

HE WHAKAPUTANGA AS A BASELINE¹



One outcome of the work done since 2010 by [Matike Mai o Aotearoa](#) has been the establishment of the baselines on which constitutional transformation may be brought to pass.

The first baseline is [tikanga](#), which we have already covered in previous columns. The second is [He Whakaputanga](#), or the Declaration of Sovereignty and Independence, which was signed by our tūpuna rangatira in 1835.

Any consideration of He Whakaputanga begins with understanding both its unique origins and the practical limitations of its reach after 1835 due to the pressures of colonisation which inevitably affected people's understanding of it.

During its many hui, Matike Mai o Aotearoa found that in [Te Tai Tokerau](#), where He Whakaputanga was drafted and signed, it was discussed at length. But it was mentioned only briefly in [Tainui](#) where people knew that one of the later signatories was [Te Wherowhero](#) who would subsequently become the first King. And in other rohe, where it was not a direct part of their history, it was only mentioned in passing or not at all.

Yet the ideals it expressed were acknowledged and respected by all because they saw it as a novel and brave articulation of an old concept and site of constitutional power that had allowed an adjustment to changing circumstances, but remained consistent with traditional legal, philosophical and religious thought.

Essentially He Whakaputanga proposed that a collective of [lwi](#) and [Hapū](#) polities should regularly come together in a [Whakaminenga](#), or assembly, to make joint decisions on matters of common concern, while respecting the mana of each participating polity. That joint decision-making power is defined in Article Two of He Whakaputanga as a "[Kingitanga](#)" where "all sovereign power and authority" is

"... declared to reside entirely and exclusively in the hereditary chiefs and heads of tribes ... who also declared they will not permit any legislative authority separate from themselves."

At the Waitangi Tribunal hearings into He Whakaputanga and [Te Tiriti](#), the kaumātua [Nuki Aldridge](#) stated that

"The purpose of Te Wakaminenga was for Māori to control their own changes in the 'new world' ... [it was] about how Māori were able to think and put themselves into the future."

In the same hearings, [Professor Patu Hohepa](#) described it simply as

"a declaration of our independence and sovereignty as a nation of independent rangatira."

[Professor Dame Anne Salmond](#) also stated at those hearings that under He Whakaputanga

"the rangatira ... foreshadowed the possibility that they might delegate kāwanatanga or function of government to someone whom they themselves had appointed. In such an arrangement however, they would retain their rangatiratanga or independence, and their mana and Kingitanga or sovereign authority and power. The Declaration is unambiguous and the relationship between these key terms is clear."

Because of its core ideals and clear expression of an existing constitutional authority, He Whakaputanga is a necessary baseline for our ongoing constitutional transformation discussions.

¹ Edited extract from pp. 44 – 45 of [He Whakaaro Here Whakaumu Mō Aotearoa – Report of Matike Mai o Aotearoa](#).