ... and this ... resulted ... in a lot of weight being given to their views ...

...at the time I turned up in [the] ... late 80s ... when we were trying to work out our configuration ... a lot of the Ngāi Tahu thinking was run out of Bell Gully ... assisted by CS First Boston ...[and] I'm not negative on the contribution at all ... [but] their training and expertise was way outside the indigenous frame ...

Given these overlays it could be argued that that could be seen as the end of rangatiratanga from a traditional perspective. However, the Ngāi Tahu participants’ interviews did recognise and validate the traditional perspectives and pūtake as reinforcing the response to the current context. In terms of rangatiratanga and the role of rangatira into the future, one participant referenced that titles and roles are quite different within the corporation than the role of rangatira in hapū. They also said that for the future change is not a determination made by others, it is for Ngāi Tahu rangatiratanga to do so.

... excuse me whose claim is this? Whose agenda is it? Who ends with the thing afterwards and has to live with it? Whose story, whose mamae, whose aspirations need to be given effect... They can't say what's really important, but can't say in negotiation which thing you would give away in return for getting other thing because they've got no frame of reference, no way of knowing that tītī and eels are more important than this thing over here or vice versa.

Such rangatiratanga was clearly founded on the traditional frames and pūtake discussed in Chapter 1. One participant stated that ‘leadership at Ngāi Tahu [starts] ... in your own home’, and that home is whānau and hapū.

**Summary**

During and after migration southwards, and through generation after generation of warfare and intermarriage of the people who descend from the ancestor Tahu Pōtiki, the peoples were led by rangatira exercising rangatiratanga. The rights of their rangatiratanga were recognised in the Declaration of Independence in 1835 and guaranteed in Te Tiriti o Waitangi in 1840. However, in less than two centuries the processes of colonisation and assimilation had significant impacts and changed Ngāi Tahu society and peoples. While
tribally there remains a foundation of whakapapa and mana as being derived from the origins of the five hapū within Ngāi Tahu whānui, this traditional basis on which the Ngāi Tahu claim was made has not been totally recognised. These hapū and the role of the traditional rangatira as their inherent leadership are not referenced anywhere in the Te Rūnanga o Ngāi Tahu tribal structure. Even though there remains a contemporary correlation of traditional hapū to the 18 rūnanga, the rangatiratanga of hapū contradicts with the requirement that Te Rūnanga representatives are required to act in the best interests of Ngāi Tahu whānui.

That is not to say that Ngāi Tahu no longer has rangatira exercising rangatiratanga. Traditionally, rangatira clearly maintained their mana, and the mana of their whānau and hapū, through the exercising of rangatiratanga for their peoples. However, this contemporary representation of tribal leadership, acting in the interests of the iwi, might well conflict with the best interests of the people (whether hapū or rūnanga) who they are supposedly representing. This challenge sits at the heart of both this thesis and the conversation for the future leadership of Ngāi Tahu.

The contemporary Ngāi Tahu views of research participants clearly convey endorsement of traditional pūtaka for the exercising of rangatiratanga. Mana, whakapapa, and hapū have defined Ngāi Tahu and its history. Similarly, the connection to Te Waipounamu, as the whenua tapu (sacred lands) remains as current and critical as it did prior to the arrival of non-Māori. It is also evident that these pūtaka remain clearly understood by the current-day Ngāi Tahu persons interviewed. However, the New Zealand history of colonisation has impacted severely on the role of rangatira among Ngāi Tahu communities. Despite chiefs such as Tūhawaiki, Korako, Karetai and others signing Te Tiriti o Waitangi on behalf of their whānau and hapū, the implications of Crown interventions and impositions discussed in Chapter 2 undermined Ngāi Tahu rangatiratanga. There is now a stark contrast provided in the kōrero of participants when looking at the tribal corporate and rūnanga, with the traditional hapū now being a ‘shareholder’ in Te Rūnanga o Ngāi Tahu. While there are aspects of benefit from western systems of knowledge and practice, they disguise the illusory role of rangatira and traditional rangatiratanga.

Despite these impacts, the evolution of Ngāi Tahu to preserve and maintain continuity of its identity has persevered. Ngāi Tahu rangatiratanga has been held for the people through many generations, despite challenges, in what has been various structural arrangements of
the collective. While there is a Crown desire, as discussed in Chapter 4, for dealing with larger natural groupings, the Ngāi Tahu claim was in advance of this expectation, with the decisions in 1896/1897 to establish rūnanga. These rūnanga were to politically advocate for remedies for Ngāi Tahu grievances for breaches of Te Tiriti o Waitangi. More recently, the Ngāi Tahu Trust Board was imposed by the Crown, without consultation. Despite this, Ngāi Tahu used this imposed structure to maintain continuity of Te Kerēme (the claim). While a 'Ngāi Tahu claim', it was built on the 10 individual hapū claims across the takiwā. It positioned Ngāi Tahu at the forefront of lodging Te Kerēme when the Crown passed the Treaty of Waitangi Amendment Act (1985), and Ngāi Tahu was one of the first iwi to navigate this process and negotiate a subsequent settlement with the Crown.

However, as discussed in this chapter, the transition from pre-settlement grievance to post-settlement rangatiratanga has been difficult. Despite the settlement, the challenges for Ngāi Tahu whānui are many and complex. When discussing rangatiratanga, one participant recognised the challenge through time, which nicely concludes this discussion, with the evolution of 'community' through processes of colonisation.

So in the late 1800s when people were playing with Rūnanga ideas there must have been a different old and a different new that was the tension of the time and one of the definitions of leadership is shifting communities from one state to another.
Chapter 6.

Ngā Uri o Haumoe warangi: An examination of the leadership of Ngāti Whātua
Section A: The rangatiratanga of Ngāi Whātua

6.1 Introduction

Figure 6.1. Te Rūnanga o Ngāti Whātua values (Te Rūnanga o Ngāti Whātua, 2015d)
In this chapter, I examine the rangatiratanga of the iwi 249 Ngāti Whātua. Sections 6.2 to 6.7 discuss the collective identity and histories of Ngāti Whātua through to the arrival of non-Māori. 250 This discussion encompasses elements of Ngāti Whātua genealogy and geographic location. It also examines their context within the histories of colonisation and, more recently, their engagement with the Treaty settlement process. Leadership will also be considered from the perspective of individual and collective rangatiratanga 251 within the iwi.

Section 6.8 analyses the interviews I conducted with Ngāti Whātua rangatira. 252 This is the second of two case studies in this thesis. The questions I asked participants were the same as those discussed in relation to Ngāi Tahu in Chapter 5. Namely, I sought evidence of the pūtake that were identified in Chapter 1 as the underpinning of traditional rangatiratanga. I also sought to explore contemporary issues for the pūtake 253 when considering rangatiratanga after settlement with the Crown.

As I have noted in the previous chapter, Ngāti Whātua is not a comparative case to that of Ngāi Tahu. Rather, Ngāti Whātua provide an alternative consideration of rangatiratanga and its future. I note that Ngāti Whātua, as an iwi, are yet to agree on a settlement with the Crown, although as I outline in this chapter, some hapū of the Ngāti Whātua iwi have undertaken a Waitangi Tribunal claim and attained separate settlements. Te Rūnanga o Ngāti Whātua is currently in direct settlement negotiations with the Crown.

6.2 Who are Ngāti Whātua?

In order to consider rangatiratanga for Ngāti Whātua, it is first necessary to provide the historical context of the people and place of Ngāti Whātua, an iwi which comprises

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249 tribe, people, nation
250 Indigenous individuals and groups of Aotearoa, including mana whenua
251 sovereignty, ultimate chieftainship, chieftainship, right to exercise authority, chiefly autonomy, self-determination, self-management, indigenous rights, mana Māori
252 chief, noble
253 origin, source, or foundation
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“descendants from Haumoewarangi and other recognised tūpuna” (Te Rūnanga o Ngāti Whātua, 2008, pp. 2-3). The name Ngāti Whātua has also been described as encompassing “a confederation of the tribes of Kaipara and Tamaki Makaurau districts, including Te Roroa, and Te Uri o Hau” (Waitangi Tribunal, 2006, p. 14), see map 6.1 below. Ngāti Whātua rangatira and their exercising of rangatiratanga are recorded in stories, research and publications (Diamond & Hayward, 1979; I. H. Kawharu, 1975; S. Percy Smith, 1896; Tūhaere, 1923, n.d.), which informs this chapter.

Ngāti Whātua is a confederation of hapū, linked through their genealogy and connections through time. Map 6.1 provides the takiwā of Ngāti Whātua.

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254 ancestor
Page 180
In many accounts, warfare played a significant role in defining the hapū and iwi of Ngāti Whātua prior to the arrival of non-Māori. From the start of the sixteenth century through to
the signing of the Treaty of Waitangi in 1840, warfare determined the takiwā and ahi kā 255 of Ngāti Whātua. It saw their movement from the Muriwhenua, discussed below, to the Hokianga and the Auckland Isthmus. The final location of Ngāti Whātua, now represented by Te Rūnanga o Ngāti Whātua, is outlined within the boundaries of the rohe 256 shown in Map 6.1, delineated as follows:

Tāmaki ki Maunganui i Te Tai Hauauru and Tāmaki ki Manaia i Te Rawhiti.

The northern boundary is expressed as: Manaia titiro ki Whatitiri, Whatitiri titiro ki Tutamoe, Tutamoe titiro ki Maunganui.

The southern boundary is expressed as: Te awa o Tāmaki.

The area runs from the Tāmaki River in the South to Maunganui Bluff [Auckland] on the West Coast in the North and to Whangarei Harbour on the East Coast. (Te Rūnanga o Ngāti Whātua, 2015c)

These contemporary tribal boundaries were contested and ultimately determined by the battles Ngāti Whātua waged with other hapū and iwi from the sixteenth century.

A paper giving an account of the genealogical ancestors of the Ngāti-Whātua tribe, written by Paora Tūhaere (n.d.) and translated by G. Graham in the late nineteenth century, provides an account of the battle to gain and maintain the takiwā of Ngāti Whātua. In it Tūhaere provides his kōrero 257 pertaining to the Ngāti Whātua people and their place. This covers the time of the deity Tumutumu-whenua, described as being “not of this world” (Tūhaere, n.d., p. 1) through generations to the author himself who was a descendant of the collective Ngāti Whātua. Tūhaere anchors the ancestral place of Ngāti Whātua at Muriwhenua, near where Kaitaia (see map 6.1, previous page) is now located at the top of the North Island of New Zealand. In The Peopling of the North, by S. P. Smith, the foundations of the northern peoples of Te Ika-a-Māui are discussed. Smith refers to Tūhaere and the iwi origins being from “the place of the departed spirits (Rerenga-Wairua)”, the North Cape (S. P. Smith, 1897, p. 49). Smith describes Ngāti Whātua as “a considerable tribe” with rangatira holding rangatiratanga and mana “in the Hokianga district as well as Whangaroa” (S. P. Smith, 1897, p. 50).

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255 burning fires of occupation’, occupation rights
256 territory, domain
257 to tell, say, speak, read, talk, address
Ngāti Whātua left Muriwhenua to seek utu\textsuperscript{258} for the murder of a Ngāti Whātua rangatira, Taureka. This death was caused by Ngāti Kahu-mate-a-Ika, a people who lived in the Kaipara and Hokianga. In recounting the story, Paora notes that the Ngāti Whātua rangatira was slain and the need arose for utu, or redress, to be enacted on these people of Kaipara in the Hokianga. These conflicts resulted in a Ngāti Whātua victory and in doing so seized the mana of the whenua\textsuperscript{259} rights of this area and responsibilities of these lands. This aspect of maintaining balance, or utu, is consistent with the pūtake discussed in Chapter 1 as a result of Ngāti Whātua victory through warfare and alliance with Tainui, the peoples of Waikato, south of Auckland, Ngāti Whātua migrated with the aim of establishing the now-defined takiwā of Ngāti Whātua. It is also evident in Map 6.1 that Ngāti Whātua now border Waikato–Tainui iwi to their south. In Smith’s analysis of the whakapapa, this relocation was around the year 1550 (S. P. Smith, 1897, p. 58).

Decisions made by the chiefs Te Kawau, Haumoewarangi, Tumu Pakihi, Te Huru and Te Kaura provide clear evidence of their role as rangatira of hapū, ensuring the rangatiratanga of their hapū and Ngāti Whātua was upheld. As discussed in Chapter 1, mana was a key element for whānau,\textsuperscript{260} hapū and iwi. One way in which mana was protected by rangatira was through utu as reciprocity in order to maintain societal balance. These Ngāti Whātua histories of rangatira provide just one account of utu and mana, and they reference the rangatiratanga of rangatira among their people. The enactment of rangatiratanga clearly demonstrates the sovereignty that rangatira had in the communities of Ngāti Whātua. One such source for the rangatiratanga of Ngāti Whātua rangatira was in the paper by Paora Tūhaere. He tells the story of loss by Ngāti Whātua by a Waiohua rangatira, named Kiwi, who was “desirous of betraying Ngāti-Whātua” (Tūhaere, n.d., p. 6). Following a surprise attack at a tangi, those Ngāti Whātua rangatira who survived aligned with other hapū in the region and extracted utu for the mana of those who were slain in the attack. The result was that the Ngāti Whātua rangatira Kiwi and the hapū of Waiohua, who had been living on the eastern side of the Waitemata Harbour, embedded themselves in these lands following numerous battles. The result of that enactment of rangatiratanga was noted by Tūhaere “[Ngāti Whātua] then occupied the land as far as the place Tamaki … it was taken by us and retained by us” (Tūhaere, n.d.). The language of Tūhaere in his paper demonstrates insights

\begin{footnotesize}
\begin{itemize}
\item\textsuperscript{258} reciprocity, reciprocation, balance
\item\textsuperscript{259} people who exercise kaitiakitanga and rangatiratanga in a geo-political area
\item\textsuperscript{260} family, extended family
\end{itemize}
\end{footnotesize}
into the role of rangatira and their exercise of rangatiratanga as personal and undertaken for the collective. The events discussed emphasise his articulation of the role of the rangatira of his hapū and himself as a descendant of the tupuna: “Then I (that is Ngāti Whātua) sought revenge “, and, “thus [Kaipara] was taken by me (that is, by Ngāti Whātua)” (Tūhaere, n.d., p. 1). The Kaipara report notes that “two interrelated developments [disputes] which would have far reaching consequences” for the rohe of the iwi (Waitangi Tribunal, 2006, p. 15), now described as te rohe o Ngāti Whātua. However, despite the victory, Ngāti Whātua were also being challenged by Ngā Puhi peoples, to their north, of the Hokianga.

Another example of the pūtake of the rangatira in the histories of Ngāti Whātua was their relationship with Ngā Puhi, to the north, from the mid-seventeenth century to the early part of the nineteenth century. This was often a relationship of conflict. This conflict demonstrates the pūtake which were at stake in this relationship and help us understand the contemporary takiwā of Ngāti Whātua. One example is seen in “He Waiata Kanga - A Derisive Song”, by an unknown Ngāti Whātua woman, in Ngā Mōteatea: He Maramara Whakarerenga nō ngā Waka Maha. Part IV. (Ngata & Mead, 2007, pp. 168-171). The derisive song references the dispute and warfare between Ngāti Whātua and Ngā Puhi. As a Ngāti Whātua descendant, the composer describes the to-and-fro of rangatiratanga authority being exercised by rangatira. It also clearly outlines their utu, or their maintenance of reciprocity - in this case, reciprocity through revenge. Hongi Hika, a prominent Ngā Puhi leader, was defeated at Te Kai-a-te-karoro in 1807. In the waiata the “great victory” of Te Kai-a-te-karoro in 1807 is described. Utu for that battle came in the victory at the battle of Te Ika-a-Ranganui some 18 years following. This battle was described by S. P. Smith as being one of the bloodiest fought in this country (S. P. Smith, 1897). Smith asserts that the motivation of Hika to engage with Ngāti Whātua was all about utu, in this case revenge to restore balance. Smith’s description exemplifies the role of rangatira when discussing the occupation of the valley of Kaihu as being one of transition, in particular through his discussions with Haumoewarangi, chief (S. P. Smith, 1897). It was suggested this occupation took place around the mid-seventeenth century.

This was important too for the whakapapa of Ngāti Whātua, noting that Haumoewarangi would become the ancestor of the iwi and bind the Ngāti Whātua collective. Haumoewarangi was described to Smith as being a rangatira of “great determination” (S. P. Smith, 1897, p. 95). He also notes that his descendants were also rangatira. Through his strategic marriage to Haki-Puta-Tumuri they had a son, Pokopoko. His son, Ruarangi, had Te Keene Tangaroa.
who too became a rangatira and led many interactions with the early non-Māori who arrived in Aotearoa\textsuperscript{261} at the end of the eighteenth century. The capture of these histories in such laments and evidence clearly highlight and validate the rangatiratanga of Ngāti Whātua rangatira. Their kawa\textsuperscript{262} and tikanga\textsuperscript{263}, the importance of utu and their strive to maintain mana among their hapū, and within the iwi, reinforces the pūtake of rangatira discussed in Chapter 1.

Ngāti Whātua continued the expansion of their takiwā through warfare. As well as Wai-o-hua, Ngāti Whātua conquered the iwi of Kawerau around 1750, extending the mana of Ngāti Whātua into the Auckland isthmus (S. P. Smith, 1897). While having conquered these iwi, Ngāti Whātua too were being challenged by Ngā Puhi. Smith notes that this was particularly the case in the first quarter of the eighteenth century. This was also summarised in the Ōrākei judgment by Fenton in 1879 (Fenton, 1879). A rangatira called Turehu led a raiding party to the south, armed with muskets, and overcame some of the traditional areas of Ngāti Whātua, Kaipara and into the Auckland isthmus (Diamond & Hayward, 1979). Despite the defeat, Ngāti Whātua were not conquered and those who escaped hid in the Waitakere ranges and in time repulsed the Ngā Puhi parties and reclaimed their takiwā. They were assisted through the links and alliances that Ngāti Whātua had formed with the tribes of the Waikato River, Tainui, to the south (S. P. Smith, 1897). This warfare for Kaipara and the takiwā of Ngāti Whātua was not a surprise, as “the Kaipara district … [was] a very attractive environment for Māori settlement” (Waitangi Tribunal, 2006, p. 11). In the Kaipara Report, the Waitangi Tribunal noted that the southern parts of Kaipara were “principally inhabited by … Te Taoū, Ngāti Whātua Tūturu, Ngāti Rongo, and other groups, which are often referred to collectively as “Ngāti Whātua” (Waitangi Tribunal, 2006, p. 13).

In summary, the contemporary Ngāti Whātua collective is underpinned by these histories of rangatiratanga, whakapapa, conflicts and marriages. These wars, battles, migrations and settlements from their original home in Muriwhenua at the top of the North Island to areas in Kaipara and Tāmaki (Auckland isthmus) were founded on their rangatiratanga. The pūtake of mana and utu determine these histories and the contemporary reality for Te Rūnanga o

\textsuperscript{261} New Zealand, North Island
\textsuperscript{262} kawa is frequently used to refer to rituals or protocols related to, but not limited to, the formal welcome of visitors on the marae
\textsuperscript{263} tikanga is customary practice in all Māori contexts, not only those applied on or at the marae. Tikanga is the appropriate behaviour relevant to kawa associated with the ritual
Ngāti Whātua. This was vital and maintained the integrity of the hapū (Ballara, 2003, p. 193), for Ngāti Whātua as it did for other hapū. Rangatiratanga defined the mana and whenua of Ngāti Whātua as a people. The next section discusses the need for rangatiratanga to enable leaders to manage the mana of political relationships.

