

# Our New Constitution?

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Where 15 % of the population may control 85%?

On the 20th September 2011 Muriel Newman asked the question on her website NZPCR, "Do you support the establishment for a new Constitution for New Zealand based on the Treaty of Waitangi?" Most of the comments stated, they did not want the new constitution to be based on the Treaty of Waitangi.

Here are comments that sum up the feeling of the majority people that replied. "The issue has nothing to do with what's right – or legal or just. It has everything to do with an ethic group using a document to leaver power. It doesn't matter what you think the Treaty says. What matters is how it is being interpreted, and the "one law for all" meaning you are seeing is NOT the prevailing view being taken by the Tribunal, the Courts or the Government. They see the Treaty as giving preferential rights to Maori as a partner of the Crown. It is rubbish as we know, but "we" (the people) are not being listened to. We should stay as far away from all this – especially if the Maori Party is in Government. We should be dead against a Treaty based constitution that can be hijacked by radical sovereignty activists not in favour of one".

Here we have 85% of the population being dictated to by 15% and of these 15%, possibly only about 100 people in total. And the final comment on NZPCR, "Unfortunately ONZF, that is exactly what has happened – pathetic really, isn't it"!

If this is how weak our Nation has become, then we deserve all we get and it will only get worse with a new Constitution if

we do not stand up for our Tiriti o Waitangi rights – NOW!

Since the 1975 Treaty of Waitangi Act and its amendment; including the Principles and Partnership, we have allowed one small group of New Zealand citizens that can claim a minute trace of Maori ancestry to hijack our country when we don't even know who these people really are. The Hon John Key foolishly recognised Maori as the Indigenous People of New Zealand without any forensic evidence to back up his claim.

The fact is that the Government has never investigated the following.

1. Whether Maori were the first people to inhabit New Zealand?  
(See below)
2. Where they came from?
3. How they arrived?
4. When they arrived.
5. What is their DNA – true ancestry?
6. Through intermarriage of their own free will, should Maori today be recognised as the 'distinct race' of people that signed the Tiriti o Waitangi in 1840.

**Maori are not “tangata whenua” – there were prior inhabitants – Dr Ranginui Walker.**

*“The traditions are quite clear: wherever crew disembarked there were already tangata whenua (prior inhabitants). The canoe ancestors of the 14th century merged with these tangata whenua tribes”. ‘New Zealand Book of Events’, page 18 by Dr Ranginui Walker. The people that signed the Tiriti in 1840 were referred to as “tangata Maori”. (Preamble, Tiriti o Waitangi)*

Maori tradition also makes it clear that the “tangata whenua” were light skinned with fair or reddish hair and in some cases blue eyes. The Te Arawa tribes that moved to Rotorua and Taupo

found people already inhabiting these areas. These people were called Ngati Hotu and were described as, "of non-Maori appearance, having reddish hair and pale skin". Te Arawa drove these people to extinction. Other names given to these people were Patupaiarehe or Turehu. Maori traditions tell of these friendly, peaceful and law abiding people teaching Maori many of their skills and culture before they were exterminated or "merged with the tangata Maori". Captain Cook and other early visitors to New Zealand recall they saw fair skinned people with reddish or blonde hair when he visited New Zealand.

In European times (1835), the Maori traveled to the Chatham Islands and completely annihilated the peaceful Moriori. One Moriori survivor, Heremaia Tua said, "They were laid out touching one another, parent and the child. Some of the women had stakes thrust into them, were left to die in their misery. They were eaten so that corpses lay scattered in the woods, the rest were herded like sheep and killed and eaten at a later date". As recalled by Michael King in "Moriori, a People Rediscovered".

When the chiefs signed the Tiriti o Waitangi in 1840, they were a distinct race of people (tangata Maori), but as they have continued to intermarry of their own free will with other races, this race of people through Maori tradition have merged with the Pakeha to become 'tangata Pakeha'. Should 'tangata Pakeha' today be recognised as the distinct race of people ('tangata Maori') that signed the Tiriti in 1840? Mr John Clark, a past Race Relations Conciliator of Maori descent thought not when he stated, "Maori today are a race of people as one sees in legislation". Since we adopted the Statute of Westminster in 1947, we are all New Zealand Citizens. See 'New Zealand in Crisis' by the ONZF.

Governments have used the wrong Treaty of Waitangi.

The Tiriti o Waitangi that was signed by over 500 Maori Chiefs in 1840 gave one flag and one law to all the people of New

Zealand, “He iwi tahi tatou – We are now one people”. Since this time, a *Treaty* written in English by James Freeman, Hobson’s secretary and compiled from Busby’s earlier draft notes has been wrongly used as our founding document and has allowed our Treaty to be distorted to benefit Maori only. This English version of the Treaty was for overseas dispatch only and was never officially authorised or intended to be our founding document or to be signed by the chiefs. Article 2 of this unauthorized English text forgot to mention the settlers, whalers and speculators rights to their land, dwellings and property, which Governor Hobson made sure was in the final draft and the Tiriti o Waitangi. Article 2 of the Tiriti o Waitangi makes no mention of exclusive rights to ‘tangata Maori’ to the fisheries or forest.

