

HE WHAKAPUTANGA AS THE PRECEDENT – edited by Anahera Herbert-Graves

¹When the [Waitangi Tribunal](#) released the First Part of its [Paparahi o Te Raki Report](#), it reaffirmed the long-held general [Māori](#) understanding that [He Whakaputanga](#) was

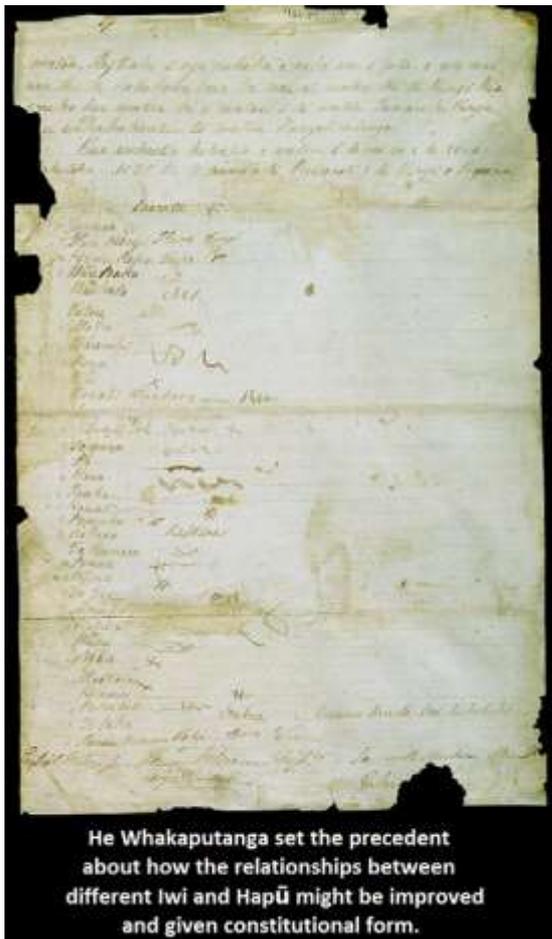
“a declaration that Māori authority would endure ... When [rangatira](#) asserted their [mana i te whenua](#) there can be no doubt that they intended this as an expression of the highest authority within their territories. They furthermore asserted their [rangatiratanga](#) – their rights as leaders subordinate to no one else within their territories. And they asserted their [Kingitanga](#) ... that there could be no leaders above them. Taken together these assertions of mana, Kingitanga and rangatiratanga undoubtedly amounted to an assertion of their authority to make and enforce law and therefore their sovereignty.”

The Tribunal further stated

“Its principal significance was as a written assertion of the [mana](#) rangatiratanga and independence of those who signed ... and to ensure that no foreign law or government could be imposed on them ... It was also important as a renewed declaration of friendship with [Britain](#) and its [King](#) based on mutual benefit through trade, mutual commitments of protection, and [British recognition](#) of rangatiratanga and mana i te whenua.”

The Tribunal conclusions underscore why He Whakaputanga is an important part of the constitutional transformation we are exploring. Like [tikanga](#) it is regarded as a necessary and appropriate starting point for considering different constitutional systems.

In some [Iwi](#) there was concern about preserving the particular structures that they had developed, while others were keen to explore ways that could properly involve groups such as [Urban Māori Authorities](#) that do not function and are not constituted as the [Hapū](#) envisaged in He Whakaputanga.



However in all of the discussions, He Whakaputanga was seen as a precedent for how relationships among ourselves might be better organised.

It cannot be stressed enough that there is a quite considerable degree of frustration and in some cases, anger, with the dominance the [Crown](#) has accorded Iwi in recent years. Many people feel that policy has disadvantaged Hapū in ways that are contrary to tikanga, He Whakaputanga and [Te Tiriti](#).

But again most people also feel that He Whakaputanga provided a precedent about how the relationships between different Iwi and Hapū might be improved and given constitutional form. The genuineness of those particular discussions and the continuing desire for unity which they encapsulated may be the greatest legacy that He Whakaputanga has left for our people.

Additionally it was felt that He Whakaputanga also provides a precedent for institutionalising our relationship with the Crown in the relational sphere.

As He Whakaputanga suggests, the relational sphere could in fact be understood as a new [site of power](#) where Māori and the Crown make joint decisions while respecting the mana of each participating polity.

That seems a worthy and practical precedent to everyone involved, whether their Iwi signed He Whakaputanga or not.

¹ Twelfth edited extract from pp. 48 – 49 of [He Whakaaro Here Whakaumu Mō Aotearoa – The Report of Matike Mai o Aotearoa](#)