6.3 The exercise of rangatiratanga

Having established their mana whenua status and an expanded takiwā, Ngāti Whātua rangatira were faced with engaging in a political relationship with British leaders and settlers. It was the rangatira of Ngāti Whātua who maintained the status of mana whenua when the arrival of non-Māori took place in the eighteenth and nineteenth centuries and in 1840, when the rangatira of Ngāti Whātua signed Te Tiriti o Waitangi (Te Tiriti). I will now turn to discussing the Ngāti Whātua settlements and the interests of Ngāti Whātua as they seized new opportunities to solidify their rangatiratanga with settlers and took advantage of the new opportunities presented in the development of new communities among hapū.

As noted above, Ngāti Whātua had established and maintained rangatiratanga over their takiwā at the time of the arrival of non-Māori to Aotearoa. The extent of that whenua at the time of the signing of Te Tiriti o Waitangi is seen in Map 6.2., below, showing the Te Uri o Hau and Ngāti Whātua settlements in Kaipara and Tāmaki Makaurau, 1840–1921.
Rangatira exercised rangatiratanga in order to maintain control of and rule across the many settlements, communities and whānau. As noted in Chapter 1 the formation of whānau and hapū was an organic process for Māori, as it was for Ngāti Whātua. Earlier in this chapter, I described how the mana of Ngāti Whātua was seen to have been established in these communities, or settlements, by the actions of their rangatira in exercising utu and other aspects of their rangatiratanga. The mana of the rangatira tied directly to the mana of hapū (through recompense and reciprocity) in these settlements or communities. Hapū were the foundation of Ngāti Whātua people and iwi, just as the territory of Kaipara and Hokianga remained a key element in the takiwā of Ngāti Whātua.
At the time of the signing of Te Tiriti o Waitangi the Ngāti Whātau rangatira Te Kawau, Te Tinana, and Te Reweti all signed the document within their takiwā (Waitangi Tribunal, 2006, p. 24). A key issue for their decision to sign Te Tiriti o Waitangi was opportunity. They recognised the opportunity for development, opportunity for rangatiratanga and opportunity in seizing new gains in the interactions with settlers. These gains were seen in the form of land dealings and providing resources such as food and flax. The issue of land is highlighted in William Symonds’ communication to the Colonial Secretary in May 1840, where he noted Ngāti Whātau “expectations are raised very high as to the immediate benefits which they are to derive from [British] establishment in their country” (Great Britain Parliament, 1968-1969, pp. 223-224). This expectation was also reinforced in the Waitangi Tribunal’s Kaipara Report, noting “Ngāti Whātau chiefs … were keen to enter into land transactions” (Waitangi Tribunal, 2006, p. 24); in particular they were interested in exercising the sale of land. Rangatira were clear that advantages could be made in such land deals, in particular “a means of attracting more Pākehā settlers to their area, that they and their people would benefit from such settlement” (Waitangi Tribunal, 2006, p. 24). The connections between Ngāti Whātau and non-Māori were strong and it has been noted that this developing relationship with the “colonial administration [was] much earlier than Māori in most other regions” (Waitangi Tribunal, 2006, p. 26). This was balanced with non-Māori clearly recognising rangatira as central leaders of the Ngāti Whātau peoples. The Reverend James Buller, in discussing the local people in 1838, notes “the leading chief … claimed possession [of territory] by right of conquest” and “about sixty miles down the river, called Okaro, [being] under the chief Parore” (Buller, 1878, pp. 64-65). These political relationships between hapū rangatira of Ngāti Whātau and non-Māori were of mutual advantage.

The issue of land was significant for Ngāti Whātau as it was for non-Māori. For Ngāti Whātau, as indicated, there was some desire to seize opportunities as noted previously, however, this would also have provided pressure on the same communities as those non-Māori desired land in order to solidify their economic base. However, as previously outlined in general terms in Chapter 1 and Chapter 3, land ownership in the European sense was a foreign concept to hapū. I discuss this challenge and its effect specifically on Ngāti Whātau later in this chapter. While conceptually whenua was a taonga, or treasure, and something which required collective guardianship under the rangatiratanga of rangatira, the European

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\(^{264}\) New Zealanders of British descent
concept of land was one of ownership, title and individual ownership. It is important to reiterate that Ngāti Whātua and other hapū and iwi did not own land, therefore Ngāti Whātua were challenged by the British interests in gaining ownership of land, which they held rangatiratanga over. The term sale itself was not a term understood within hapū or by rangatira. The concept of individualism and an individual title was not understood. Dieffenbach references this specifically in relation to this concept:

... about forty Europeans ... [living] on the Kaipara and its tributaries, and about 700 natives belonged to the tribe of Nga-te-Whātua. The Europeans claim a great part of the land, and much difficulty will arise in settling their various claims, as the land was sold to them by the Nga-pui [sic], the natives in the Bay of Islands, who formerly conquered and drove away the original proprietors of the soil. But a short time since these latter again returned, and their numbers have increased; whereas the contrary has been the case with the Nga-pui [sic], who have silently given up all claims to the land. (Dieffenbach, 1843, p. 268).

Such land deals were clearly made with rangatira as representatives of their hapū or iwi. Rangatira held authority and rights and this is recognised by Dieffenbach. In this example, the challenge for such sales arose not from the question of who had the authority to sell; it was that sale itself was not a concept understood or enacted by hapū. In Chapter 1 it is clear that mana was a key pūtāke for the rangatiratanga of rangatira and the hapū they led. Also discussed in Chapter 1, mana is derived from providing manaaki. Sales could be seen as caring for persons, or extending manaakitanga, a key pūtāke for rangatira in exercising rangatiratanga. The opportunity for Ngāti Whātua to provide land to Pākehā will be further discussed later in the chapter. Rangatira looked to seize this opportunity to provide land to Pākehā, but also the provision of food and resources which enabled new economic opportunities for whānau and the rangatiratanga of hapū. However, in the Dieffenbach text the owner of land somewhat changes, with the hapū holding rangatiratanga, rather than the rangatira. It was not until the signing of Te Tiriti o Waitangi in 1840 that the rights to sell became more framed with the Treaty of Waitangi text stating that “the Chiefs ... yield to Her Majesty the exclusive right of Pre-emption over such lands as the proprietors thereof may be disposed to alienate ...” Where Māori desired to sell land this meant that rangatira could only sell land to the Crown. However, the Treaty of Waitangi did not account for whenua

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265 caring, support
266 hospitality, kindness
267 see Appendix 1 for full text
traditionally occupied by the hapū who exercised kaitiakitanga. Also, the Crown and non-Māori who purchased land sought individual ownership and individual sovereignty for their personal interests. This individual right and authority was opposite to the collective guardianship of whānau under the leadership of rangatira.

The second interrelated development noted in the aforementioned Kaipara Report was the arrival of non-Māori foods and technologies, in particular, guns. The report noted that “European food ... and technology made warfare both easier to prosecute and more devastating in its effects” (Waitangi Tribunal, 2006, p. 15). Therefore, the engagements of rangatira with non-Māori leveraged both land sales and new technologies, such as guns, which changed the relationships with bordering iwi.

Ngāti Whātua rangatira clearly exercised rangatiratanga in their political relationships with non-Māori. These new relationships and new peoples, land sales and the introduction of new foods and technologies meant the traditional lives of hapū were changing. This was a reality for all traditional Māori communities, including Ngāti Whātua. The clash of conceptual understandings was also becoming evident. For example, the desire for land ownership by non-Māori to underpin economic development and wealth was in opposition to the concept of land being an ancestor from whom traditional Māori rangatira and hapū had descended and over which rangatira provided guardianship. This kaitiakitanga was part of the rangatiratanga of the hapū and of the sovereignty of rangatira as hapū leaders. The relationship was to change further with the signing of Te Tiriti o Waitangi.

### 6.4 The Treaty of Waitangi and Ngāti Whātua

By the time of the signing of the Treaty of Waitangi in 1840, approximately 2000 British people had arrived and settled in Aotearoa. The majority of this population was based around the Bay of Islands and Hokianga area (Waitangi Tribunal, 1992b). This population was said to be primarily shore-whalers and traders along with missionaries “from Britain and Roman Catholic missionaries from France” (Waitangi Tribunal, 1992b, p. 23). The Te Roroa...
Report noted that by this period the Māori population was declining, recognising the effect of introduced infections for which they had no resistance. Despite the challenges faced within hapū, rangatira were noted as selling land to non-Māori to enable these peoples to use and occupy the land in return for goods and services. The concept of utu, the expectation of reciprocity, was a clear rationale for this exchange (Waitangi Tribunal, 1992b).

While in the broader sense utu was reaffirmed with the decision of rangatira to exchange land to meet the needs of the hapū, rangatira also signalled the challenges of British systems of land title. For rangatira the exchange enabled a provision of manaakitanga to settlers and provide a new opportunity for trade, while maintaining their rangatiratanga. However, for settlers the exchange of land was gaining their individual title and authority over the land with likely no realisation or understanding of the rangatiratanga and role of kaitiakitanga of the rangatira associated with that whenua. As noted in Chapter 1, the interconnectedness between the physical and spiritual worlds was tied to the role of utu in hapū. As Firth noted, the exchange of land from Māori to non-Māori went beyond the transaction. Māori expectations of “maintain[ing] social prestige” of the hapū conflicted with the European expectations of bettering themselves and profit-making, in this case through “ownership” of land as an asset (Firth, 1929, p. 415). This British system of individualisation had exploitive intents which contradicted the obligations rangatira maintained to Papatūānuku,269 their ancestors, and the natural environment. Despite the conflicting values of land tenure, the political relationships of rangatira and British leadership were established and were to be formalised in 1840.

British leadership recognised the mana of Ngāti Whātua rangatira and these rangatira were invited to sign Te Tiriti o Waitangi. Similar to Ngāi Tahu, Te Tiriti o Waitangi was signed at multiple Ngāti Whātua sites.270 As discussed in Chapter 2, the rationale for the rangatira to sign the Treaty of Waitangi was clearly the continued guarantee of exercising rangatiratanga, while allowing kāwanatanga,271 or governing capability of British leadership, so as to control the settlers. This recognises the hapū-centric nature of the hapū and mana of the rangatira of those hapū. The understanding that “Māori would be brought under British law and British institutions” (Waitangi Tribunal, 1992b, p. 28) differed greatly to the Māori

269 Earth Mother
270 These sites included Waitangi on the 6 February 1840, in the Hokianga at Mangungu on 12 February 1840 and at Karaka Bay on 4 March 1840 (Waitangi Tribunal, 1992b)
271 governorship, government, complete government
understanding of the continuation of rangatiratanga as outlined in Article 2 (The Treaty of Waitangi, 1840). In the Waitangi Tribunal’s *Kaipara Report*, the interrelated thread of Ngāti Whātua developing an alliance with the Crown is discussed. “[T]he signing of the Treaty of Waitangi by Ngāti Whātua was seen … as laying the foundations of the alliance” (Waitangi Tribunal, 2006, p. 154). This concept argues that establishing alliances has similar connotations to the pūtake of utu and maintaining reciprocity and balance. Ngāti Whātua felt the principles that underpinned the alliance included:

- a close personal relationship between Crown officials and Ngāti Whātua rangatira;
- an obligation on both parties to protect each other;
- an obligation on the part of Ngāti Whātua to remain loyal to the Crown;
- an obligation on the part of Ngāti Whātua to make land available for settlement;
- an obligation on both parties to treat each other fairly and with the utmost good faith; and
- an obligation on the part of the Crown actively to foster Ngāti Whātua interests and to assist in their development. (Waitangi Tribunal, 2006, pp. 152-153)

It is clear from these principles that the relationship between Ngāti Whātua and the British leadership was expected to be reciprocal and the benefit from the alliance was equally shared by rangatira and non-Māori alike. To highlight this expectation further, the Ngāti Whātua Kaipara Deed of Settlement (2011) noted that Governor Grey took personal control over native affairs in 1847 (Waitangi Tribunal, 2011, p. 20), however, in the Wai 312 claim to the Waitangi Tribunal (Ngāti Whātua o Kaipara ki Te Tonga), the claimants noted their claim was based on the “steady and consistent erosion of the land base of Ngāti Whātua by (or facilitated by) the Crown, without regard to the consequences for Ngāti Whātua until Ngāti Whātua were effectively landless” (Waitangi Tribunal, 2006, p. 150). This counters the conceptual development of an alliance between the Crown and Ngāti Whātua. These two contradicting realities, sovereignty versus alliance, had an impact on the settlements and kāinga\(^{272}\) of Ngāti Whātua hapū. New Zealand’s major metropolitan city, Auckland, was established in part through Ngāti Whātua rangatira selling the lands and in return seeking both co-location with non-Māori and the creation of development opportunities associated with this transaction.

\(^{272}\) home, address, residence, village, settlement, habitation, habitat, dwelling
On 20th October 1840, 3,000 acres of the area now occupied by Auckland central city was sold by Ngāti Whātua rangatira Te Reweti. The payment was described as “Fifty Blankets, Fifty Pounds of Money, Twenty trousers, Twenty shirts, Ten waistcoats, Ten caps, Four Casks of Tobacco, One box of pipes, One hundred yards of gown pieces, Ten iron pots, One bag of sugar, One bag of flour, Twenty Hatchets” (Waitangi Tribunal, 2006, p. 151). The amount paid was limited, and is clear that rangatira did not gain individual advantage. Rather, they had the foresight to see the advantages for the whānau and hapū as a collective ahead of any personal motive. Ngāti Whātua had just one year earlier, in 1839, pre-empted the opportunities of this land sale of what was to become Auckland, with a relocation of whānau and hapū to Ōrākei, so as to seize the opportunities such colocation would represent.

The relocation and development of the gardens at Ōrākei and the rapid influx of settlers saw Ngāti Whātua provide produce and foods for the new immigrants. By 1850, there were 8,301 non-Māori living in the Auckland district (Waitangi Tribunal, 2006, p. 152) and less than two years later the non-Māori population had more than doubled to 18,600. In 1840 there were some 2,000 foreigners in total across the land and an estimated 100,000–150,000 indigenous population (Head, 2006). Within one generation Māori became a minority and the authority and control was no longer in “the promises of the Treaty, but on the premises of conquest” (Head, 2006, p. 3). For Ngāti Whātua, the sovereignty of the Crown began to erode the concepts of the alliance, the opportunity of advantage and ignored the exercise of rangatiratanga by Ngāti Whātua rangatira. In less than 30 years the Crown had repudiated or denied the validity of the alliance with Ngāti Whātua that the hapū and iwi felt were part of the original agreements in the signing of Te Tiriti o Waitangi. The Crown introduced legislation which cut across the rangatiratanga of Ngāti Whātua and all hapū and iwi. As discussed in Chapter 3, the New Zealand Constitution Act 1852 and its amendment Act of 1858 failed to recognise the rights of rangatira to exercise rangatiratanga. The New Zealand Wars and the Native Lands Act 1862 were instrumental in the British goal of establishing their sovereignty. Philippa Wyatt describes an alliance between Pākehā and Ngāti Whātua rangatira, which Ngāti Whātua “enter[ed] into on the basis of a perceived equality in need and a recognised equality in status and authority” (Waitangi Tribunal, 2006, p. 153).

As noted in Chapter 4, legislation targeting Māori lands and development was a feature of many decades following the Treaty of Waitangi. However, rangatira were still being recognised, at least in the first decade after the signing of the Treaty of Waitangi. For
example, in August 1853, Kumeu and Mangatoetoe lands were purchased, with the deeds of sale signed by “four Ngāti Whātua rangatira … [and] six rangatira of Ngāti Whātua …” (Waitangi Tribunal, 2006, p. 160). Regarding the sales, Te Roroa asserted in their Waitangi Tribunal hearings that Governor Grey’s policy of purchase included “collateral promises of development” (Waitangi Tribunal, 2006, p. 171). This promise included providing benefit for those selling the assets. In considering the land sales of the time and challenges from the Ngāti Whātua hapū, the Tribunal agreed that the Crown had handled carelessly its land sales during the period 1848 – 1853. While considering the Crown’s response to the claims, the Tribunal further noted those who made the purchases “relied heavily on leading rangatira … [to coordinate] … the purchases” and it further asserted that in these sales Ngāti Whātua rangatira “still retained all the land they had been occupying” (Waitangi Tribunal, 2006, p. 174). Therefore, while the Crown assumed sovereignty at the signing of the Treaty of Waitangi, rangatira continued to exercise rangatiratanga sometime after the signing of the document. The understanding of rangatira was that Te Tiriti o Waitangi guaranteed the continuation of their rangatiratanga.

However, the impact and desire for land increased. The increasing pressure on Ngāti Whātua through land sales and the Native Land Court (as discussed in Chapter 3) ultimately had a significant impact on Ngāti Whātua hapū and rangatira. One example is the Native Land Court hearings, held over two days, in Kaipara in June 1865. The presiding judge for these Court hearings was Judge John Rogan. From the research completed for the Waitangi Tribunal Kaipara Report (WAI 674) it is clear that Rogan had a good understanding of the importance of rangatira in the process, despite the introduction of sales of land from a western system of land tenure and ownership. In the Kaipara Report the roles of hapū and rangatira are discussed. Although Rogan notes that he developed processes that “pursued the course which appeared to me the best adapted to the natives themselves”, he ultimately states that blocks of land were now titles as decided by the hearing (Waitangi Tribunal, 2006, p. 178). It was Rogan himself who defined rangatira by choosing the person who was to have title over the land (Waitangi Tribunal, 2006, p. 178), clearly failing to recognise the authority of the hapū to identify the rangatira. Not only did the Native Land Court in legislative process determine owners, the Court also placed names on lands. An example of this is the name Helensville, located at the southern end of the Kaipara Harbour. The name came from a house built by John McLead for his wife (Waitangi Tribunal, 2006, p. 184), yet Ngāti Whātua traditionally knew the area as Te Awaroa and sought reversion to its original
name. These processes clearly reflect the British sovereignty starting to be exercised, without recognition of the traditional rangatiratanga of rangatira.

The “most devastating” period for Ngāti Whātua was the time from 1864 to the end of the century, with the Crown breaching the Treaty of Waitangi “through its abject failure” to protect land rights of Ngāti Whātua (Waitangi Tribunal, 2006, p. 196). By 1890, just in Kaipara, the Crown had purchased 182,760 acres; private sales totalled 62,658 acres. It is clear that, alongside continuing Crown purchases, individual private sales increased, and by the end of the nineteenth century the effect was that “there was a good deal of poverty amongst Ngāti Whātua” (Waitangi Tribunal, 2006, p. 203). Head’s analysis of such poverty concurs that the political mana of rangatira was seen as being “extinguished by war in the 1860s” (Head, 2006, p. 42). Contrary to Head’s analysis, however, Ngāti Whātua, as noted earlier, donated land to enable economic development in their takiwā, such as the land which was used for the construction of the railway between Riverhead and Waitemata harbour and Helensville and the land for the Courthouse Reserve in what was to become Helensville. Therefore, despite the manaaakitanga of Ngāti Whātua in the donation of land, and probable expectation of utu in new opportunities, their rangatiratanga was to be ignored.