When Governor Hobson had stopped in Sydney on his way to New Zealand in 1839, he found the chiefs had sold or had contracts in place to sell large tracks of land to the settlers, whalers and speculators consisting of one fifth of the North Island and virtually the whole of the South Island before the Tiriti o Waitangi was signed. These people also had a major stake in New Zealand and therefore, had to be recognized in the Tiriti o Waitangi. See research by Jean Jackson.

After the Treaty was signed, the Government held Court inquiries into the pre-Treaty purchases for legal titles to be given to the land and its legal owner. In most cases the chiefs honoured these purchases, some being offended if they were rejected. The claims that were rejected were either returned to the chiefs or repurchased by the Crown. Some claimants did not bother or could not afford to make a claim for their purchase and the land reverted back to the original owner. Many of these pre-Treaty Deeds are held in our Archives.

Britain not only wanted to bring law and order to New Zealand as she had promised, she also had to protect her Subjects property and investments in a country without law and order.

The only law that existed before the Tiriti was signed was, "Might is Right!" What was "owned" today could be fought over and lost tomorrow and in most cases the losers becoming slaves or dinner!

Governor Hobson only authorized one Treaty text to be signed by the chiefs and that was in the Maori language – Te Tiriti o Waitangi.

In 1989 the final English draft (Littlewood treaty document) compiled by Governor Hobson from Lord Normanby's instructions and used by Rev Henry Williams and his son Edward to translate our Tiriti o Waitangi into Maori, was found. (See "The Littlewood Treaty, the true English text of the Tiriti of Waitangi found," by Martin Doutre. [www.treayofwaitangi.net.nz](http://www.treayofwaitangi.net.nz)).

When Governor Hobson dispatched Major Bunbury to collect further signatures from the southern tribes, he wrote, "*The treaty which forms the base of all my proceedings was signed at Waitangi on the 6th February 1840, by 52 chiefs, 26 of whom were of the federation, and formed a majority of those who signed the Declaration of Independence. This instrument I consider to be de facto the treaty, and all signatures that are subsequently obtained are merely testimonials of adherence to the terms of that original document*". Governor Hobson never made or authorised an English version of the Tiriti o Waitangi to be signed by the chiefs, but had 200 copies of Tiriti o Waitangi printed by the Church Mission Society, but not one in English. One of these printed versions was read, discussed and signed in the Waikato with one of James Freeman's unauthorized versions being used to receive further signatures when the printed version in the Maori language would hold no more.

By using the final draft, the Tiriti o Waitangi and the words spoken by Governor Hobson as he shook each chiefs hand at Waitangi on the 6th February 1840, there is NO misunderstanding of its interpretation. "He iwi tahi tatou –

We are now one people". This was confirmed on the 5th February 1840 during the chief's discussion with Hobson after he had read the Treaty and at the Kohimarama Conference 20 years later when 200 chiefs again swore the alliance to the Queen.

Below is a copy of Governor Hobson's final draft of the Tiriti o Waitangi, with Rev Henry William's changes to his translation for clarification in red. Article two was left as "all the people of New Zealand" as it referred to all the people of New Zealand, irrespective of race, colour or creed, that owned land, dwellings and/or property at the time the Tiriti was signed. Sovereignty was also changed to "Government" in the Articles, as sovereignty was ceded to Britain in the Preamble. The articles were the laws that must be obeyed if the chiefs accepted the Tiriti o Waitangi. Over 500 chiefs signed the Treaty in 1840 and New Zealand became a British Crown Colony under English law based on the Magna Carta.

In 1947 New Zealand adopted the Statute of Westminster and all the people of New Zealand became New Zealand Citizens.

**Copy of the Final Draft – with changes made by the Rev Henry Williams for clarification to the Tiriti o Waitangi in red.**

*Her Majesty Victoria, Queen of England in Her gracious consideration of the chiefs and the (people or New Zealand to Hapus of New Zealand), and Her desire to preserve to them their lands and to maintain peace and order amongst them, has been pleased to appoint an officer to treat with them for the cession of the Sovereignty of their country and of the islands adjacent, to the Queen. Seeing that many of Her Majesty's subjects have already settled in the country and are constantly arriving, and it is desirable for their protection as well as the protection of the natives, to establish a government amongst them.*

*Her Majesty has accordingly been pleased to appoint Mr. William Hobson, a captain in the Royal Navy to be Governor of such parts of New Zealand as may now or hereafter be (ceded to*

*tukua/give up*) to Her Majesty and proposes to the chiefs of the Confederation of United Tribes of New Zealand and the other chiefs to agree to the following articles.

