

# Did Maori 'EVER' Have Sovereignty? The simple answer is, No!

The Waitangi Tribunal, the Government, the Maori Party and most of New Zealand's historians believe Maori ceded sovereignty to Britain in 1840, but did the tangata Maori have sovereignty to cede in 1840?

In R D Crosby's book, **The Musket Wars** it shows the Maori tribes between 1806 and 1845 still practiced cannibalism and slavery and were continuously at war with each other. By 1845, half the population had either been killed, taken as slaves or eaten! *"There was no political body capable of claiming sovereignty over New Zealand in 1840"*. A documented fact, that cannot be denied!

British Resident James Busby had tried to get Maori sovereignty recognised over New Zealand with his *"Declaration of Independence"*, but he could only entice 34 chiefs to sign the Declaration before the ever-present tension and fighting took precedence over political co-operation, as always, and it was abandoned without one meeting taking place. It finally became evident; the tribes could never form a united Government. Lord Normanby who gave instructions for the Treaty to Lt Governor Hobson, had no idea of the situation in New Zealand and that the Declaration of Independence had been a complete failure when he told Lt. Governor Hobson, *"If he could not claim sovereignty, to walk away"*. Britain could only help the people of New Zealand if Britain had sovereignty over the whole country. In 1839 Britain had placed New Zealand under the Dependency of New South Wales, but this could never have happened if Maori had sovereignty over New Zealand.

When Lt Governor Hobson became ill while he was writing the

draft for the Treaty of Waitangi in February 1840, he gave his rough notes to James Busby to complete. James Busby still believing his Declaration of Independence and his only "*Claim to Fame*" had given Maori sovereignty over New Zealand, asked the Maori to give up their sovereignty in Article 1 of "*his*" draft notes for the Treaty.

On the night of 4 February 1840, Lt Governor Hobson had recovered and gave "*his*" final Treaty draft to Rev Henry Williams and his son Edward, to translate into the Tiriti o Waitangi. Rev Williams, who had been in New Zealand since 1823 and had also translated the Declaration of Independence knew it had been a complete failure. He knew Maori did not have sovereignty over New Zealand, therefore, he changed "*sovereignty*" in Article 1 to "*kawanatanga/government*". This is the word he had used for "*government*" in the Declaration. "*Kawana*" translates as "*governor*" and "*tanga*" as "*assembly*" – "*Governor's assembly*" or "*Government*". Every back translation of the Treaty of Waitangi translates "*kawanatanga*" as "*government*".

Chief Justice Prendergast ruled during the trial between *Wi Parata v The Bishop of Wellington* in 1877, "*So far indeed as that instrument (The Treaty of Waitangi) purported to cede the sovereignty it must be regarded as a 'simple nullity'. No political body existed capable of making cession of sovereignty*".

If the Maori had sovereignty over New Zealand in 1840, then Lt. Governor Hobson would have signed the Tiriti o Waitangi with their "*Head of State*", but instead, he had to sign it with over 500 individual tribal chiefs, "*As no political body existed capable of making cession of sovereignty*".

Both Rev Henry Williams and his son Edward knew Maori did not have sovereignty over New Zealand in 1840 to cede, the reason

they changed “sovereignty” to “government” when he translated Lt. Governor Hobson’s final draft into the Tiriti o Waitangi. This change was accepted by both Hobson and Busby before the Tiriti o Waitangi was signed by over 500 tangata Maori chiefs in 1840.

By stating Maori had sovereignty over New Zealand in 1840 gives a false impression that Maori were a well-organized race of people with, “*A political body capable of ceding sovereignty of New Zealand to Britain*”. This could not be further from the truth as they consisted of hundreds of small tribes still practicing cannibalism, slavery and were constantly at war with each other. In fact, some travelling to the Chatham Islands killing or “*Farming the peace-loving Moriori like swine*” into virtual extinction.

In 1831, thirteen Ngāpuhi chiefs asked Britain to be their guardian and protector and from this their chiefs agreed to sign the Tiriti o Waitangi in 1840 and become British Subjects with the same rights as the people of England. No more, no less, no partnership and no Co-governance with the Crown.

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