The Courthouse Reserve in Te Awaroa also provides another example of the Crown actions that affected Ngāti Whātua. The original land for the courthouse was gifted by the Ngāti Whātua chief Te Ōtene Kikokiko. His gift in 1864 remained in the ownership of the Crown until 1969 and in this period, the railway terminal, library, school, park, public gardens and recreation ground were created. In 1969 the reserve was sold by the Crown to the Rodney District Council; however, Ngāti Whātua were not engaged in the sale or consulted as the original donee, or as the partner in the Treaty of Waitangi (Waitangi Tribunal, 2006). Through the land sales, the New Zealand Wars, societal reform through government legislation and policy along with the Native Land Court process, the Crown no longer recognised the rangatiratanga of rangatira. Further to this, hapū were no longer land-based, and access to traditional kāinga, mahinga kai or even traditional practices were removed. Therefore, by the start of the twentieth century, change was not only seen in Māori land control, but also in Māori leadership.

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273 The Kaipara Report (Waitangi Tribunal, 2006) notes that Ngāti Whātua sought this traditional name as part of the settlement.
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Sir Apirana Ngata introduced the Native Land Bill which was enacted by Parliament in 1909, following a comprehensive review around Māori land legislation (Waitangi Tribunal, 2006). The Bill was to give effect to Ngāti Whātua rangatiratanga, as it was for hapū across Aotearoa. Despite Ngata’s intention to provide the opportunity for Māori to develop communally owned lands, the “machinery provisions of the … Act favoured partition and piecemeal alienation by simple majorities of assembled owners” (Waitangi Tribunal, 2006, p. 22). The Tribunal recognised the damage created by the Native Land Court, stating “the creation of individual, disposable interests in land and a complex legal regime operated by the Native Land Court – a process not controlled by Māori and based on English legal concepts, not tikanga Māori – inevitably led to land sales, landlessness, and poverty” (Waitangi Tribunal, 2006, pp. 225-226). Individual freehold title was introduced and in time became, and remains, the national framework for individual land rights for Māori. However, this individualisation of title for the purposes of creating ownership enabled land to be purchased. In the established settler government, and within the processes of the Land Court, the role of the rangatira became diminished for Ngāti Whātua, as well as other hapū and iwi. Whakapapa provided the basis for rights for connection to whenua, but ignored by the Land Court.

Alongside all of these external influences on the role of Ngāti Whātua rangatira, traditional hapū were also changing from within their communities. The lives of those individuals who were traditionally located within a hapū, were now part of a wider civil society including non-Māori. The individual rights established through citizenship meant Ngāti Whātua individuals had the same rights as non-Māori and rangatira. This diminished the rangatiratanga of Ngāti Whātua rangatira as the Crown gave equal status to each Ngāti Whātua individual. In doing so the Crown changed the context for traditional Ngāti Whātua whānau and hapū systems discussed in Chapter 1. The new ways appealed to some individuals in hapū and iwi alike, a desired aspect of the colony and community. Those who had not previously been decision makers, were suddenly becoming equals to the traditional rangatira of their Ngāti Whātua hapū. The pūtakere of Ngāti Whātua rangatira to exercise their traditional authority were now not only being compromised by British colonisation, but also by those members of their own whānau and hapū who had previously recognised the rangatiratanga of rangatira, but now embraced the changed power structures. This change to individual rights established Māori customary practices.

274 Māori customary practices
Page 196
engagement in the British regime of government of the time and in doing so retained governorship over the peoples (Head, 2006, p. 215). In such individualisation, the collective unit of the hapū was dismantled and along with it the role of the rangatira was deconstructed.

The sale of land also created owners who no longer held collective perspectives on whenua through the lens of traditional ways of life. Whānau or hapū who did maintain collective ownership of their whenua were unable to develop the land, meaning Māori could not take advantage of this change. Therefore, any desire for development was totally negated for Māori. This impact was widespread and included Ngāti Whātua. One example of this impact for Ngāti Whātua was given by Alemann who described the complexity of kin relationships of two brothers offering differing whakapapa to the Native Land Court. Alemann notes that:

... the diverse tribes of Ngāti Whātua [confederation] do not trace their ancestry monolithically from one ancestor, or from one canoe. In various times, and in different circumstances these tribal groups have been allied, or fought against each other, and have never formed one solid and massive tribal identity. (Alemann, 1992, p. 2)

This Alemann quote clearly ignores the authority of rangatira, rather explaining that Ngāti Whātua was complex and not structured in a single structure and thereby, too difficult to know who to engage. This failure to recognise rangatiratanga fails to uphold the guarantees in Te Tiriti o Waitangi. The decisions of the court naturally provided an advantage for some individual owners it identified as part of its process. Equally, for many multiple owners, if not all, the capability to engage with their whenua as whānau or hapū was removed. And so the traditional role of rangatira and the exercising of rangatiratanga was increasingly marginalised. The Kaipara Report noted that by the 1930s “[members of Ngāti Whātua] did not have sufficient … land to participate effectively [in the economy]” in order to gain any benefit from the Māori land development schemes established by the Native Minister (Waitangi Tribunal, 2006, p. 72).

The individualised titles had severe impacts. Under the British system of land as an owned asset, it could be bought and sold and enable the accumulation of capital. Such indicators were defined markers of success for British ideals such as wealth and profit. However, such prestige did not correlate with, or in any way recognise, rangatiratanga. From these processes, “Māori suddenly found that through their genealogical connections with various pieces of land – … which they did not occupy at the time – they could share in the proceeds of sale” (Waitangi Tribunal, 2006, p. 77).
The authority of rangatira to exercise rangatiratanga had been marginalised, specifically in relation to land, replaced with systems of multiple ownership. This change still did not advantage Ngāti Whātua. One example of the challenges in land with multiple owners for Ngāti Whātua is seen in the Ōtakanini Topū Block. Ōtakanini remains the largest land-holding among Ngāti Whātua. Despite some papakāinga lands remaining in place, and with Te Haranui Marae remaining at its centre, the land holding was vested in the Tokerau District Māori Land Board in 1906. The Tokerau District Māori Land Board immediately leased most of the lands to private farms for 50 years. Although a Māori incorporation was established in the 1950s, the return of the land to the new incorporation coincided with further assimilation policies of government at this same period of time. So despite the Ōtakanini land being returned, community life in this takiwā was described as seeing “many younger people, and in some cases whole families …[migrating] to Auckland in the 1950s and 1960s” (Waitangi Tribunal, 2006, p. 280).

Any authority of traditional rangatiratanga was completely stripped from rangatira over this land. In the new model where the land was held in collective ownership, Ngāti Whātua and other hapū and iwi were unable to use or develop this land. In that same intervening period. Traditional systems of rangatiratanga were relegated to marae meetings, where there remained the recognition of rangatira. So, while whakapapa and mana were still recognised by members of the hapū, the ability to enact rangatiratanga in any way, beyond the marae, was disabled by the sovereignty and systems of power exercised by the Crown. The individual desire for modernity further enabled Ngāti Whātua engagement in government and rangatira became simply citizens in the wider civil society. The implication of individual rights with the civil society of British rule for all Māori, changed the role of rangatira of Ngāti Whātua whānau and hapū, as it did for other hapū and iwi. The outcome of the role of rangatira in hapū leadership had for all intents and purposes been decimated.

Ngāti Whātua found themselves disconnected from their takiwā and whānau, and removed from traditional systems of health and support. This decline in traditional life as Ngāti Whātua peoples and their wellbeing continued through the twentieth century. By the mid-point of the twentieth century, urbanisation across the country was well underway, with many members of hapū and iwi from rural communities migrating to urban centres. The reality of the conditions in urban centres was far from utopic. This is seen in evidence provided by Ngāti Whātua rangatira, Sir Hugh Kawharu, in describing the wellbeing of one community, Kakanui-Araparera-Puatahi. In this community of some 140 Ngāti Whātua there were
“twenty certified cases of tuberculosis … and cases of chronic skin infection especially [and] probably more than 20 per cent of the population were in bad health most of the time” (I. H. Kawharu, 1977, p. 187). In less than three decades from the urban drift of the 1950s and 1960s, urban centres had ever-increasing unemployment rates. While the same conditions existed in rural communities, urban Māori did not have traditional support systems around them in urban areas. Isolated from their traditional hapū, they lacked manaakitanga afforded by rangatiratanga.

6.5 Treaty of Waitangi claim

This section discusses the new claim history of Ngāti Whātua. By the time of the Treaty of Waitangi Act 1975 and its amendment act in 1985, Ngāti Whātua had clear concerns arising from breaches of the Treaty of Waitangi, and would test these through the settlement process. The claims settlement process for Te Rūnanga o Ngāti Whātua has been somewhat different than that of other iwi. Rather than a single collective iwi claim covering all hapū breaches, some individual hapū have completed a claim settlement processes independently. These claimant groups all descend from the ancestor Haumoewarangi, but independently made a claim and attained settlement as hapū, independent from Te Rūnanga o Ngāti Whātua. These claims were led by the hapū leadership of the time. They did so with the recognition of their whakapapa to Ngāti Whātua and the ancestor Haumoewairangi, but continued to exercise their rangatiratanga as hapū within the claims processes. These hapū include Te Roroa in Wai 38 (Waitangi Tribunal, 1992b), Te Uri o Hau in Wai 229 and Wai 271 (Waitangi Tribunal, 2006), Ngāti Whātua Kaipara in Wai 312 (Waitangi Tribunal, 2011) and Ngāti Whātua ki Ōrākei (Waitangi Tribunal, 2015). Te Roroa and Ngāti Whātua ki Ōrākei claims have been completed.

In addition, a further claim was developed and lodge to capture grievances across the iwi, the Te Rūnanga o Ngāti Whātua claim Wai 303. It was lodged to sit alongside existing claims of the hapū of iwi highlighted above. Wai 303 was lodged as the claim for Ngāti Whātua individuals, whānau and hapū within the iwi. While the claim was lodged with the Waitangi Tribunal, Ngāti Whātua were required to undertake the process of gaining a mandate as the iwi body that represents the descendants of Haumoewarangi. For Ngāti
Whātua, this was achieved in two ways. The first was a postal vote, with information provided to registered members on the proposal to mandate Te Rūnanga o Ngāti Whātua as their representative entity for their claim. The second was a series of roadshows held around Aotearoa, again seeking Te Rūnanga o Ngāti Whātua as the mandated body to represent the iwi’s claim. Having gained support from the Ngāti Whātua people, Te Rūnanga o Ngāti Whātua submitted the mandate strategy, which was endorsed on by the Crown on 23 May 2008, as representing the iwi, in line with the Crown requirement of a large natural grouping, as discussed in Chapter 4 (Te Rūnanga o Ngāti Whātua, 2015e).

In the claims settlement process with the Crown, Ngāti Whātua has opted for direct negotiations. Direct negotiations require Ngāti Whātua to prepare a claim, but a formal hearing through the Waitangi Tribunal is not required, with the Crown accepting the claim being brought forward. In the Guide to Tribunal Procedures 2012 it is noted that in conducting the enquiry against the lodged claim “the parties will agree to direct negotiations” (Waitangi Tribunal, 2012a, p. 29). These negotiations continue to be worked through as at the end of 2016, in terms of a Treaty of Waitangi settlement.

The Te Rūnanga o Ngāti Whātua claim recognises other claim settlements have been sought, and in some cases settled, with the Crown. These include the Te Uri o Hau Deed of Settlement, which was signed between Te Uri o Hau and the Crown on 13 December 2000 and the Claim Settlement Act assented to on 17 October 2002. The settlement included $15.6 million and some 12 properties re-vested to the iwi as part of the cultural redress. It also contained “kirihipi” or overlays, that Te Uri o Hau may exercise in partnership with lands held the conservation estate (Waitangi Tribunal, 2002). Another settlement was Te Roroa which was signed between Te Roroa and the Crown on 17 December 2005 and the Act assented to on 29 September 2008. This fiscal settlement totalled $9.5 million and contained similar re-vesting of properties and recognition in conservation estates as part of the cultural redress (Waitangi Tribunal, 1992b). Both settlements provided for an apology from the Crown. The Ngāti Whātua Ōrākei Act was assented on 19 November 2012 following an earlier Deed of Settlement agreed on 2 November 2011 (Waitangi Tribunal, 2012b, p. 1). This settlement included a cash quantum of $18 million, vested one site (Pourewa Creek), and recognised commercial redress and rights in hapū lands, reservation...
and papakāinga\textsuperscript{276} housing, known as Ōrākei Block. An apology from the Crown was also provided. The other interrelated settlements were in relation to Wai 312, the Ngāti Whātua O Kaipara Settlement Act 2013. This Act was assented to on 12 June 2013, following the Deed of Settlement on 9 November 2011 and totalled $22.1 million. This settlement recognised the hapū of “Te Tao Ū, Ngati Rango, the people of Puatahi who are Ngāti Hine and other related groups” (Waitangi Tribunal, 2013, p. 7). The Act provided for cultural redress and included an apology from the Crown.

These settlements reinforce the rangatiratanga of rangatira in hapū in the Ngāti Whātua tribal takiwā through the settlements being attained by the hapū, not the large natural grouping desired by the Crown. The rights, sovereignty, autonomy and independence of hapū are clearly recognised in these settlements with the Crown. This validates the rangatiratanga hapū, as clearly established in Chapter 1, as the traditional framework of society in Ngāti Whātua. These claims acknowledge the interconnectedness of the whakapapa of the iwi, within its process of lodging the tribal claim, for example in Wai 674 claim, \textit{The Kaipara Report}. The Wai 674 claim recognises the complexity, cross-over and interconnectedness of Ngāti Whātua hapū, demonstrated through the relationships and other claims of these peoples within the collective of Ngāti Whātua. Excluding Te Uri o Hau these connections are reference in claims Wai 121, Wai 244, Wai 312, Wai 279, Wai 470, Wai 508, Wai 619, Wai 632, Wai 688, Wai 697, Wai 733, Wai 756 and Wai 763 (Waitangi Tribunal, 2006). These overlapping and interconnected claims reference the alliances of whakapapa, people and kaupapa with the Crown.

The rangatiratanga of hapū is also recognised by Te Rūnanga o Ngāti Whātua. The various settlement acts discussed above recognised these rights, and Wai 312 acknowledges the settlements within Ngāti Whātua already agreed, while complementing those outcomes with a claim for outstanding grievances yet to be settled. Although hapū remain a foundation of the tribal collective, it is rūnanga of those hapū that give impetus to the protection of ahi kā and takiwā boundaries. In this model, the leadership is representative of hapū but is given effect by the corporate entity, without any loss of mana of rangatira and rangatiratanga at a hapū level. Te Rūnanga o Ngāti Whātua complements and endorses the mana of hapū, through its tribal framework and the exercise of collective rights, as it would have done in pre-European traditional times. The process of settlements has provided Ngāti Whātua an

\textsuperscript{276} original home, home base, village, communal Māori land
opportunity to institutionalise hapū, which the Ngāi Tahu settlement, discussed in Chapter 5, did not. This important difference will be discussed further in the following section.

6.6 Ngāti Whātua rangatiratanga

This section provides an analysis of the corporate iwi structures of Te Rūnanga o Ngāti Whātua. The structure of the representative entity is important to understanding the place of contemporary rangatiratanga within the iwi. I now discuss the constituency and demography of Te Rūnanga o Ngāti Whātua and the principles which underpin the deed of mandate of Te Rūnanga o Ngāti Whātua.

6.6.1 Constituency and demography of Te Rūnanga o Ngāti Whātua

This section discusses the constituency of Te Rūnanga o Ngāti Whātua. In 1988 Ngāti Whātua, under the Māori Trusts Boards Act 1955, constituted itself in the form set out in the Te Rūnanga o Ngāti Whātua Act 1988. A tribal hui was held on 20 February 1993 at Ōtamata to constitute a representative entity to represent Ngāti Whātua, in light of the settlements noted above (Te Rūnanga o Ngāti Whātua, 2015a). Such constitution was needed to satisfy the Crown’s requirement a this large natural grouping, if Ngāti Whātua was to attain any agreement for a settlement at an iwi level. This is yet another example of the Crown changing or controlling rangatiratanga for Ngāti Whātua. The new structure, Te Rūnanga o Ngāti Whātua, was agreed and was to take forward their Treaty of Waitangi claim, Wai 303. Te Rūnanga o Ngāti Whātua, therefore, represented a unification of hapū to collectivise the claim process (Te Rūnanga o Ngāti Whātua, 2015e). Ngāti Whātua also recognised the independent approaches by some of the constituent hapū to their own negotiations with the Crown over Treaty of Waitangi grievances. These included Te
Roroa,\textsuperscript{277} Te Uri o Hau,\textsuperscript{278} and Ngāti Whātua ki Ōrākei (Te Rūnanga o Ngāti Whātua, 2015e).

![Map 6.4: Te Roroa and Te Uri o Hau](image)

The following nineteen hapū are recognised as being hapū at the foundation of the iwi corporate: Ngā Oho, Ngāi Tahuhu, Ngāti Hinga, Ngāti Mauku, Ngāti Rango, Ngāti Rongo, Ngāti Ruina, Ngāti Torehina, Ngāti Weka, Ngāti Whiti, Patuharakeke, Te Parawhau, Te Popoto, Te Roroa, Te Urioroi, Te Taoū, Te Uri Ngutu, Te Kuihi and Te Uri o Hau from the takiwā of Ōrākei, South Kaipara, Ōtāmatea, Whāngarei and Northern Wairoa (Te Rūnanga o Ngāti Whātua, 2015b). The “traditional rohe of Ngāti Whātua is shown below. This is expressed as Tamaki ki Maunganui i Te Tai Hauauru and Tamaki ki Manaia i Te Rawhiti. The northern boundary is expressed as Manaia titiro ki Whatitiri, Whatitiri titiro ki Tutamoe, Tutamoe titiro ki Maunganui. The southern boundary is expressed as Te Awa o Tamaki” (Te Rūnanga o Ngāti Whātua, 2008, p. 4) (see Map 6.5).

\textsuperscript{277} See Figure 6.3 – Pxx (Next Page)
\textsuperscript{278} See Figure 6.4 – Pxx (Page)

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One key feature of Te Rūnanga o Ngāti Whātua is the Kauhanga nui,279 which represents hapū rangatiratanga in the corporate decisions of Te Rūnanga o Ngāti Whātua. This collective includes kaumātua280 and kuia,281 or male and female elders, from the various hapū and marae. These persons are the “custodians of traditional knowledge and advise on the tikanga of Ngāti Whātua” (Te Rūnanga o Ngāti Whātua, 2015a). This advisory function on matters involving Ngāti Whātua lore is provided to the appointed governors of Te Rūnanga o Ngāti Whātua. The constitution of Te Rūnanga o Ngāti Whātua holds that those appointed to the governance table are appointed democratically through election by registered members. This is the same stipulation as noted in the settlement processes

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279 tribal council, parliament
280 adult, elder, elderly man, elderly woman, old man - a person of status within the whānau
281 elderly woman, grandmother, female elder

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required by the Crown and as seen in the Te Rūnanga o Ngāi Tahu Act 1996. However, the Kauhanganui is established by hapū within their own processes of representation, and it represents the rangatiratanga and mana of hapū whose role is to advise Te Rūnanga o Ngāti Whātua. The Kauhanganui is connected to, but independent from, the corporation and in some way reflects the historic responsibility of rangatira, albeit as a hapū rather than individual. This, though, is consistent with the formation of the tribal collective, rather than independent hapū of traditional Ngāti Whātua.

