

Britain Fudged it to Get the Treaty Across the Line.

On 5 September 2025, Julian Batchelor, Stop Co-Governance, wrote the following email stating, *"The reason the British declared NZ to be a sovereign nation was so that they could sign a treaty with Maori. For a treaty to be effectual legally, it has to be between two sovereign nations. i.e. Britain fudged it to get the Treaty across the line"*. But was 'sovereignty' fudged it to get the Treaty across the line?

Since this time, we have given this a lot of thought and while Britain may have, *"Tried to fudge the Treaty to get it across the line"*, when the facts are known, those involved in translating the final draft of the Treaty of Waitangi, knew Maori could not, and did not have sovereignty over New Zealand in 1840.

Lord Normanby's treaty instructions to Captain William Hobson, dated 14 August 1839, stated, *"We acknowledge New Zealand as a sovereign and independent State"*, but he then went on to say, *"So far at least as it is possible to make such acknowledgment in favour of a people composed of numerous, dispersed, and petty tribes, who possess few political relations to each other, and are incompetent to act, or even to deliberate in concert"*. From this clause, Lord Normanby knew Maori could not, and did not have sovereignty over New Zealand in 1840.

Rev Henry Williams and his son Edward would not allow the Treaty, *"To be fudged to get it across the line"* and changed "sovereignty" to "government/kawanatanga" when they translated Lt. Governor Hobson's final draft into the Tiriti o Waitangi, on the night of 4 February 1840.

"Kawanatanga" was the word Rev Henry Williams had used for "government" in the 1835 Declaration of Independence and had

translated "Sovereignty" to "Kingitanga". Every Tiriti o Waitangi and Maori to English dictionary also has "kawanatanga" translated to "government".

Before the Treaty was read to the gathering at Waitangi on 5 February 1840, Lt. Governor Hobson, British Resident James Busby and Rev. Henry Williams met behind closed doors to check Rev Henry William's translation of the Treaty of Waitangi into the Maori language; Te Tiriti o Waitangi. Both Hobson and Busby agree with the word "sovereignty" being changed to "kawanatanga/government" as they also knew Maori could not and did not have "sovereignty" over New Zealand in 1840.

British Resident James Busby had tried to get the chiefs to claim sovereignty over New Zealand with his Declaration of Independence in 1835, but as he could only entice 52 chiefs out of about 600 to sign the Declaration due to the tension and fighting between the tribes, the Declaration was abandoned without one meeting ever taking place. Rev Henry Williams had used the word "Kingitanga" for "Sovereignty" and "kawanatanga" for "government" when he translated the Declaration of Independence into Maori.

Lord Normanby was correct in his instructions to Hobson, "*So far at least as it is possible to make such acknowledgment in favour of a people composed of numerous, dispersed, and petty tribes, who possess few political relations to each other, and are incompetent to act, or even to deliberate in concert*". This was supported by Chief Justice, Sir James Prendergast in 1877 when he ruled at the trial between Wi Parata v the Bishop of Wellington, stating, "*So far indeed as that instrument (The Treaty of Waitangi) purported to cede sovereignty it must be regarded as a 'simple nullity'. No political body existed capable of making cession of sovereignty*". From these comments, and the fact sovereignty was changed to kawanatanga/government in the Tiriti o Waitangi, there is no way Maori could have or did have sovereignty over New Zealand in 1840.

While Britain tried to *“Fudge Sovereignty to get the Treaty across the line”*, those involved in drafting it did not allow this to happen. They knew, Maori did not have sovereignty over New Zealand in 1840, therefore, Lt Governor Hobson had to ask the 540 chiefs to sign the Treaty as individual chiefs as there was, *“No political body existed capable of making cession of sovereignty”*, which made the Treaty of Waitangi a **‘simple nullity’ as it was not signed between two Sovereign Nations. FACT!**

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