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

**[1]When 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**

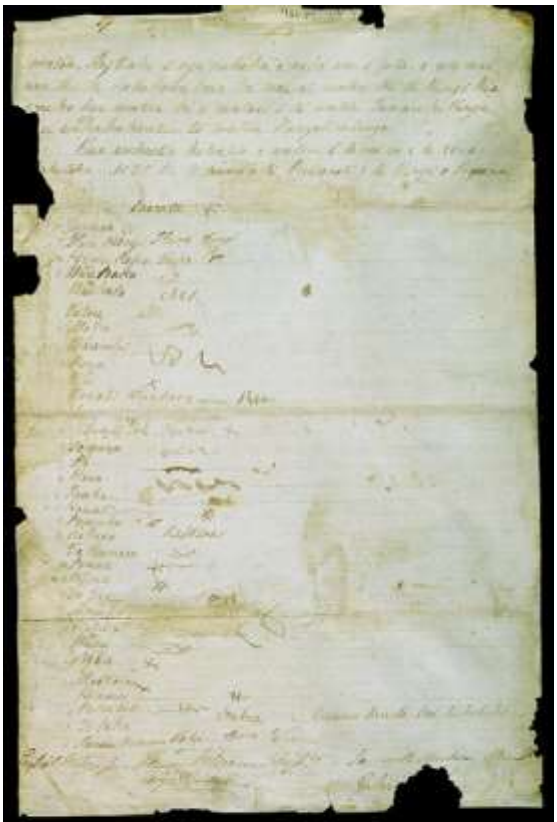
> *"a declaration that Māori authority would endure … When rangatira asserted their mana i te whenua there can be no doubt that they intended this as an expression of the highest authority within their territories. They furthermore asserted their rangatiratanga – their rights as leaders subordinate to noone 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.



He Whakaputanga set the precedent about how the relationships between different Iwi and Hapū might be improved and given constitutional form.

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