The lore overseen by the Kauhanganui, noted above, is seen in the values of Te Rūnanga o Ngāti Whātua. Figure 6.1 at the outset of this chapter, presents a summary of Te Rūnanga o Ngāti Whātua values from their own perspective. These may be seen as obligations and expectations provided by rangatira which have been carried through whakapapa over time, and which continue to underpin tribal activities. The values outline the strength of hapū, rangatiratanga, and the conceptual underpinnings of rangatira in Ngāti Whātua. The role of rangatira maintained the mana of whakapapa, the whenua and the takiwā. It strongly correlates with the elements of rangatiratanga discussed in Chapter 1 and introduces the mana of the uri a Haumoewarangi.

As noted above, there are three overarching values that define Te Rūnanga o Ngāti Whātua as an organisation: mana, manaakitanga, and kaitiakitanga. Therefore, the Kauhanganui and values represent a direct validation of the pūtake of whakapapa, mana, hapū, and whenua. In addition, the Kauhanganui oversee and incorporate kawa and tikanga and utu in their role within Te Rūnanga o Ngāti Whātua. First, Ngāti Whātua recognise upholding the mana of the collective as a sacred obligations (Te Rūnanga o Ngāti Whātua, 2015a). Manaakitanga, the second value, is viewed as being the extension of care to people. Mana is derived from the extension of such manaakitanga, hosting and caring for visitors and, in more modern times, in supporting the communities of the iwi takiwā. It is strongly connected to the mana of the hapū and it is very much based on the concept of utu. The final value is kaitiakitanga, expressed through the role of protecting Papatūānuku, the mother earth, or more generally the physical environment. This element of sacred obligation connects to

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282 genealogy
283 tribe, sub-tribe, clan
284 land
285 territory, district or space occupied by a hapū or iwi
286 offspring, descendant, relative, kin, progeny, blood connection, successor
287 The authority of the descendants of Haumoewarangi
whakapapa. In creation histories whānau, hapū and iwi descend from such deities. Therefore, the physical environment and land is not an asset or commodity, it is an ancestor. As with manaakitanga, mana comes from upholding ahi kā and protecting the environment from which sustenance is derived for self and the generations of descendants that follow the self. These first principles of Ngāti Whātua align with the elements of intergenerational rangatiratanga and underpin Te Rūnanga o Ngāti Whātua (Te Rūnanga o Ngāti Whātua, 2015a).

6.6.2 Deed of mandate, Ngāti Whātua principles

Having established a representative entity for the hapū of Ngāti Whātua peoples, as required by the Crown, and as discussed in Section 6.6.1, the tribal corporation moved to gain a mandate to engage with the Crown to lodge their treaty grievances. The Deed of Mandate in 2008 articulated the structure for negotiation between the Crown and Te Rūnanga o Ngāti Whātua. Thirty-five marae\(^\text{288}\) are recognised as being within the takiwā of Ngāti Whātua. In the Deed of Mandate 2008, Te Rūnanga o Ngāti Whātua noted that in the 2006 New Zealand census approximately 14,724 persons recognised themselves as being Ngāti Whātua and in excess of 10,000 of these people lived in the Auckland and Northland region (Te Rūnanga o Ngāti Whātua, 2008). In the 2013 census, the population was estimated to be 14,784 (Zealand, 2013) with 78 percent living in the Waikato, Auckland, and Northland regions. Although a whole-of-iwi population was not a basis for hapū, the natural larger grouping requirement of the Crown does necessitate Te Rūnanga o Ngāti Whātua to identify and consider all those who whakapapa to the ancestor Haumoewarangi.

Ngāti Whātua were clear that a series of principles was to inform the negotiation process (Te Rūnanga o Ngāti Whātua, 2008) and identified the following:

A. Ensure measures and procedures honour and respect the tikanga of Ngāti Whātua

B. Promote collaboration and co-operation across Ngāti Whātua

C. Respect the autonomy and mana of individual hapu

\(^{288}\) courtyard, open area in front of the meeting house in a village
D. Ensure effective and appropriate representation of Ngāti Whātua

E. Recognise the importance of the use of traditional structures and relationships

F. Build on existing structures and processes as much as possible

G. Ensure regular reporting to beneficiaries and meaningful consideration of their views.

(Te Rūnanga o Ngāti Whātua, 2008, p. 5)

I now explore how these principles link to the pūtake of rangatiratanga and how these are interconnected, not isolated, throughout the principles. Principles A (tikanga), C (mana) and E (representation recognising whakapapa and hapū) are clearly linked to the role of rangatira and the enactment of rangatiratanga as a tribal collective. These principles make strong connections with the rangatira pūtake discussed in Chapter 1. Principle A outlines the guiding obligation in regards to tikanga and internal operations upholding and demonstrating the mana of Ngāti Whātua. Principle B references collaboration and cooperation across Ngāti Whātua. As discussed earlier, whakapapa provides a foundation both for interconnections between whānau and hapū and for the role of maintaining connections as an iwi collective. Similarly, collaboration and cooperation refer to the concept of utu, or reciprocity and balance, across the collective. This consideration was an important aspect of the role of rangatira, as it is for Te Rūnanga o Ngāti Whātua.

For Principle C, mana, Ngāti Whātua clearly reinforces the role of hapū, and as a result the contemporary reality of Ngāti Whātua is based on the mana of individual hapū. This connects to Principle D, representation, Ngāti Whātua highlights the importance of effective and appropriate representation of the iwi. This principle is clearly tied to mana. This includes the mana to ensure rangatira are attending and supporting important events and meetings, while ensuring that the same representations protect the mana of the iwi in engagements that may affect the iwi, either as a people or regarding their takiwā. As the guardians, or kaitiaki, of the whenua, the protection of this whenua has a direct impact on the mana of the rangatira and the people representing Ngāti Whātua.

Utu, or reciprocity are connected with Principle E, as an underlying theme, with Ngāti Whātua ensuring that this informs the use of traditional structures and relationships. Principle F, building on existing structures and processes, articulates the importance of ongoing knowledge generation and learning. Mana is derived from the authority and prestige of the undertakings of the rangatira and people. Under this principle, maintaining mana is based on ensuring that is held and learned over generations is retained and enhanced.
Finally, Principle G is in part an association with iwi and requires having reciprocity with the process of who rangatira are acting on behalf of the iwi. The mana of the people requires transparency to the people rangatira are representing. In traditional times, this was more evident, with the people and rangatira living within the hapū. Given the aforementioned effects of colonisation and urbanisation, this is no longer the case, and so the principle aims to provide transparency of rangatiratanga to the whānau and hapū of the Ngāti Whātua iwi, no matter where they are living.

In relation to Principle G, however, the challenges remain with Crown’s actions, and inactions, which have compromised the traditional aspects of rangatiratanga as outlined in Chapter 1. In Te Rūnanga o Ngāti Whātua representation, there is the reference to the aspects of democracy and the process of electing takiwā representatives. Democracy is vastly different from any traditional aspect of decision making, which would have been undertaken in the marae in order to reach an agreement, clearly evident in that the highest polling candidate from these nominees that would then be then elected to the Negotiating Body. There is importantly no collective kōrero of the rangatira in this democratic postal voting process. This democratic reality does in fact challenge traditional perspectives and processes of the rangatiratanga of rangatira and hapū.

6.7 Summary of the rangatiratanga of Ngāti Whātua iwi

The discussion thus far outlined the traditional strength of Ngāti Whātua hapū and Ngāti Whātua rangatira. This was discussed in the relocation of Ngāti Whātua from Muriwhenua to its contemporary takiwā from the 16th to 19th centuries. The interdependence of the hapū of Ngāti Whātua hapū is articulated throughout this chapter. Each hapū has mana and operates independently but each has engaged in collective processes as Ngāti Whātua. This is seen in the Waitangi Tribunal claims (Wai 121, Wai 244, Wai 279, Wai 312, Wai 470, Wai 508, Wai 619, Wai 632, Wai 688, Wai 674, Wai 697, Wai 733, Wai 756 and Wai 763 and excluding Te Uri o Hau). Although Ngāti Whātua hapū have maintained their independent authority in lodging their own claims in the Waitangi Tribunal processes, the whakapapa and connectedness, as kin of the ancestor Haumoewarangi, is clearly evidenced. In the time
before the arrival of non-Māori, rangatira and rangatiratanga of the hapū clearly established the takiwā now described as the Ngāti Whātua iwi collective.

Ngāti Whātua rangatira took advantage of the new opportunities in the formative period of the relationship with non-Māori. Rangatira engaged in land sales voluntarily, and in some cases they donated land to create the opportunity for the development of their people. The European settlement of the Auckland isthmus was created from the Ngāti Whātua eagerness to establish the colonial capital in Auckland in 1840. This ultimately included the signing of the Treaty of Waitangi. However, in less than two decades, the Crown would start to fail to recognise the rangatiratanga o Ngāti Whātua hapū. The Crown legislated around the rangatiratanga of Ngāti Whātua and disempowered the hapū relationship with rangatira. By the start of the twentieth century, Ngāti Whātua were facing adverse and severe effects on personal health and did not enjoy the economic development seen by settlers living among them. The Waitangi Tribunal in the Kaipara Report noted that “consistent betrayal” of the Crown to protect Ngāti Whātua rangatiratanga with the Native Land Court creating “the equivalent of land confiscation” (Waitangi Tribunal, 2006, p. 314), in doing so clearly failing to recognise the guarantees in Te Tiriti o Waitangi and the failure to exercise reciprocity in land dealings and right to continue to exercise rangatiratanga.

The Waitangi Tribunal notes that possibly “Ngāti Whātua sold their land ... because they could. An individual Māori owner in need of cash did not have to consult with anyone else…” (Waitangi Tribunal, 2006, p. 316). The Crown legislated to deny these rangatira their Treaty rights and instead provide such rights to owners. The assimilation of rural communities to the urban centres in the 1950s and 1960s saw Ngāti Whātua further disadvantaged by dislocation from traditional land, resources, whānau and support systems.

Rangatira were clearly recognised at the time of land sales in the early period of the nineteenth century, as noted in one deed of sale of the Pukeharakeke Block in the Kaipara District, where the Māori version of the deed stated “nga rangatira o Ngātiwhātua ... ko matou ki Te hoko i tenei whenua... (Us chiefs of Ngātiwhātua ...owners of this piece of land…” (Turton, 1983, p. 185). It was not until the last quarter of the twentieth century that there was the beginning of a rebalancing of the mana of the iwi and the mana of the hapū. Ngāti Whātua now, at the start of the 21st century, clearly stands strong on its traditional rangatiratanga as it looks to finalise its Treaty settlement process with the Crown and look forward to maintaining the three principles of Ngāti Whātua aspiration:

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Te Rūnanga o Ngāti Whātua is the clear representative entity of Ngāti Whātua individuals, whānau, hapū and iwi, as mandated in May 2008. Although this structure is a Crown requirement, the authority of the hapū remains central to the contemporary corporation. The mana of the Kauhanganui, and therefore the various hapū it represents, is absolutely fundamental to cultural leadership within the corporation.

In the next section I provide an analysis of my Ngāti Whātua interviews, against the questions of whether rangatiratanga will be enabled for Ngāti Whātua as they undertake negotiations of a settlement with the Crown. For Ngāti Whātua this process will be one of asking whether the Crown is constraining the rangatiratanga of rangatira or whether they are constraining this themselves. If Ngāti Whātua achieve the reestablishment of rangatiratanga, it may also provide a model for other post-settlement claimants.
Section B: Participant responses and pūtake of rangatiratanga

6.8 Ngāti Whātua concepts, principles and leadership

In this section, I introduce the rich and deep contributions made by current Ngāti Whātua rangatira, who were participants in this research. As explained earlier, Ngāti Whātua is not presented as a direct comparison with Ngāi Tahu. Rather, it is considered here as an iwi which is still to complete its settlement with the Crown, and one which appears to have maintained a connection with traditional leadership despite the impacts of colonisation. The Ngāti Whātua case raises questions about the capacity for Māori to exercise rangatiratanga despite the Crown’s failure to uphold Article 2 of the Treaty.

The methodology for these interviews was outlined in the previous chapter (see Chapter 5, section 5.2). This section discusses the pūtake whakapapa, mana, utu, hapū, and whenua in relation to Ngāti Whātua rangatiratanga and participant kōrero will be shared in relation to each pūtake.

Whakapapa and the exercise of rangatiratanga

Whakapapa is genealogical descent from an ancestor and is at the core of Māori identity and. It also played a role in determining a person’s place; whakapapa is important in the inherited mana from the maternal and paternal linkages. However, whakapapa was not limited to humans (tūpuna or hapū). It also encompassed distinct lineage to deities and land markers within the takiwā (maunga, awa, roto, moana). The interconnectedness of whakapapa correlates strongly with whenua and hapū as whenua and hapū do with mana and utu.

All the participants made it clear that the principle of whakapapa was undeniable in their identity as Ngāti Whātua; they were all a descendent of Ngāti Whātua tūpuna. At the heart of this identity for participants is the responsibility of representing those ancestors ahead of representing oneself. The following quotes identify the descent and position of whakapapa, but more importantly the right of participants to connect with and represent those ancestors. This is seen as part of the role and right of rangatiratanga. This representation recognises
both that whakapapa was clearly a pūtake for traditional roles of rangatira, and that it is also a pūtake for current rangatira and will do so for the future generations. Participants said:

It’s to do with your whakapapa. My father had no choice [in being a rangatira], Hori Kingi was a signatory to the Treaty of Waitangi. So like it or not, from Hori you had Mohi, from Mohi you had Teoti, from Teoti you had him [Mohi] and from him you got me.

… it's [rangatiratanga] learning that you have a superior being, that from that superior being there's a collective in there as well as [oneself]. And so that's how I pass that on in home, on the marae. I go home and all the photos are on the wall and I feel 150 plus years old ‘cos I’m the only one in that who knew all of them …

In my father’s time te tamaiti a Mohi [the youngest boy of Mohi], that’s all I was. … so that recognition comes but with the recognition comes the obligation. You have got to stand up there with them …

This identification of ancestry and lineage was also connected for participants with the responsibility of intergenerational knowledge. There was a perceived need for this knowledge to be carried forward for future descendants, including direct whānau, but also those within the wider hapū and iwi. The validation of whakapapa is clear, noting they themselves as rangatira have had that knowledge passed down from within their whānau and tūpuna. The broadening of whakapapa to the wider iwi level is also a strong determinant in identity for the individual and the iwi collective. In particular, the protection of whakapapa to ensure the future of tribal wellbeing was identified. The following quotes demonstrate that whakapapa is clearly a taonga, or treasure, to the participants and one that brings significant onus and expectation as rangatira.

We talk about whānau and we talk about the bond and relationships between us as people and we always have our ancestral relationships and we have what we call heke tika and heke whānui.

… its one thing to say we are Ngāti Whātua because we hold this lineage collectively …

There are nine sort of descent lines from Haumoewarangi

… those are my tūpuna’s, they put me here to represent who?

Whakapapa sets many frames, both traditional and contemporary, for Ngāti Whātua. As noted in Chapter 1, whakapapa framed the role of individuals within whānau and hapū and this is clearly established in the participants’ responses. It also frames the same reality in contemporary Ngāti Whātua within the tribal collective. Of particular note, is a clear delineation across the realms of contemporary Ngāti Whātua iwi. However, each individual has his or her own place and role as outlined in the participants’ responses. These
participants represent the current leadership of Ngāti Whātua from Te Rūnanga o Ngāti Whātua, kaumātua and rūnanga members, senior cultural leaders and Treaty negotiators. However, in these responsibilities of the wider iwi, all participants stated that foremost they were leaders of their whānau and hapū.

In terms of the marae, and of whakapapa, the tuakana is the leader and there is no argument. It just an application of two different concepts in two different environments and a clear recognition of both environments.

I am saying the tika of Ngāti Whātua is not dependent on the blood that runs through your veins, it’s [also] dependent on the whenua that you stand on. … whakakotahi.

… if you were to ask [name] ‘so what’s your hapū [name]?’ [Name] will tell you Ngāti Hine and Ngāti Terino, which are both, well you know where Ngāti Hine is and Ngāti Terino is, up a Ngā Puhi hapū, but that has strong connections to their part of the Kaipara. Nothing wrong with that in my mind, but if we were to follow the descent lines from Haumoewarangi, she would be either Te Tau or Ngāti Rongo.

[... I said to my father] ‘he tuakana ōku’ and got a telling off and I never opened my mouth after that… “menā au e hiahia ana ki te kōrero ki ōu tuakana, ko konei rāua [if I want to talk to your older brothers, they’d be here]

In the last quote, the translation is literal. However, from a metaphoric perspective, the father is rejecting the older brothers taking a leadership role, and he lays the responsibility on the younger brother. These rangatira convey that the role of whakapapa still defines the role of leadership and role or rank in communities. This is consistent with whakapapa as it was determined in the many aspects of traditional Ngāti Whātua and Māori community. It continues to provide identity and connection to whenua, and played a significant role in the hierarchy of the whānau and hapū. It was a clear foundation in societal place and determined rights and responsibilities within the collective. Whakapapa is symbiotic to other principles such as mana and connectedness to the whenua. Whakapapa was also important in making decisions on maintaining balance as utu was critical to consideration and the well-being of the hapū.

**Mana and the exercise of rangatiratanga**

Mana is another cornerstone of Māori leadership. It is derived in part through the hierarchical lineage of the ancestors. In addition, actions taken by a person or persons may derive or enhance mana. The most frequent occurrence of acquired mana was related to hosting,
caring for or providing hospitality to manuhiri, or visitors, noting manaakitanga as is a practice that enhances mana.

Mana to exercise rangatiratanga was enacted by rangatira within the societal structures of whānau, hapū and, to a lesser extent, iwi, though mana at an iwi level is based on the mana from hapū. Therefore, mana was, and is, a significant foundation for rangatira and for rangatiratanga. Its significance is represented in te reo Māori, Māori language. Mana was the most common element raised, discussed and highlighted by Ngāti Whātua research participants in the context of traditional rangatira and their right to exercise rangatiratanga. It was also noted that in contemporary times, mana is used and framed in a different way owing to an association with rank and title. In asking participants about traditional mana and its importance, one participant said:

So that clearly states that you can't clearly have mana without tapu, it's intrinsically linked, you can't have mana without mauri, mauri without tapu, you can't have mana without ihi291 or wehi292 ... these things here that joins them. This bit here that joins it [the intersecting space between the spheres]. All those there, while we understand the mana, the tapu293, the ihi, the wehi, the wairua294 is the fact that it's that which we know to be the mana Māori295 which is pure motuhake296.

It was clear that mana remains a pūtake for rangatiratanga. A number of participants highlighted underpinnings and elements of mana in their feedback, but that mana was always demonstrable. It was described by one Ngāti Whātua rangatira interviewed as a “principle of a principle” and something “you carry”. Inherited and traditional mana as described above in comparison with bestowed mana was one theme which was strongly highlighted. An intersecting influence was the issue of mana being bestowed by appointment to positions of title. For some, this contests traditional connections of mana as defined by whakapapa and/or actions of the hapū leadership (activity or otherwise). The participants also made it clear that mana is not totally defined by age or simply being more elderly, stating:

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289 visitor, guest
290 life principle
291 essential force, excitement, power, charm, personal magnetism - psychic force as opposed to spiritual power
292 to be awesome, afraid, fear
293 under ritual restriction
294 soul, spirit, spiritual
295 the rights and authority established by Māori deities whose mana is extant
296 to separate, set aside, position independently, be stand-alone

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... people recognise mana but ... leadership [of title] can be bestowed [and assumed as mana].