#### *Article First.*

*The chiefs of the Confederation of the United Tribes and the other chiefs who have not joined the confederation, cede to the Queen of England for ever the entire (Soverignty to Government) of their country. Note. Sovereignty was ceded in the Preamble, "such parts/territories to be ceded/tukua/given up to Her Majesty.*

#### *Article Second*

*The Queen of England confirms and guarantees to the chiefs and the tribes and to all the people of New Zealand, the possession of their lands, dwellings and all their property. But the chiefs of the Confederation of United Tribes and the other chiefs grant to the Queen, the exclusive rights of purchasing such lands as the proprietors thereof may be disposed to sell at such prices as may be agreed upon between them and the person appointed by the Queen to purchase from them. Note. All the people of New Zealand referred to Paheka.*

#### *Article Third*

*In return for the cession of their (Sovreignty to Government) to the Queen, the ( people of New Zealand to Maoris) shall be protected by the Queen of England and the rights and privileges of British subjects will be granted to them.*

*Signed, William Hobson, Consul and Lieut. Governor.*

*Now we the chiefs of the Confederation of United Tribes of New Zealand assembled at Waitangi, and we the other tribes of New Zealand, having understood the meaning of these articles, accept them and agree to them all. In witness whereof our names or marks are affixed. Done at Waitangi on the (4th to 6th) of February 1840.*

The final draft has the word 'soverignty' spelt wrongly and it is dated the 4th February 1840. All back translations have 'sovereignty' spelt correctly and are dated the 6th February 1840 therefore this is not a back translation as our government historians falsely claim. It is the final draft and stops all the distortion of our founding document giving preferential rights to Maori never intended by Governor Hobson or the chiefs that signed it in 1840. The Tiriti o Waitangi gave all the people of New Zealand, irrespective of race, colour or creed, "the same rights as the people of England" – No more – No less!

The final draft is held in the Constitution Room at Archives New Zealand in Wellington but only shows one side, the side giving the same rights, "to all the people of New Zealand" is conveniently obscured.

The Tiriti o Waitangi was a lot more than an agreement with 'tangata Maori', it was a guarantee, a promise, by Queen Victoria and the chiefs that, "all the people of New Zealand and their property would be protected and they would be given the same rights as the people of England". Surely we are not going to let a few people that can claim a minute trace of Maori ancestry continue to distort our Tiriti o Waitangi for their own gain. Surely, as a Nation, we have not become so weak, that a few (perhaps 100) that can claim a minute trace

of 'tangata Maori' ancestry can hold the majority to ransom based on a false English Treaty text!

If we do not use our founding document, the Tiriti o Waitangi as our basis for the new Constitution then what do we base it on? The *Bolivian Constitution*, where the indigenous people have sovereignty over the whole country and are given sole rights to all its resources? It must be remembered our Prime Minister, the Hon John Key foolishly recognized 'tangata Pakeha' as the Indigenous People of New Zealand without forensic evidence, so it is only natural that if the Tiriti o Waitangi is NOT used as the basis for our Constitution, then it will with the help of the United Nations, be based on the Bolivian Constitution, which is already being discussed and favoured by the Maori Parties. We must not let this happen, we must oppose it to the end. The Tiriti o Waitangi, which over 500 chiefs signed, gave the same rights to all the people of New Zealand, irrespective of race, colour or creed.

Oh how times have change, while Sir Apirna Ngata, Minister of Native Affairs honoured the Tiriti o Waitangi in 1922, today's Maori politicians continue to distort it to give preferential rights to 'tangata Pakeha' over their fellow New Zealand Citizens. Below are extracts from, *The Treaty of Waitangi – An Explanation*, by the Minister of Native Affairs, Sir Apirana Ngata in 1922.

*“Let me issue a word of warning to those who are in the habit of banding the name of the Treaty around to be very careful lest it be made the means of incurring certain liabilities under the law which we do not know now and which are being borne only by the Pakeha”.*

*“Some have said that these confiscations were wrong and they contravened the articles of the Treaty of Waitangi, but the chiefs placed in the hands of the Queen of England, the*

*Sovereignty and authority to make laws. Some sections of the Maori people violated that authority, war arose and blood was spilled. The law came into operation and land was taken in payment. This in itself is Maori custom – revenge – plunder to avenge a wrong. It was their chiefs who ceded that right to the Queen. The confiscations cannot be objected to in the light of the Treaty”.*

*If you think these things are wrong, then blame your ancestors who gave away their rights when they were strong”.*

Although ‘Pakeha’ offends some people, it has been used here, as it was the word used in the Tiriti o Waitangi to define the two races - ‘tangata Maori’ and ‘Pakeha’.

THE END ©

Compiled by Ross Baker for the One New Zealand Foundation Inc.  
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