I roto i te ao o te hoia, ki a koe te kōrero. Ka hoki taua ki runga i te marae ka hoki mai i tēnā rākau ki a au ... no a simple fact rank is rank, mana is something different!

...is how that mana tūpuna compares with, with mana bestowed by authority...

One [rank] is the principle of authority and some of our people have got so far embedded in having authority bestowed upon them either by title or qualification, even reputation.

... some of the principles behind us identifying our leadership perhaps get overlooked [rather it is] ...this idea of going to the letter of the law or what the CV is saying.

But like I said, just because their hair is the same colour as [name]'s [i.e., grey] doesn’t make them experts.

Mana of manaakitanga

When asked further on the question of how mana was derived, all participants noted the importance of the concept of manaakitanga. In caring for people and extending hospitality, support and care, the mana of rangatira and Ngāti Whātua is maintained or increased. Manaakitanga was highly valued and underpinned all tikanga (Mead, 2003). It required active maintenance based on the need to maintain nurturing relationships and mana as a rangatira, a hapū and mana as an iwi. In reference to traditional society and principles, participants noted the connections of manaakitanga and that such responsibility enhanced the mana for the rangatira and the hapū. Mana and manaakitanga underpin rangatiratanga, and are key to the prestige and hospitality underpinning leadership. The following quotes from two participants demonstrate two examples of traditional manaakitanga for Ngāti Whātua.

the two concepts of kaitiakitanga and manaakitanga – the sacred obligations. Kaitiakitanga is a sacred obligation to protect Papatūānuku ... Manaakitanga though on the other hand is a sacred obligation to care for people.

...Kaipara we’re renown for our toheroa²⁹⁷ ... and so growing up in that era of manaaki, its manaaki with best that you’ve got ... [for example] Manakahia they’re renowned for their eels ...

The concept of manaaki was also noted in contemporary roles in Ngāti Whātua, personally and collectively.

²⁹⁷ Paphies ventricosa - a large edible bivalve mollusc with a triangular shell found buried in fine sand between tides, often below large sand dunes
... we don’t have the capacity to manaaki the people in our rohe, but if we hold hands with you and you support us with that manaaki then we’re able to actually carry out a fundamental responsibility of an iwi. Manaaki, the same you come into my home and I’ll manaaki you with whatever I’ve got it might only bread, butter, jam or a cup of tea, but I will manaaki you with what I’ve got. That principle applies collectively outside of the home.

A continuation ... [of mana is] that ... [we] manaaki all people that are in our rohe ... The last quote notes the extension of Ngāti Whātua manaaki to other hapū and iwi peoples living in the community, as it does non-Māori living in the Ngāti Whātua takiwā. This reinforces the pūtaki of mana of Ngāti Whātua in them recognising their responsibilities to care for all people in their community. It also reinforces the lack of utu, or reciprocity, of the Crown in enabling rangatiratanga of hapū and rangatira. As noted in Chapter 1, mana itself was not isolated. The inherent connection of whakapapa, or performing actions to individuals, or both, was also often noted. Mana placed the individual in the community and society traditionally. This was clearly based on actions. It also defined the tiers of society being represented – whānau, hapū and iwi – and where that representation of mana happened. Mana was linked to the lines of descent and the “prestige and power” of the ancestor (Mead, 2003, p. 29). In asking participants about how mana was seen traditionally, one said:

... people [mana whenua] were different ... people with ... status ... [were] put in a ... different table, treated different, they dressed different, they spoke differently...

Such traditional perspectives of mana were identified as remaining relevant in Ngāti Whātua today. Participants also discussed pūtaki in their own undertakings for their whānau, hapū and community as being contemporary mana, mana of their tūpuna, mana of their hapū and mana of their iwi.

I want to be his [my father’s] tohu whakamahara, I want him ... I said every time I stand up that’s Henare’s, nā Henare tēnā, te tamaiti a Henare. I said I want to be [his] living tohu whakamahara ...

I don’t say I’m a leader, I don’t think I’m in that category, but I feel as though I am respected in a lot of ways on marae’s and everything...

What this fulla [one participant discussing another] has to do is teach us all to behave the way we’re meant to be behaving ... that’s the role of any leadership.

It’s [ultimately] about legacy.

298 a memorial
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...the kaupapa is benefits to the collective and not focused on self-leverage.

These lived experiences and intergenerational links with tūpuna represent literal and metaphoric foundations for the reality of Ngāti Whātua participants interviewed in this research. Whakapapa and mana were noted as both a direct link to the ancestor as well as the foundations of leadership of that ancestor. As noted in Chapter 1, Māori often term the journey of life as ka mua, ka muri (looking back in order to move forward)\(^{299}\). This is the whakapapa, genealogical descent from ancestors and linking the past with the future. The role of rangatira continues to hold a key foundation in this evolution and continuance of whakapapa and mana. As the following responses show, mana in this sense continues:

[The] kākano\(^{300}\) were human virtues and each of those 12 human virtues reside in all of us. Now the first seed is the most sacred seed brings mana ... The final seed is the ultimate seed, māramatanga\(^{301}\).

So to be tika, to be pono and to be aroha\(^{302}\) ... one of the 3 sacred principles, manaakitanga ... in the way that I understood their teaching was they go hand in hand, they go together, because they're both human.

Because it's the enormity of the privilege. That's what I must say, the enormity of the privilege... the enormity of the privilege of being representative of those particular people.

Tangata\(^{303}\) of course is the genealogy and whenua and so therefore that individual vibrating energy field between the heavens and the earth ... Mana Māori motuhake.

The feedback also identified that the traditional perspectives of responsibility for whakapapa and mana continue to be seen and preserved in Ngāti Whātua, although participants noted it was done in a vastly different context.

Tēnā mea te tangihanga ehara i te mea e tangi ana, erangi e tangi ana koe mō te kaupapa i hangaia ai e rātou mō tāua. It's a legacy they left for us and I'm honorable to them.

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\(^{299}\) “Ka mua, ka muri is a Māori proverb that expresses a great truth around a simple image. The image is of a person walking backwards into the future. It suggests that the past is clearly visible but the future is not, that we have imperfect information for the road ahead, but also that this is a natural state of affairs. Let us look back for clues to the way forward, but also understand that the future is unwritten. The future comes out of the past but will not be identical to it. The only unchanging thing is change” (Auckland, 2017).

\(^{300}\) seed

\(^{301}\) enlightenment, insight, understanding, light, meaning, significance, brainwave

\(^{302}\) love, respect, compassion

\(^{303}\) person(s)
... there is an obligation, see leadership is one thing an obligation to uphold the mana of our whānau is an obligation and you gonna have to lead that but everyone has uphold that mana of the whānau ... then respect came from outside for whom and what I did.

There’s one that connects kaumātua and the repositories of the kaupapa or the tikanga or the kawa of Ngāti Whātua, that’s one. And then there’s another body that is representative of the 32 marae ... and then there’s the rūnanga representative of those five wards.

As discussed in Chapter 3, the arrival of non-Māori to Aotearoa did bring an alternative culture. Over time non-Māori settlement influenced and played a role in reframing, by choice or otherwise, the mana of rangatira in Ngāti Whātua. In initial contact and negotiation between rangatira and British leadership was clear. One participant noted this authority of the British.

But the signatories was a Lieutenant-General which was a Governor and whakaminenga. They were signatories to the treaty, but the parties were both up higher. And that relationship, see down here there at the signatory, you’re talking about kāwanatanga which is the ruler of the sovereign in her absence and rangatiratanga, because they were rangatira. But those arikinui their relationship is Kingitanga.

The conceptual links of this traditional authority of rangatiratanga, exercised by rangatira, was often blurred within the feedback, which can be seen as both traditional and contemporary aspects of Ngāti Whātua.

... ki te kore koutou e mārama hē ana koutou' you will get this mahi pohē – confused ... If you don’t have the skills and the knowledge and the training for what you do, you gonna get that – mahi kore, and if you don’t have the integrity – mahi hē, poor discipline and ... mahi uaua

...why refute something [non-Māori religions have correlation with Māori perspectives of wairuatanga] that synchronises with their own thinking

it's hard to retain your mana from your area and go and takahi the mana ... you must ... take mana hat off and leave it at home ... help them [those in another takiwā or hapū] uphold theirs and then move away when the hui ends.

Overall, it is clear from my discussions with Ngāti Whātua rangatira that mana was, and remains, an undeniable foundation of traditional Ngāti Whātua rangatiratanga. It also continues to be a determining pūtaike for Ngāti Whātua participants interviewed. In validating the traditional perspectives and role of mana for Ngāti Whātua, the rangatira interviewed

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304 assembly, congregation, crowd, gathering, group, audience, confederation
305 to trample, tramp, stamp, tread, abuse, disregard
established clearly the contemporary continuation and recognition of mana. They also recognised that the external influences of colonisation and assimilation have impacted on the traditional authority of mana, which was most evident in issues with the title and authority of a position held. Participants showed that these contemporary associations with rank and title were not the same as the conceptual frame of whakapapa and mana. Positions of rank, while recognised as important, have now become associated with the term mana. But in relation to traditional mana, this inaccurately connects such authority with things such as positions of rank or title. For Ngāti Whātua, mana is about connections with whenua, whakapapa and hapū.

**Hapū and the exercise of rangatiratanga**

As discussed in Chapter 1, hapū were the societal clustering of traditional Māori communities and were made up of collectives of whānau. The developmental process of hapū creation or recognition was centered within the expansion of whānau. The whānau was a self-sustaining unit in subsistence activities such as fishing and birding associated with traditional food collection, or mahinga kai. Hapū were comprised of whānau, and in turn hapū formed iwi. These communities were fluid and constantly changing.

With the arrival of early settlers, the colonies formed by those immigrants became part of the existing hapū, and those whānau of the hapū, community or society. However, Māori remained the dominant population and the existing rangatiratanga of the whānau and hapū leadership existed in those communities. For participants agree that whānau are the basis of hapū and this is particularly recognisable in their feedback. As outlined in Chapter 5 (see section 5.2), participants were asked open-ended questions on the history and context of Ngāti Whātua societies. For the participants engaged in this research, the role of whānau traditionally was at the heart of hapū. One noted that:

“... before you can be tribal you must be whānau... We were e mārama ana mātou, e aha ana mātou [we were clear about what we were doing]...”.

Similarly, the participants recognised the continuance of the whānau as being the center of Ngāti Whātua rangatiratanga.

Whānau, we get whānau right, all the rest [will] come right of its own accord.

I think leadership begins in the home ... [and] ensure[s] the glue of the whānau is based on consideration, respect, love for each other, forgiveness and all of those.
I was brought up with my mother’s three brothers and three sisters and ... to me they were ... my parents, and my grandparents are my parents.306

These contemporary perspectives on hapū, including whānau, were clearly linked back to the traditional importance of hapū for Ngāti Whātua. With whānau being the underpinning of hapū, hapū traditionally formed the societal frame for identity, wellbeing and existence.

I think there’s ... two parts of that whole whakapapa thing, there’s the individual and their connection to the whole as opposed to expecting the whole to relate back to the individual.

Ko te amorangi ki mua, ko te hāpai ō ki muri, ko te atua kei mua kei muri ngā mea katoa.

The last quote translates as ‘the people of rank up front and the bearers of provisions at the back – metaphorically for saying all are needed to achieve the goal, not just the leaders’.

Colonial impact on Ngāti Whātua was discussed by participants and how this has disrupted traditional Ngāti Whātua, as peoples and as communities. Colonisation and assimilation, as outlined in Chapter 3, had direct impacts on Ngāti Whātua hapū. Even the hapū settlements, outlined in section 6.5 of this chapter, have seen Ngāti Whātua contest against itself as it works towards addressing its grievances. There was clear participant recognition of the hapū and their authority to attain settlements with the Crown, as hapū had held rangatiratanga before the arrival of non-Māori. However, they also recognised that Ngāti Whātua as an iwi was also part of this process in the current negotiations for a Ngāti Whātua settlement. They said:

... hapū settlements that have occurred in Ngāti Whātua [have] actually been subject to five settlement processes... [and these have] developed a Ngāti Whātua ki Ōrākei stance which began the separation of Ngāti Whātua. There’s a ki Ōrākei, ki Kaipara, ki Ōtamatea, ki Te Roroa, ki Te Uri o Hau and there’s only one Ngāti Whātua.

There ever was only one Ngāti Whātua, never did they say [Ngāti Whātua] ki Ōrākei, [Ngāti Whātua] ki Kaipara and create divisional lines.

However, there were also views that recognise that the settlement process allows the opportunity for whānau and hapū development.

... ideally if we went back to being whānau we would have all the resources available in- house to look after ourselves. Whānau, we get whānau right, all the rest come right of its own accord.

306 This statement was made noting “... we say ‘hinga atu he tētē kura, ara mai he tētē kura’ ... when the fern frond dies, a new one grows to take its place ... [a metaphor for once a rangatira has passed, another will take his place]”
... and every uri belongs to a whānau and here's your leadership – kaumātua, rangatira."

Māori dislocation and tikanga of Ngāti Whātua

Further, the traditional role of tikanga in hapū has been influenced by whānau dislocation and migration from traditional takiwā. When asked for an example, one interviewee provided an insight into a Ngāti Whātua whakataukī and said it had been changed with the dislocation of whānau from their traditional hapū, later returning and bringing those changed proverbs and practices back into Ngāti Whātua communities. A second participant noted principles of tikanga and how they have been passed down since pre-European arrival, and remain the heart of the hapū and whānau:

Ngāti Hine would say ‘Ngāti Hine pukepukerau, whakaiti whakaiti whakaiti’ (Ngāti Hine of a hundred hills – the hills refer to the rangatira, be humble, be humble, be humble (M. Kawharu, 2009, p. 61)), that's their whakataukī. Ngāti Whātua ‘tahuri waka, Ngāti Whātua tahuri waka Ngāti Whātua whakarere wāhine’. Today we're saying ‘Ngāti Whātua tahuri waka, Ngāti Whātua whakarere tāne’ … so in Ngāti Whātua leadership it's a constant reminder for us to apply our own tika, that we don’t have to adopt anyone else’s tika, we have our own and this is what ours looks like.

This references the tribal pēpeha “Tāporapora whakatahuri waka, whakarere wāhine”, (Tāporapora that capsizes canoes and bereaves women), which comes from a waiata tangi composed by the widow of the rangatira Rongomai, who lost his life with many others while crossing the Kaipara Channel. It speaks of a great loss to Ngāti Whātua. The speaker changes the whakarere wāhine to whakarere tāne, bereaved men. This speaks of the great losses suffered by Ngāti Whātua since colonisation, so that now the men too are bereaved.

So, to be tika, to be pono and to be aroha... One of the three sacred principles, manaakitanga ... in the way that I understood their teaching was they go hand in hand, they go together, because they’re both human.

The traditional hapū, therefore, was central to Ngāti Whātua, and it was important to enable the whānau to reconnect to hapū. This reconnection was identified by participants as a way of enabling positive outcomes for the whānau and negating the aforementioned challenges. The current realities of whānau dislocation represent challenges for the leaders interviewed.

307 proverb, significant saying, formulaic saying
306 correct
309 be true, valid, honest, genuine, sincere
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Irrespective of those challenges, the hapū was, and remains, the central unit which represents Ngāti Whātua. It was the societal frame in which rangatiratanga was enacted as demonstrated by all participants, and it remains the case today. Whakapapa creates the nature and extent of identity, which is critical to the distinctiveness or differences and the delineation of any hapū or iwi body. As noted in Chapter 1, and as recognised by Ngāti Whātua participants, the interconnection of whakapapa and whenua were key pūtake intrinsic in hapū identity and the role of rangatira in exercising rangatiratanga.

For Te Rūnanga o Ngāti Whātua, the role of hapū, and by default whānau, remains at the core of Ngāti Whātua life and rangatiratanga moving forward. However, processes of colonisation have dislocated whānau from their traditional hapū communities. Despite this, Ngāti Whātua participants remarked that whānau and hapū wellbeing are seen as the building blocks for the future. The hapū are placed clearly at the centre of the iwi representative entity, Te Rūnanga o Ngāti Whātua, in the form of the Kauhanganui. As explained earlier, the Kauhanganui is a contemporary reflection of the representational role of rangatira. Despite the many grievances lodged at the Tribunal relating to Crown breaches of Te Tiriti o Waitangi, the government and Crown settlement processes continue to redefine mana whenua and the realm of hapū and iwi. Despite this, hapū still remain the pūtake of society for Ngāti Whātua, and they are the future realm of rangatira and the platform for exercising rangatiratanga for the future of Ngāti Whātua.

**Whenua and the exercise of rangatiratanga**

The right of rangatira to exercise rangatiratanga within a hapū was also determined by connection to whenua, or land. However, as discussed throughout this thesis, whenua was not property in the western sense. The traditional association with whakapapa to the whenua for Ngāti Whātua, Ngāi Tahu and other iwi varied significantly from British concepts of land as a commodity or asset that was owned or traded. Whenua was rooted in whakapapa from the creation stories of Papatūānuku, the earth mother, from whom humanity descends (Walker, 1990). Participants observed that the names and connections in this mythology were bound up with their identity as Ngāti Whātua. Rangatira exercised rangatiratanga on behalf of the hapū and were connected to their role as kaitiaki, or guardians of the takiwā. As discussed in Chapter 1, the most valued resource to rangatira, whānau and hapū was whenua or land. Boundaries were defined by markers on the landscape. The land had many
resources which represented mana in terms of identity, wellbeing and trading with whanaunga, or extended relatives, and other hapū or iwi.

In terms of Māori traditional leadership, it is important to stress that rangatira without rangatiratanga over whenua were simply not rangatira. The concept of utu, or reciprocity was also important. Rangatira and hapū who held the mana of the whenua and its resources, ensured the guardianship (or kaitiakitanga) and sustainability of that land. This was exercised for the hapū and their descendants who would follow. This responsibility was also beholden on all of the hapū. While rangatira were responsible for this duty and framed the use of whenua, this guardianship was also upheld by whānau in that community who respected the role of the rangatira.

As mentioned in section 6.8.3, the hapū was defined by its interconnections of whakapapa and whenua as key pūtake. The traditional rangatiratanga of Ngāti Whātua was clearly established consistently by the participants, who all recognised and identified whenua as a pūtake for Ngāti Whātua rangatira. For example, they said:

> It’s considered and I believe it is, that every maunga in Ngāti Whātua belongs to Ngāti Whātua … we mere mortals have no right to own … we own the responsibility of kaitiakitanga over them …

> I am saying the tika of Ngāti Whātua is not dependent on the blood that runs through your veins, it’s [also] dependent on the whenua that you stand on. … whakakotahi.²¹⁰

As noted here, and as discussed earlier in this chapter in section 6.2, Ngāti Whātua has maintained ahi kā, the occupation and caring for the home fires before and after their signing of Te Tiriti o Waitangi. The Ngāti Whātua boundaries demarcate the whenua on which their rangatiratanga was based. Whenua was a pūtake for rangatiratanga and continues to be a responsibility today for the Ngāti Whātua rangatira interviewed. However, the reality is that this whenua is now property held by private owners or the Crown itself. Despite this, Ngāti Whātua have maintained ahi kā and kaitiakitanga within their takiwā and continued to exercise rangatiratanga within this context.

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²¹⁰ unity, unison, agreement, amalgamation, merger, unification, consolidation

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Utu and the exercise of rangatiratanga

Utu is strongly connected to other pūtake, such as mana, hapū and whenua. As previously outlined, utu did not and should not be viewed in isolation. Utu was concerned with response and reciprocity to establish balance and is connected to the spiritual and physical realms of the environmental; a holistic view of the responsibility for kaitiakitanga. Utu is framed as equitability in gifts or services, or as retribution for attacks or offences. As noted by Ballara, “utu … is seen in this account to be one of the most important imperatives ruling the life of the social group” (Ballara, 1998, p. 193). There was a clear link in the role of reciprocity in the engagement with research participants. The traditional view of utu was best conveyed by the following participant’s quote:

… if you give your word to whoever, no matter whoever – then you must keep it. ’Cos if you don’t then you breach a sacred lore … Tapu, tapu o te kupu. … and to breach that you breach such a serious breach … very rarely do I give my word … I’d have to drop dead not to keep it.

This comment was made in an observation about the traditional responsibility of rangatira, being now demonstrated and stated by the descendent of such tūpuna. However, the traditional perspectives on utu still remain a critical pūtake for Ngāti Whātua participants, as these comments demonstrate:

… so that recognition comes … with … the obligation. You have got to stand up there with them [tūpuna] … … I’m sitting on his whenua, I am sitting on his whenua … I said what am I going to do to uphold what he did to give to me eh.

… my grandmother taught me, and I know it hasn’t made me popular, … if you see something wrong right in front of you, then you must correct it, ’cos [sic] if you don’t you become like that wrong.

Well with that came a whole lot of instances of places that hadn’t been cleansed and tapu … and when Ratana arrived, he was driving through the valley there and recognised whatever it is that they recognise when you get to be a person like him … But our grandfather spoke about you know how he would talk … with people during the day and then he’d go about doing his stuff at night”

… sitting there, uncanny they have the mana and the power to diversify those other boundaries and are boundering [sic] her, eh you know.

The role of maintaining balance using the concept of utu, in environmental processes through to philosophical underpinnings, is a key attribute in the contemporary role of
exercising rangatiratanga. What was also clear and came through from all participants interviewed, was that rangatiratanga and manaaki of all things was not only for Ngāti Whātua, but for all people residing in their takiwā, or communities.

I think the biggest thing back in the day was you do what they say to gain recognition, to get recognition from whomever the person that … [was instructing] you.

… we have to look at its [kaitiakitanga] capacity to serve the needs of Ngāti Whātua. But the thing for Ngāti Whātua, we have the largest population, like Auckland for instance, we have 1.4 million people living in our rohe.

The importance of manaakitanga noted by the participants was linked to utu and mana and exercising care for all those who live in the Ngāti Whātua takiwā.

The following excerpt is from one of the interviews and highlights the traditional consideration of utu. Two participants were discussing a conversation held with one of the Ngāti Whātua hapū, Takitai. In the discussion, the participants noted that some time before the arrival of non-Māori a hapū rangatira had killed a family member, a nephew, after the boy had fished from the sea when the rangatira had closed the fisheries from any collection of kaimoana\textsuperscript{311} or seafood.

We've basically said the same thing for a very, very long time. Tika ... we had to tika we're talking about our integrity in what we do and how we do it and pono and aroha. And aroha in one another in why we do things. I was having a hui back home [name] and I asked the question 'would you kill to uphold the principle of aroha?' Well the hui says 'hell no'. I said 'why?' 'Well it's aroha.' 'Well' I said, 'you would need to reminded of what happened in this very hapū centuries ago. It's part of our history'. During different parts of the year, the seasons, and they take it from Matariki believe it or not. Kaitiakitanga, all those Takitai hapū they will close fishing, because of spawn. But is not that they say it's closed, it's closed by karakia and you can't breach it...

Noting at this point the nephew had fished, against the tikanga established by the rangatira of the hapū, the participants went on to outline the consideration for the rangatira and question the “… sacrifice one’s self for the advantage of the collective.”:

The decision to kill the nephew was not about the dislike of the nephew, but rather to keep balance in the collective of being tika... so the rangatira had aroha, not for his nephew but for his people and that nephew had to pay ...

This kōrero clearly describes the role of utu by rangatira exercising rangatiratanga in his hapū while also highlighting the interaction of utu with whakapapa, mana, whenua and

\textsuperscript{311} food from the sea

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tikanga. As with the other pūtake of rangatira and leadership discussed in this thesis, utu is one connected to the other pūtake. It was not always a visible activity, nor was utu enacted in the sight of the whānau and hapū. However, in the maintenance of ahi kā and mana whenua, and for the rangatira enacting rangatiratanga, utu was a critical consideration. The role of utu in maintaining and enhancing mana and the guardianship of whenua are two examples of the interconnectedness of these elements. The role of rangatira in ensuring balance and the wellbeing of the people entailed using utu as a critical tool.

Ngāti Whātua rangatiratanga into the future

The discussion above shows, Ngāti Whātua participants validated the pūtake of whakapapa, mana, utu and whenua in the exercise of rangatiratanga. During the interviews, the participants raised other aspects of leadership. These also arose which were more generic in nature and did not relate specifically to these pūtake. This material is nevertheless important as it captures insight into the issue of Ngāti Whātua exercising rangatiratanga into the future. On the importance of pūtake in moving into the future, they said:

How do you maintain and enhance … [what] we call … heritage or whakapapa or mana, how do you make sure that, that remains intact and is visible to the people.

… the obligation of the rangatira was to ensure that those principles are maintained … that's all … one thing I like about it … is that you do right for the right reasons, now that's right on that button, and knowing what you do is right and for the reasons that's it's done right. See because that's the question and the answer to all things eh?

I still say that a leader, a good leader, is always the one that's still learning.

If the principles of pono were there, leadership will know right from wrong and that'll be the only basis for decision-making. They have to do the right thing.

I asked the participants about the process of settlement and the corporation type structure of Te Rūnanga o Ngāti Whātua. In particular, I asked how the traditional authority of rangatiratanga would be maintained. They were unanimous in their feedback that the role of hapū is central to any leadership at an iwi corporation level. The establishment of the Kauhanganui was to protect and guide in the leadership of the iwi authority and to bring the concepts of rangatira and rangatiratanga into the iwi. The Kauhanganui is entirely framed by Ngāti Whātua and is in no way part of the Crown’s requirement for a post-settlement governance entity. It inherently recognises the rangatiratanga of hapū and the rangatira who hold the representation at the Kauhanganui. It is their determination for their people. Their responses to the role of Te Kauhanganui were as follows:

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Te Kauhanganui are ... responsible for lore ...

... rangatira represented on behalf of the whānau and the hapū in terms of well-being and upholding that mana, that's my world view of the Kauhanganui – they would be your representatives that govern the tikanga of the body corporate [Te Rūnanga o Ngāti Whātua] ...

...[it] was that idea of rangatira ... represented on behalf of the whānau and the hapū in terms of well-being and upholding that mana [of Te Rūnanga o Ngāti Whātua], that's my world view of the Kauhanganui ...

Governing tika and pono to the governance to apply in the corporate. [They also guide] boundaries of the tribe ... history of the tribe [and] disputes on a ...marae between councils and marae members.

... [provide] thresholds of direction and degrees of delegation and representation.

Partnering the traditional recognition of hapū in the Kauhanganui in Ngāti Whātua, participants clearly emphasised that the leadership within whānau, or more precisely rangatira within whānau, was critical to the future aspirations of Ngāti Whātua. They said:

I think my first recollection of leadership was probably marae based at home knowing that ... you know you had set tasks to do and someone sort of made sure the different parts were all sort of ticking over ...

One participant shared the story of leaders preparing for the next generation. In this example, a riddle was provided to the participant and his cousins. “Pai ki a au te uhi atu he arero kurī ki roto i a koutou, kia rongo ake ai koutou e tautau ana [I'd like to insert a dogs into all of you to hear you barking]”. Initially, there was no comprehension of what was meant by this statement, until sometime later the participant heard the same rangatira commenting on the arrival of a visiting group to the marae. In particular he was referencing the young men speaking on the paepae on behalf of the manuhiri. The rangatira said “āhea rā nei e au e rongo i te kurī e tautau ana [when will I hear the dog barking – it was a riddle for the boys to step up and speak on the marae].” As noted by the participant, only one member of the rōpū, or group, originally questioned went on to speak at the marae on behalf of the whānau and hapū. Ultimately a common point of feedback in the mahi of rangatira is the rank being placed on those too young. One participant noted the importance of not putting “old heads on young shoulders too soon”.

The traditional perspectives of rangatiratanga and the role of rangatira has been visibly maintained in the Ngāti Whātua rangatira interviewed. The participants made it clear that the strength of the iwi in holding traditional pūtake in their whānau, hapū, and iwi is seen as the

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key for the future wellbeing of the Ngāti Whātua collective. They observed that the reality and context of contemporary life for Ngāti Whātua is clearly different than it was in traditional Ngāti Whātua communities prior to the arrival of non-Māori. They were unanimous about their aspirations for post-settlement space in Aotearoa New Zealand being based on the role of rangatiratanga in hapū and the observance of tikanga for their people(s). They said:

…I stick to the tikanga of Ngāti Whātua, that’s my whole emphasis in the claims. That it doesn’t get tarnished … but I uphold that for myself, my own preservation or how I think Ngāti Whātua has unique tikanga that needs to be upheld at all time and that’s what I stand for.

…Now, as Ngāti Whātua collective as an iwi there is one more left and we are at the point of discussing, if you like, the elements or the frame or the aspects of a framework around an agreement in principle and that tends to pick up those aspects that were excluded from each of the four hapū-based [claims] and to a lesser extent the parts that remained unresolved for Ngāti Whātua as a collective inside the Tāmaki settlement. So that, the leadership question coming back again is a, I think … that context tends to provide us with a whole range of different sort of results and for us in Ngāti Whātua we better look at those four hapū settlements with a degree of leadership or the results of the leadership applied in each of those four settlements.

… [the individual hapu] have their own autonomy … And that goes all the way back to how the Te Tiriti [o] Waitangi was signed. Because the rangatira whakaminenga were drawn from hapū. Now the deal was simple ‘he whenua he wahine, hinga atu he toa’. And it is the rangatira and the kaumātua who will have blood on their hands if they were forced to defend it.

Overall the participants showed that strong leadership was needed to achieve the expectations of the Crown, for example with the requirement of mandate for any potential settlement. Those interviewed said the claim process did have some positive aspects, for example the engagement with their people nationwide and gaining their support for their model of representation and potential settlement with the Crown. They said, for example:

At that hui a resolution was passed by the people of Ngāti Whātua that Te Rūnanga o Ngāti Whātua is the sole representative body and authorised voice for dealing with issues that concern the whole iwi, the whole iwi.

I think tribal changes are ‘cos of the claims eh? If claims are not part of it, they’d be back to status quo. We’d be still the same.

We had to travel the country to get the mandate.

In gaining the mandate, one participant contextualised the reality of their settlement, stating:

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For land and women, warriors will die.
... no settlement has ever cracked three percent or higher of the value put on the negotiation table. That sort of suggests that there’s 97% of what was put on the table still remains unsettled as it were …

While it is a reality that settlements do not reflect the true value of the grievances, participants also raised challenges and opportunities to consider. They said:

I still think that they [settlement and wellbeing] should be still segregated for the beginning. That the mechanism of what you call post-settlement needs to be segregated from the wellbeing of what we think should stay in steadfast and should never change. That is just a tool to support this one.

I think they’d [tūpuna] be disappointed in some areas and … what they know they taught on the marae that is not adhered to.

Well they’ve got nothing to lead, to me, virtually nothing to lead. No one there. To put it down to the crux of it, the people of that status will have no one to lead, no one to take. I’ve been blatant … count them on one hand, and that’s how we’ve gone.

...I’ve got to say that, we haven’t enjoyed the sort of, strength of leadership that probably was required post-settlement apart from those for four hapū areas.

I mean it’s pointless us trying to establish a registered office of a Ngāti Whātua sort of commercial post-settlement entity when you have the elements of one that is a stretch ahead of the others.

Despite this range of shared experiences and feedback, all those interviewed agreed that the centre of development and wellbeing, and the future for Ngāti Whātua is the people. As the participants noted:

The dream for Ngāti Whātua is to be Ngāti Whātua in a modern world with the capacity live in two dimensions. To live with two sets of values. At the moment, the majority of Ngāti Whātua has been given someone else’s values and these are the only values they know, through no fault of their own. Circumstances have placed them in that position.

…gotta be careful how we orchestrate things to be sure that these seats are filled and we’ll be sitting there.

For Ngāti Whātua to raise, as a Ngāti Whātua ... and embrace them with the korowai or the aroha of the whānau. Ā tū iwi o Ngāti Whātua.

You know Darryn for me personally, my dearest wish would be to see Ngāti Whātua be the Ngāti Whātua they were created by him [atua] to be.
Absolutely and as for the akitanga in all of that, that's man-made in my mind. Akitanga and rangatiratanga and all of that, it's all man-made stuff to give you a leverage in today's world. Akitanga, you are born ariki.

6.9 Ngāti Whātua Summary

The role of rangatira in the history of Ngāti Whātua is strong and continuous. The insight provided from participants articulates the principles underpinning rangatira in exercising rangatiratanga. These validate the pūtake of traditional Ngāti Whātua rangatiratanga, however, they also convey clearly that those pūtake continue to be important for considering contemporary and future rangatiratanga for Ngāti Whātua. Mana and whakapapa within hapū and iwi are still the foundations of rangatiratanga, with whenua providing the physical place of Ngāti Whātua identity and the context for that identity and collective wellbeing. The role of rangatira in advancing the interests of the people into the future has remained since time immemorial.

The arrival of non-Māori significantly disrupted the life of Ngāti Whātua. Ngāti Whātua signed the Treaty of Waitangi in good faith nit would be honoured, but the consequences of colonisation and assimilation of Māori has negatively influenced almost every aspect of the traditional life of Ngāti Whātua. As the future of Ngāti Whātua is being reframed through settlement claims and processes, so too are the key questions pertaining to rangatiratanga and, as part of that thinking, the role of rangatira.

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313 aristocratic rank, high rank, high birth
314 high chief

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7. Reflections on Ngāi Tahu and Ngāti Whātua rangatiratanga

This section aims to provides a synthesis of and reflections on Chapter 5 and 6, drawing on the key contextual aspects of both case studies. The thesis as a whole is concluded in the following chapter.

This thesis has identified and discussed the traditional pūtake that provided the authority and sovereignty for rangatira to exercise rangatiratanga among their people. Two pūtake were primary to rangatiratanga, whakapapa and mana. The first, whakapapa or genealogical descent from an ancestor, was entwined with the actions of that ancestor defining the whakapapa and defining, in part, that ancestor's chieftainship credentials. The second, mana, has many translations, including authority and prestige. Mana was a cornerstone of the right to exercise rangatiratanga. It was equally derived at birth from the ancestors of the rangatira but it could be enhanced or detracted by the actions of that rangatira within and external to the communities of rangatira. Mana was a dominant feature of rangatiratanga and “functioned in the Maori world as the evidence of the personal authority that was the pre-requisite of leadership” (Head, 2006, p. 81).

Further, the society in which rangatira exercised their rangatiratanga was the hapū, or subtribe, and the hapū is a pūtake enabling rangatira to exercise rangatiratanga. As noted previously in Chapter 1 (see section 1.4), pūtake are not limited to skills or attributes, therefore making the likes of hapū an essential pūtake to understand rangatiratanga traditionally, when examined in a contemporary context. Hapū were a collective of whānau constituent clusters of traditional life. Hapū derived from a common ancestor and were defined by the authority of other hapū who geographically bordered them, who held relationship to them by genealogical connections. Hapū were fluid and change was a common feature within traditional Māori communities, and this change is described in both the Ngāi Tahu and the Ngāti Whātua chapters. Whenua was another pūtake and it also defined rangatira, who held the association with the land on which rangatira held and exercised rangatiratanga. In a Māori world view, whenua was both an ancestor and was also the provider of resources to the people and enabled manaakitanga and so upheld mana of the rangatira and the hapū.
Rangatira exercised kaitiakitanga or guardianship – in essence, they were responsible for the care and protection of the lands. Maintaining balance in their communities was also a core pūtake. The wellbeing and management of the people, internal and external to the whānau and hapū, as they interacted with the environment and spiritual realms around them was encapsulated in the need to maintain a balance across these domains. Utu supported, in part, the domains of tapu and noa. Kawa and tikanga, the final pūtake discussed above refer to the way things are undertaken and the lore in which it is undertaken. It was an aspect of defining everyday actions and it provided the framework in which the mahi, or work, was done.

As evidenced in Chapter 5 and in the discussion earlier in this chapter, the pūtake were clear for both Ngāi Tahu and Ngāti Whātua in their histories and development as peoples. However, as discussed at the outset of the two cases, it was intended that when the interviews with participants of both iwi were undertaken, the overarching purpose of these engagements was to validate these pūtake in the exercising of rangatiratanga by their ancestors and iwi. It also aimed to explore the degree to which traditional pūtake and rangatiratanga are exercised in contemporary Ngāi Tahu and Ngāti Whātua leadership. As noted previously, these participants hold current responsibilities within their respective iwi and would be recognised as leaders by their own people, tribal organisations and communities. The two case studies, Ngāi Tahu and Ngāti Whātua, are very different. One received settlement almost two decades ago and the other is still in the process of negotiations with the Crown. They are not intended in anyway to be a comparison.

In discussing rangatiratanga, the pūtake identified in Chapter 1 were evident in the kōrero of Ngāi Tahu and Ngāti Whātua participants. The participant kōrero clearly validated the pūtake through the discussion of mana, whakapapa, whenua, utu and tikanga. In confirming these traditionally, a second aspect of the interview process was to consider contemporary leadership within the respective iwi using the lens of pūtake and rangatiratanga. During the interview process, participants identified that the arrival of non-Māori caused impacts on the traditional role of rangatira exercising rangatiratanga. Those first non-Māori navigators who travelled to Aotearoa were to find an established people who ruled (rangatira) and held sovereignty over the land, and peoples (hapū). The settlers that who came after navigators’ reports of the antipodes of the Pacific and established colonies in New Zealand were sealers.

315 free from ritual restriction, normal
and whalers, and later missionaries and political representatives. These were followed with the mass immigration of settlers. It is clear from the discussion in Chapter 2 that there were impacts for Māori with the arrival of non-Māori in Aotearoa. It saw the clash of different values, beliefs, and systems of society. The arrival of non-Māori brought a clash of principles. The new citizens that were different to those held within hapū. The clash was prominently seen in the divergence between concepts of kaitiakitanga, or collective guardianship of land, and non-Māori perspectives of land being an asset which is owned and traded.

Another clash was between traditional tikanga and kawa within hapū, and the British system of law and order. Regardless of the differing perspectives of Māori and non-Māori life, the clash was significant. As established, the non-Māori arrivals recognised rangatira as the authorities and sovereign heads of the indigenous populations. After much interaction between peoples, both positive and negative, increasing tensions became manifest in the clash of the aforementioned principles, ideologies and practices. Ngāi Tahu and Ngāti Whātua seized the opportunity to engage with the new people arriving to their land, adopt new technologies and take up opportunities for development. Both Ngāi Tahu and Ngāti Whātua were signatories to Te Tiriti o Waitangi. The guarantees in the Treaty, and beliefs in maintaining rangatiratanga, were soon to change. The Crown ultimately usurped kāwanatanga, or governorship, when it enacted sovereignty and no longer recognised the rangatiratanga of rangatira. Any idea of shared power with rangatira was to end. According to my research participants, colonisation and assimilation had severe effects on both Ngāi Tahu and Ngāti Whātua. As evidenced in the participants’ feedback, the impacts for rangatiratanga, as exercised traditionally, were significant. Crown interventions and processes, from land confiscations to the promises of schools and hospitals were never going to be fulfilled. The participants also recognised that rūnanga, or councils, were established as a response, and they were a vehicle to challenge the Crown’s assumption of sovereignty. However, as discussed, history determines that such organisations did not allow rangatiratanga in any way, and did not enable rangatira to exercise rangatiratanga in their hapū for their people. Despite this change being forced on whānau, hapū, and rangatira, participants did speak of resilience. Claims were based on breaches of Te Tiriti o Waitangi represented over several generations of their people, as well as failure to recognise their guarantees to their rangatiratanga. They have continued to advocate for, and seek re-establishment of, the guarantees of Te Tiriti o Waitangi. As recognised by one
scholar, this was despite, by the turn of the twentieth century, the political mana of rangatira having been “extinguished” (Head, 2006, p. 42). The process of colonisation and assimilation marginalised traditional knowledge and rangatiratanga for both Ngāi Tahu and Ngāti Whātua. It was not until the second half of the twentieth century that Ngāi Tahu and Ngāti Whātua would be afforded an opportunity to respond.

The Treaty of Waitangi Act 1975 and, in 1985, its amendment Act, brought the opportunity for grievances to be addressed, however the settlement of such grievances was to require claimant groups to cluster in large natural groups, which are not aligned to the rangatira of the hapū who signed Te Tiriti. The settlement process also requires a mandate within this Crown-defined, untraditional, large natural grouping. Ultimately, this requires the claimant group to create a legal entity to which the settlement could then be provided. As noted earlier by Wheen and Hayward, this requires hapū, where rangatiratanga was based and exercised, to be reframed into a larger natural grouping and operate as a “governance entity … [with] Western concepts of trusteeship” (Wheen & Hayward, 2012, p. 54).

Ngāi Tahu were one of the first iwi to complete this process of achieving settlement with the Crown. The Ngāi Tahu participants were clear in their recognition of the issues within the settlement process. They were also clear on the influence that that governance entity now has in the way the iwi and its leadership operate. Likewise, for Ngāti Whātua some hapū have also settled. The governance body representing Ngāti Whātua whānui is also currently in direct negotiations with the Crown for a potential settlement. Both interviewee cohorts clearly identify the traditional pūtake, aspects of the traditional identity, are still understood and are features of current iwi. However, both cohorts also noted that the leadership regimes with the iwi are not representative of rangatiratanga as traditionally exercised. Both iwi have a clear Te Rūnanga, or single governing body, in place. Both clearly recognise traditional hapū as being the basis of the iwi identity. While the principles of structure are similar between the iwi, the two case studies vary to some degree when considering the implementation of the respective structures.

As discussed in Chapter 5, the Ngāi Tahu traditional hapū, Kāti Kuri, Kāti Huirapa, Ngāti Irakehu, Ngāi Tūāhuriri and Kāi Te Ruahikihiki, are now represented in Te Rūnanga o Ngāi Tahu by 18 papatipu rūnanga. Te Rūnanga o Ngāti Whātua have eleven appointed trustees drawn from five takiwā. In both iwi, the processes of appointment to Te Rūnanga o Ngāi Tahu and Te Rūnanga o Ngāti Whātua entail a western style of democratic process of
election by registered members. This differs significantly from the original concepts of rangatiratanga as exercised by rangatira within hapū. In the Ngāti Whātua collective structure, the iwi has also incorporated a formal representation of traditional hapū called a Kauhanganui. The appointment to the Kauhanganui is a process established by hapū within their own processes of representation and it represents the rangatiratanga and mana of hapū. The Ngāti Whātua role of the Kauhanganui is to advise Te Rūnanga of Ngāti Whātua as the “custodians of traditional knowledge and advise on the tikanga of Ngāti Whātua” (Te Rūnanga o Ngāti Whātua, 2015a). Such a traditional form of hapū rangatiratanga and representation is not part of the structure of Te Rūnanga o Ngāi Tahu.

In both sets of interviews, participants recognised that the traditional aspects of rangatira exercising rangatiratanga are not enabled or reflected in the iwi corporations. The representative requirements for an all-of-iwi, or larger natural grouping of iwi, were noted as not being the same as the whānau and hapū systems of life seen in traditional communities as discussed in Chapter 1. All participants also noted that traditional hapū have been severely dismantled from the processes of colonisation and assimilation, confiscation of lands and, as a result, many of their people are no longer located in these communities. This clearly demonstrates that rangatiratanga, as traditionally discussed and framed, continues to be exercised, but ignored by the Crown. The pūtake underpinning rangatiratanga is one still understood by participants and is reflected in some the literature and activities of the collective; however, the active exercising of rangatiratanga by rangatira within hapū is not recognised by the Crown in its relationships with the iwi.

Overall, it is clear from the insights offered by research participants, particularly Ngāi Tahu, that settlement has in no way re-established rangatiratanga as traditionally exercised. While there is evidence of the pūtake which underpin rangatiratanga, the post-settlement corporations or governance entities continue to undermine the traditional exercising of rangatiratanga. Participants recognise that this era of development and leadership, as an iwi, is now being exercised by the first, coming into the second, generation of Ngāi Tahu leadership since the settlement in 1998, and this is a significant matter for the iwi to consider. They have provided some rich insights into the view that the question of this research – whether Treaty of Waitangi settlements enable or reestablish rangatiratanga, traditional Māori sovereignty guaranteed by Te Tiriti o Waitangi, to be exercised in a contemporary context – is one still be to addressed for the future wellbeing of their people.
The respective visions for Ngāti Whātua and Ngāi Tahu are to see their people flourishing, culturally, economically and in their identity and wellbeing. It is also evident from the Ngāi Tahu kōrero, that where the existing iwi corporation is one that has created much success, it has not re-established rangatiratanga in the traditional hapū. It was also clear from the Ngāi Tahu participants that the next vision for the iwi will need to respond to this question. It will be one that is challenging, though, with an observation from some of the participants that while the pūtake are articulated and understood as underpinning rangatiratanga, the disconnect between the existing generations of Ngāi Tahu and their hapū and traditional rangatiratanga is enormous. Similarly, the governance issues of democratic roles and titles now being translated as rangatiratanga, represent a serious departure from rangatiratanga traditionally exercised.

For Ngāti Whātua, the adoption of Te Rūnanga o Ngāti Whātua was a recognition of the requirement for an iwi corporation and vehicle for advocating, representing and potentially receiving a settlement from the Crown. The positioning of the Kauhanganui is an important aspect for the iwi leadership interviewed. The Kauhanganui clearly maintains and respects the authority of traditional hapū and provides oversight of the corporate iwi organisation. Similarly, within Ngāti Whātua, the traditional authority of hapū has seen some hapū achieve settlement with the Crown in their own right.

In both case studies, rangatiratanga – as traditionally exercised – still remains, but are not enabled in the current formal structures in place. The process of colonisation can be seen as the reason for that authority not being recognised by the Crown. Despite the recent way in which grievances have been heard and considered, the guarantees of rangatiratanga in Article 2 of Te Tiriti o Waitangi are still not realised, even though some grievances have been settled by the claimant groups. In fact, those provided such guarantees cannot even make claims in their own right; they must cluster into larger natural groupings as outlined in Chapter 4 of this thesis. Despite the unrecognised rangatiratanga, both Ngāi Tahu and Ngāti Whātua still recognise the pūtake of rangatiratanga, and the potential wellbeing of their peoples is connected to this understanding. The success of the Ngāi Tahu and Ngāti Whātua futures are dependent on it, as they have been clearly dependent on rangatiratanga and the pūtake discussed in Chapter 1. The pūtake are identified as being critical to the realisation of this new future, while also noted as something not yet realised at a tribal level. The complexity and nature of roles in the corporation Te Rūnanga infrastructure clearly does not create rangatira, as seen in histories of the respective iwi. It poses the question for the
future of rangatiratanga in hapū: how will this be recognised moving forward in Ngāi Tahu and Ngāti Whātua?
Chapter 7.
Conclusion


7.1 Conclusion

This thesis asks whether Treaty settlements re-enable or re-establish rangatiratanga\(^{316}\) – traditional Māori\(^ {317}\) leadership guaranteed by Te Tiriti o Waitangi (Te Tiriti) – to be exercised in post-Treaty-settlement New Zealand. Are those who hold leadership positions in post-settlement tribal governance and management able to exercise rangatiratanga? The simple answer, established by this research, is no. The settlement process does not, and has not, re-enabled or re-established rangatiratanga. The research, however, does not claim that the pūtāke of traditional Māori leadership are not still valued by Māori leaders today. It claims that these are not the values that underpin the leadership established through negotiated treaty settlements with the Crown.

As I established in Chapter 1, key pūtāke\(^ {318}\) underpinned rangatiratanga in traditional Ngāi Tahu and Ngāti Whātau communities as it did among all Māori societies. Such pūtāke extended beyond personal skills, qualities and /or attributes of leadership or authority. They were founded in and reliant on the context of the society in which they were exercised, and they were both the tools and the rules of exercising rangatiratanga. Pūtāke almost never operated independently in the exercising of rangatiratanga and were fundamental to the interaction of people and societal processes. Ultimately whakapapa\(^ {319}\) and mana\(^ {320}\) were central in the exercising of rangatiratanga by rangatira, as was the context for this authority, within the hapū\(^ {321}\) and on the whenua.\(^ {322}\) These pūtāke were connected to people, place and process and defined the reality of hapū existence within and beyond the communities in which people lived.

Although in the 18th century the different branches or hapū of the iwi did not typically act together, they continued to acknowledge their descent from that original founder, thought of

\(^ {316}\) sovereignty, ultimate chieftainship, chieftainship, right to exercise authority, chiefly autonomy, self-determination, self-management, indigenous rights, mana Māori  
\(^ {317}\) indigenous individuals and groups of Aotearoa, including mana whenua  
\(^ {318}\) origin, source, or foundation  
\(^ {319}\) genealogy  
\(^ {320}\) prestige, authority, power, sovereignty  
\(^ {321}\) tribe, sub-tribe, clan  
\(^ {322}\) land
themselves as part of a wider people, and in some circumstances, would define themselves by the name of that iwi.\textsuperscript{323}

However, Aotearoa was to experience the arrival of non-Māori, at first briefly in 1642 by Abel Tasman and later by James Cook in 1769. The Cook visitation was to initiate change for traditional rangatiratanga forever. Over the next six decades, sealers, whalers, settlers, missionaries and British representatives would start to arrive in the country, at an increasing rate over time. As discussed in Chapter 2, the initial arrivals engaged with, and clearly recognised the rights of, rangatira who maintained their control and authority within their communities. For Māori, the arrival saw the introduction of new technologies and opportunities for economic development. Ngāi Tahu and Ngāti Whātua both saw opportunities, as highlighted in Chapters 5 and 6. However, the clash of so many differing concepts, practices and understandings also saw a growing tension between Māori and non-Māori. This tension led to rangatira seeking British intervention with their people, while for Britain there was an increasing presence of other migrants, particularly the French, and by the 1830s Britain wanted to secure the opportunity to access the resources of New Zealand and extend its empire to the most southern extremities of the South Pacific.

In 1835 and in 1840 two assertions of rangatiratanga were signed by rangatira, as discussed in Chapter 3. The first was He Whakaputanga,\textsuperscript{324} or the Declaration of Independence. It clearly asserted the authority and sovereignty of rangatira rule over the hapū. He Whakaputanga noted that the ‘United Tribes of New Zealand’ held ‘exclusive’ authority, under the rangatiratanga of ‘hereditary chiefs’. Their rangatiratanga was also to be protected in Te Tiriti o Waitangi, the Treaty of Waitangi. Te Tiriti (Appendix 2) established British governance, or kāwanatanga,\textsuperscript{325} while providing for the continued authority of rangatira to exercise rangatiratanga within their traditional lands and within their traditional communities, hapū: ‘te tino rangatiratanga o o ratou whenua o ratou kainga me o ratou taonga katoa’ to ‘ngā rangatira, ki ngā hapū’. The rangatira who applied their mark to Te Tiriti were certain that the need for ture\textsuperscript{326}, or laws, to govern their people was going to be met. It was rangatira who had petitioned the British authorities to address their unruly British people. Equally, rangatira believed they had surety that their sovereign authority was protected. Although the

\textsuperscript{323} tribe, people, nation
\textsuperscript{324} The Declaration of Independence 1835
\textsuperscript{325} governorship, government, complete government
\textsuperscript{326} law
initial engagement between Māori and non-Māori was positive, the guarantees and beliefs of maintaining rangatiratanga soon changed.

As outlined in Chapter 3, the British authorities initiated and ultimately seized that sovereignty by the end of the nineteenth century and by the turn of the following century, the political mana of rangatira was “extinguished” (Head, 2006, p. 42). Buick sums up the treatment of the Treaty until 1936: “more than once in high places, its utility has been denied, its simple contracts have been repudiated and its existence has been ignored” (Buick, 1936, p. 269). Ensuing colonisation and assimilation had a severe impact on rangatiratanga for all Māori hapū and their rangatira, including Ngāi Tahu and Ngāti Whātua. It was not until 1975 that there would be an opportunity to bring forward grievances and issues before the Crown, as they related to Te Tiriti o Waitangi. As discussed, this was provided for in the introduction of the Treaty of Waitangi Act 1975 and its Amendment Act in 1986, discussed in Chapter 4.

The Treaty of Waitangi Act provided “for the observance, and confirmation, of the principles of the Treaty of Waitangi by establishing a Tribunal to make recommendations on claims relating to the practical application of the Treaty and to determining whether certain matters are inconsistent with the principles of the Treaty” (Treaty of Waitangi Act 1975 (NZ), 1975, p. 2). This opened the door for any individual ‘Māori’ to lodge a claim against the Crown, within this framework. To allow ‘any person’ to lodge a claim was a direct contradiction to the authority and rights of rangatira who signed the agreement in 1840. But as seen in the analysis, this process in itself raises considerable issues. These include the need for claimant groups to cluster in ‘large natural groups’, which are not aligned to the traditional rangatira and rangatiratanga of the hapū who signed Te Tiriti. Further, the Crown then requires a mandated leader from within this larger natural grouping. This also did not reflect the traditional exercise of rangatiratanga. The settlement itself includes an apology from the Crown, a financial redress and/or cultural redress. The Crown requires the claimant group to establish a legal identity or incorporation to which the settlement can then be provided. This is a further reframing of Māori leadership and societal organisation. As Wheen and Hayward note, groups of hapū with histories of traditional rangatiratanga must become a “governance entity … [with] Western concepts of trusteeship” (Wheen & Hayward, 2012, p. 54).

This thesis focused on examples of traditional indigenous collectives that closely examine questions of rangatiratanga. As discussed in chapters 5 and 6, I interviewed contemporary
leadership from within Ngāi Tahu and Ngāti Whātua to test my theory of traditional rangatiratanga and to better understand contemporary expressions of rangatiratanga. To reiterate, I selected Ngāi Tahu as the primary case study based on my exposure to and particular interest in the challenges, realities, and opportunities of rangatiratanga and my involvement in the dynamics of iwi development. The second case, Ngāti Whātua, provided an alternative perspective to consider rangatiratanga and its future. The participants of this research were identified as rangatira within their iwi, and they hold positions of responsibility among their people. It was clear from the participants interviewed that the pūtake of rangatiratanga were a traditional factor in the ability of rangatira to exercise sovereignty for Ngāi Tahu and Ngāti Whātua alike. Similarly, in both iwi, these pūtake are still evident, demonstrating resilience through time. These pūtake are expressed in the language of the contemporary organisations and values of the iwi. However, rangatiratanga as traditionally exercised has not been re-enabled by the settlement process for either iwi. Should these iwi choose to exercise traditional rangatiratanga guaranteed in the Treaty, it would also be impossible for them to do so in a post-settlement political environment.

As raised at the outset of the thesis, the question of contemporary expressions of rangatiratanga may be of particular interest to post-colonialism: is the post-settlement environment also post-colonial for Māori? As a theory, post-colonialism is premised on the colonial impacts on indigenous populations being addressed, relieved or removed from those peoples by the coloniser. It entwines many disciplines, fields, and evolving initiatives in state and indigenous populations. It also describes indigenous populations gaining independence from the national state, created through colonisation and assimilation of an external power or authority (Bidois, 2013; Darian-Smith, 1996; Slemon, 1994; Young, 2003). Heywood (2015) notes that “post-colonialism has perhaps its greatest influence as a means of examining how Eurocentric values and theories have helped establish and maintain Western cultural and political hegemony over the rest of the world” (Heywood, 2015, p. 214).

In the case of this research question, when considering the Crown’s dismantling of rangatiratanga, a consciously post-colonial society must be seen to be re-establishing the right of rangatira to exercise their authority of their people. Durie argues that Māori authority in a contemporary context would include economic self-sufficiency, social equity, cultural affirmation and political power (M. H. Durie, 1998, pp. 14-17). As this research shows, this has not occurred and post-colonialism is not realised through a Treaty settlement with the Crown. Rather, the Crown is relieved of its wrong-doings through a process which provides
minimal recompense for the land alienation, an apology for its actions and, at best, places some co-governance opportunities at sites of significance for the claimant group – all far from the reality and guarantees of rangatiratanga outlined in Te Tiriti o Waitangi. Therefore, it would be more realistic to say that New Zealand is neo-colonial, a new type of colonial nation, with iwi a more empowered sector in the community at best. O’Sullivan notes that iwi corporations are limited to “essential participants in” democracy (Domonic O’Sullivan, 2015, p. 110). The Crown has, however, maintained authority and not enabled the sovereignty of Māori rights to self-determination.

The lack of capacity of the settlement process to provide rangatiratanga to rangatira and hapū, raises challenges. The entire process is set and determined by the Crown and the re-arrangement of hapū into ‘natural larger groupings’, dismantles any self-determining framework for their identity. However, I do not dismiss settlements as a potential vehicle for rangatiratanga. There may be some form of transitioning from the current state of larger natural groupings back to seeing hapū re-emerge, and the realisation of rangatiratanga as guaranteed in Te Tiriti o Waitangi, or at the very least, to give Māori the choice to exercise tino rangatiratanga. A settlement may provide recognition of grievances and enable a range of increased capabilities for claimant groups, but any such outcome is still framed within a state power and control. Post-colonial rangatiratanga would, arguably, enjoy the space away from Crown control to embrace collective identity under the regimes of traditional leadership, defined by the pūtake of rangatiratanga discussed in Chapter 1. Rangatiratanga does not require Crown validation. The Crown is not the source of rangatiratanga.

I make these observations in the hope that the next generation moves contemporary post-settlement entities to one of post-colonial reality, or have a real option to do so if they wish to. In Chapter 5 the feedback from the participants around these factors describes the clash of the ideology of hapū and the role of Te Rūnanga o Ngāi Tahu as its tribal corporate. At the heart of the matter, the question must be: where is the role of rangatiratanga? Does a tribal corporate define rangatiratanga in a post-settlement era? I offer further reflections on the future of rangatiratanga in the following section.
7.1 Reflection on the future of rangatiratanga

To give effect to the Ngāi Tahu whakatauākī “mō tātou, ā, mō kā uri ā muri ake nei” (for us, and our children after us) and to look to the future, one must consider the past. I recognise that there are key factors which give hope to the opportunity for hapū rangatira and their exercising of rangatiratanga. It is important they are considered in this conclusion. As noted in the rich feedback of participants, there is still whakapapa, there is still mana, and there is still the recognition and practice of the other pūtaike discussed in this thesis within their communities. These pūtaike defined the rights for rangatira to exercise rangatiratanga. One major reflection from this research pertains to traditional hapū, as a core pūtaike of rangatiratanga. As I complete this thesis I note that my hapū remains a notional idea within the actual reality of Ōtākou, versus the rūnanga shareholding Ōtākou has in Te Rūnanga o Ngāi Tahu. The rangatiratanga of Ōtākou, the hapū, has been replaced by the “natural large grouping”. Whether this new identity was established by rangatira to challenge the Crown, or forced by the Crown in the settlement process itself, this new societal arrangement has usurped the traditional rangatiratanga of hapū.

But what has been settled if the authority of rangatira has not been reinstated? Elements of our traditional hapū can continue to be seen in traditional events, such as tangi or wānanga; however, it is hard to see the original hapū beyond these realms. The majority of whānau live away from the kāik and while there is some capabilities and competencies with te reo, the majority again would not hold this competency. Ōtākou has become more driven by the demands and expectations of Te Rūnanga o Ngāi Tahu, as much as it has by the needs of the wider community, as a result of the settlement process. It too has had its traditional mana and authority within its takiwā327, reframed by the settlement, with now other rūnanga328 asserting ‘mana’ in what was the domain and mana and rangatiratanga of Ōtākou.

The Te Rūnanga o Ngāi Tahu Act (1996) itself is used as the basis of contemporary Ngāi Tahu leadership ‘rights’. While a whakapapa and whanaunga connection existed with those who have bordered our takiwā, Ōtākou would not have conceded rights, nor traditionally

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327 territory, district or space occupied by a hapū or iwi
328 tribal collective, council
accepted any assertion of the mana of those other hapū within our traditional takiwā. For me, identity comes not from registration with Te Rūnanga o Ngāi Tahu, it comes from my whakapapa, my mana and my whenua at Ōtākou. I imagine our future agenda will be dominated by the sovereignty and rangatiratanga of Ōtākou, and the interests of Te Rūnanga o Ngāi Tahu will be limited to how the corporation may support the determinations made by the hapū of Ōtākou. While I have raised many questions in this thesis by looking to the Crown to respond to the question of rangatiratanga, the same questions exist for Ōtākou and its rangatiratanga and relationship with other hapū and Te Rūnanga o Ngāi Tahu. The hapū, as do all the hapū that make up Ngāi Tahu, maintain the rangatiratanga for whānau and the whenua of the Ōtākou takiwā.

The principles of Ngāi Tahu identity and the inherent right to rangatiratanga are a critical consideration if there is going to be a redefining of Ngāi Tahu. I understand the context and potential for economies of scale within an iwi corporation; however, if the corporation did not exist, I would still be Ngāi Tahu and I would still locate my identity to Ōtākou, as a hapū. The question of these ‘rights’, which have now been replaced by contemporary post-settlement entities, is one which drove my interest in this research. This corporate culture is as foreign to me as the sovereignty Britain aspired to when the rangatira signed Te Tiriti o Waitangi. If we were to reimagine Aotearoa and Te Waipounamu beyond Crown processes of recognising breaches, I would argue it must include a reestablishment of the right to exercise rangatiratanga in hapū. To continue to enact others’ theories and arrangements, in a corporation, without enacting the rights and premises that existed prior to the actual grievances established some seven generations ago, is to forgo the heart of our identity.

The appointment to positions of governance on Te Rūnanga o Ngāi Tahu is not the same as having a position founded in the pūtake which defined traditional rangatira. The role of hapū, and by default rangatira and rangatiratanga, is currently not part of the Ngāi Tahu strategy. This assertion that governance is not the same as rangatiratanga may challenge some individuals, however, this thesis is not about contesting existing tribal governors. Rather, the key point is the role of rangatira into the future, with dreams and visions for their hapū. This is not a strategic plan or business plan at Te Rūnanga o Ngāi Tahu, the tribal corporation. While there is undoubted value in the establishment of the tribal corporation, the rangatiratanga must be held at hapū. Rather, I see rangatiratanga at Ōtākou as the ‘horizon’ or ‘destination’, which lies well beyond a three to five-year business plan or ten-year strategy. I would argue that it extends beyond a single generation. In my view,
rangatiratanga cannot emerge or be imagined within a corporation office. At the heart of rangatiratanga, there must be the role of rangatira and the means for hapū to re-emerge with their leadership to exercise rangatiratanga. These are the rights are guaranteed by Article 2 of Te Tiriti o Waitangi. As Tipene O'Regan said in his opening address at a 2013 Māori business symposium:

The problem with most Māori is they're too much like New Zealanders. And in these terms, they're going to sit at the table, deeply conscious of their responsibilities as Trustees, earnest souls taking advice from the managements they've appointed and taking advice from the consultants they recruit. And if they're uptight with management, they're just going to pull more and more of it in. And all they start doing is working out more and more ways for not doing things, another very Kiwi characteristic which I'm reminded of on my monthly run across the Tasman, and it applies to the private sector, perhaps even more than the public sector. (Tā Tipene O'Regan, 2013)

Good governance is not the same thing as rangatiratanga for whānau and hapū. The disestablishment of hapū and the communities in which rangatira exercised rangatiratanga is a critical issue for Ngāi Tahu, if the post-settlement entities are to revitalise a future. Is the future of Ngāi Tahu to be focused on an iwi with corporate structures, or on the strengthening and empowering of constituent hapū? The value of consolidating assets cannot be entirely dismissed, nor the benefit derived through these assets in a tribal corporate noting the benefit from economies of scale from such structural arrangements. However, to isolate development without empowering rangatiratanga in hapū is to risk simply being a Māori corporate. Rangatiratanga is not something framed within the limitations set by the government of the day, or the New Zealand nation, or both; nor is it reliant on public policy or legislative reform. Contemporary post-settlement organisational leadership is solely framed by the parameters of good governance and appointment by democracy; rangatiratanga will become simply rhetoric for the self-interest of those very ‘governors’. In this scenario, the status quo is maintained if the current leadership see they themselves continue to use the western implications of Crown policy to dictate iwi decisions and policy.

The core issue for Ngāti Whātua, Ngāi Tahu, other iwi and other hapū who enter into the claim settlement process is not simply to absolve the Crown of its guilt for breaches of Te Tiriti o Waitangi over the last two centuries. Rather, it is based on the rights promised for rangatira, hapū and the exercising of sovereignty inherent in rangatiratanga. It must also be centred on knowing what rangatiratanga for their collective looks like. Hapū as core to ‘larger natural groupings’, as required by the Crown to engage in the settlement process, must be
more than as a constituent or shareholder of a larger iwi corporate. Whānau and hapū are the foundation communities on which claim rights and resulting settlements must be made.

One could rightly ask the question whether these two case studies should determine the basis for all claimant or settlement collectives. The simple answer is no, and it is not the intention of this research to assert that the findings of these case studies can be generalised. In the first instance, the reality is that there is a marked difference across hapū and iwi nationally. Hapū are not homogenous, which is recognised in, and consistent with, the original signing of the Treaty of Waitangi, with its phrasing “ki nga rangatira ki nga hapu” (The Treaty of Waitangi, 1840). However, this research has also revealed possible commonalities, with other hapū. Settlements are limited, which is clear in this and much other research. Settlements enable claimant groups to relinquish grievances and take their first tentative steps towards a self-determining future. But does the post-settlement corporate structure of rank, title, and position, grow rangatira? Is rangatiratanga attainable without rangatira? Based on this research, again I would assert no. The two case studies help define the current reality for hapū and iwi across Aotearoa as they move through the miasma of Crown imperatives, which permeates both the claim process and the remnants of the requirement to establish post-settlement entities.

Rangatiratanga into the future must move beyond this, and be driven by internal dreams for self-determination. The core elements of rangatiratanga, whakapapa and mana within hapū, recognising whenua, kawa and tikanga and utu remain constants of the realm of contemporary whānau, hapū and iwi. The fundamental challenge is that the role of rangatira within hapū has diminished over time. It has been replaced with entities such as corporations, and their governance being favored or required, sometimes external to whānau and hapū. Therefore, traditional elements of leadership have become ‘values’ or processes of action, rather than being inherent in the role of exercising rangatiratanga. There is significant work and re-consideration if the rights of rangatira are to re-emerge, in the words of the Ngāi Tahu whakataukī - mō tātou, mō ka uri a muri ake nei - for us and our children after us.
Appendix 1

He Wakaputanga o te Rangatiratanga o Nu Tireni (A Declaration of the Independence of New Zealand)

1. Ko matou, ko nga Tino Rangatira o nga iwi o Nu Tireni i raro mai o Hauraki kua oti nei te huihui i Waitangi i Tokerau i te ra 28 o Oketopa 1835, ka wakaputa i te Rangatiratanga o to matou wenua a ka meatia ka wakaputaia e matou he Wenua Rangatira, kia huaina, Ko te Wakaminenga o nga Hapu o Nu Tireni.

2. Ko te Kingitanga ko te mana i te wenua o te wakaminenga o Nu Tireni ka meatia nei kei nga Tino Rangatira anake I to matou huihuinga, 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, ko nga tangata anake e meatia nei e matou e wakarite ana ki te ritenga o o matou ture e meatia nei matou i to matou huahuanga.

3. Ko matou ko nga tino Rangatira ka mea nei kia huihui kite runanga ki Waitangi a te Ngahuru i tenei tau i tenei tau ki te wakarite ture kia tika ai te wakawakanga, kia mau pu te rongo kia mutu te he kia tika te hokohoko, a ka mea hoki ki nga tauiwi o runga, kia wakarereanwai waiwai, kia mahara ai kia te wakaoranga o to matou wenua, a kia uru ratou ki te wakaminenga o Nu Tireni.

4. Ka mea matou kia tuhituhia he pukapuka ki te ritenga o tenei o to matou wakaputanga nei ki te Kingi o Ingarani hei kawe atu i to matou aroha nana hoki i wakaee ki te Kara mo matou. A no te mea ka atawai matou, ka tiaki i nga pakeha e noho nei i uta, e rere mai ana ki te hokohoko, koia ka mea ai matou ki te Kingi kia waiho hei matua kia a matou i to matou Tamarikitanga kei wakakahoretia to matou Rangatiratanga.
Kua wakaaetia katoatia e matou i tenei ra i te 28 Oketopa, 1835, kite aroaro o te Reireneti o te Kingi o Ingarani.

[There follow the marks or signatures of chiefs.]

Note: The original is held by Archives New Zealand, Wellington. This text and the English text below have been copied from Facsimiles of the Declaration of Independence and the Treaty of Waitangi, Wellington, 1976. The Declaration was first signed on 28 October 1835 by thirty-four chiefs. The last name was added on 22 July 1839, making a total of fifty-two chiefs.
A Declaration of the Independence of New Zealand (English text)

1. We, the hereditary chiefs and heads of the tribes of the Northern parts of New Zealand, being assembled at Waitangi, in the Bay of Islands, on this 28th day of October, 1835, declare the Independence of our country, which is hereby constituted and declared to be an Independent State, under the designation of The United Tribes of New Zealand.

2. All sovereign power and authority within the territories of the United Tribes of New Zealand is hereby declared to reside entirely and exclusively in the hereditary chiefs and heads of tribes in their collective capacity, who also declare that they will not permit any legislative authority separate from themselves in their collective capacity to exist, nor any function of government to be exercised within the said territories, unless by persons appointed by them, and acting under the authority of laws regularly enacted by them in Congress assembled.

3. The hereditary chiefs and heads of tribes agree to meet in Congress at Waitangi in the autumn of each year, for the purpose of framing laws for the dispensation of justice, the preservation of peace and good order, and the regulation of trade; and they cordially invite the Southern tribes to lay aside their private animosities and to consult the safety and welfare of our common country, by joining the Confederation of the United Tribes.

4. They also agree to send a copy of this Declaration to His Majesty the King of England, to thank him for his acknowledgement of their flag; and in return for the friendship and protection they have shown, and are prepared to show, to such of his subjects as have settled in their country, or resorted to its shores for the purposes of trade, they entreat that he will continue to be the parent of their infant State, and that he will become its Protector from all attempts upon its independence.
Agreed to unanimously on this 28th day of October, 1835, in the presence of His Britannic Majesty's Resident.

[Here follows the signatures or marks of thirty-five Hereditary chiefs or Heads of tribes, which form a fair representation of the tribes of New Zealand from the North Cape to the latitude of the River Thames.]

English witnesses -

(Signed) Henry Williams, Missionary, C.M.S. George Clarke, C.M. S. James C. Clendon, Merchant. Gilbert Mair, Merchant.

I certify that the above is a correct copy of the Declaration of the Chiefs, according to the translation of Missionaries who have resided ten years and upwards in the country; and it is transmitted to His Most Gracious Majesty the King of England, at the unanimous request of the chiefs.

(Signed) JAMES BUSBY,

British Resident at New Zealand.

(Orange, 1987, pp. 268-269)
Appendix 2.

Te Tiriti o Waitangi (The Treaty of Waitangi)

Ko Wikitoria te Kuini o Ingarani i tana mahara atawai ki nga Rangatira me nga Hapu o Nu Tirani i tana hiahia hoki kia tohungia ki a ratou o ratou rangatiratanga me to ratou wenua, a kia mau tonu hoki te Rongo ki a ratou me te Atanoho hoki kua wakaaro ia he mea tika kia tukua mai tetahi Rangatira - hei kai wakarite ki nga Tangata maori o Nu Tirani - kia wakaaetia e nga Rangatira maori te Kawanatanga o te Kuini ki nga wahikatoa o te wenua nei me nga motu – na te mea hoki he tokomaha ke nga tangata o tona Iwi Kua noho ki tenei wenua, a e haere mai nei.

Na ko te Kuini e hiahia ana kia wakaritea te Kawanatanga kia kaua ai nga kino e puta mai ki te tangata maori ki te Pakeha e noho ture kore ana.

Na kua pai te Kuini kia tukua a hau a Wiremu Hopihona he Kapitana i te Roiara Nawi hei Kawana mo nga wahi katoa o Nu Tirani e tukua aianeai amua atu ki te Kuini, e mea atu ana ia ki nga Rangatira o te wakaminenga o nga hapu o Nu Tirani me era Rangatira atu enei ture ka korerotia nei.

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 Kawanatanga katoa o o ratou wenua.

Ko te tuarua

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Ko te Kuini o Ingarani ka wakarite ka wakaae ki nga Rangatira ki nga hapu - ki nga tangata katoa o Nu Tirani te tino rangatiratanga 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 tuatoru

Hei wakaritenga mai hoki tenei mo te wakaaetanga ki te Kawanatanga o te Kuini - Ka tiakina e te Kuini o Ingarani nga tangata maori katoa o Nu Tirani ka tukua ki a ratou nga tikanga katoa rite tahi ki ana mea ki nga tangata o Ingarani.

[signed] W. Hobson Consul & Lieutenant Governor

Na ko matou ko nga Rangatira o te Wakaminenga o nga hapu o Nu Tirani ka huihui nei ki Waitangi ko matou hoki ko nga Rangatira o Nu Tirani ka kite nei i te ritenga o enei kupu. Ka tangoa ka wakaetanga katoatia e matou, koia ka tohungia ai o matou ingoa o matou tohu.

Ka meatia tenei ki Waitangi i te ono o nga ra o Pepueri i te tau kotahi mano, e waru rau e wa te kau o to tatou Ariki.

Note: This Treaty text was signed at Waitangi, 6 February 1840, and thereafter in the north and at Auckland. It is reproduced as it was written, except for the heading above the chiefs’ names: ko nga Rangatira o te Wakaminenga.
The Treaty of Waitangi (English text)

Her Majesty Victoria Queen of the United Kingdom of Great Britain and Ireland regarding with Her Royal Favor the Native Chiefs and Tribes of New Zealand and anxious to protect their just Rights and Property and to secure to them the enjoyment of Peace and Good Order has deemed it necessary in consequence of the great number of Her Majesty's Subjects who have already settled in New Zealand and the rapid extension of Emigration both from Europe and Australia which is still in progress to constitute and appoint a functionary properly authorized to treat with the Aborigines of New Zealand for the recognition of Her Majesty's sovereign authority over the whole or any part of those islands - Her Majesty therefore being desirous to establish a settled form of Civil Government with a view to avert the evil consequences which must result from the absence of the necessary Laws and Institutions alike to the native population and to Her subjects has been graciously pleased to empower and to authorize me William Hobson a Captain in Her Majesty's Royal Navy Consul and Lieutenant Governor of such parts of New Zealand as may be or hereafter shall be ceded to Her Majesty to invite the confederated and independent Chiefs of New Zealand to concur in the following Articles and Conditions.

Article the first

The Chiefs of the Confederation of the United Tribes of New Zealand and the separate and independent Chiefs who have not become members of the Confederation cede to Her Majesty the Queen of England absolutely and without reservation all the rights and powers of Sovereignty which the said Confederation or Individual Chiefs respectively exercise or possess, or may be supposed to exercise or to possess over their respective Territories as the sole sovereigns thereof.

Article the second

Her Majesty the Queen of England confirms and guarantees to the Chiefs and Tribes of New Zealand and to the respective families and individuals thereof the full exclusive and undisturbed possession of their Lands and Estates Forests Fisheries and other properties.
which they may collectively or individually possess so long as it is their wish and desire to retain the same in their possession; but the Chiefs of the United Tribes and the individual Chiefs yield to Her Majesty the exclusive right of Preemption over such lands as the proprietors thereof may be disposed to alienate at such prices as may be agreed upon between the respective Proprietors and persons appointed by Her Majesty to treat with them in that behalf.

Article the third

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.

[signed] W. Hobson Lieutenant Governor

Now therefore We the Chiefs of the Confederation of the United Tribes of New Zealand being assembled in Congress at Victoria in Waitangi and We the Separate and Independent Chiefs of New Zealand claiming authority over the Tribes and Territories which are specified after our respective names, having been made fully to understand the Provisions of the foregoing Treaty, accept and enter into the same in the full spirit and meaning thereof in witness of which we have attached our signatures or marks at the places and the dates respectively specified.

Done at Waitangi this Sixth day of February in the year Our Lord one thousand eight hundred and forty.

Note: This English text was signed at Waikato Heads in March or April 1840 and at Manukau on 26 April by thirty-nine chiefs only. The text became the ‘official’ version. (Orange, 1987, pp. 270-273)
## Claimant Group Status Summary by Stages in the Negotiation Process

The following table indicates the progress and status of claimant groups in negotiations. It includes settlements that have been implemented. The table is broken down into regional groupings.

<table>
<thead>
<tr>
<th>GROUP</th>
<th>Mandate recognised by Crown</th>
<th>Terms of Negotiation</th>
<th>Agreement in Principle signed</th>
<th>Deed of Settlement signed</th>
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(Settlements, 2016, pp. 6-10)
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