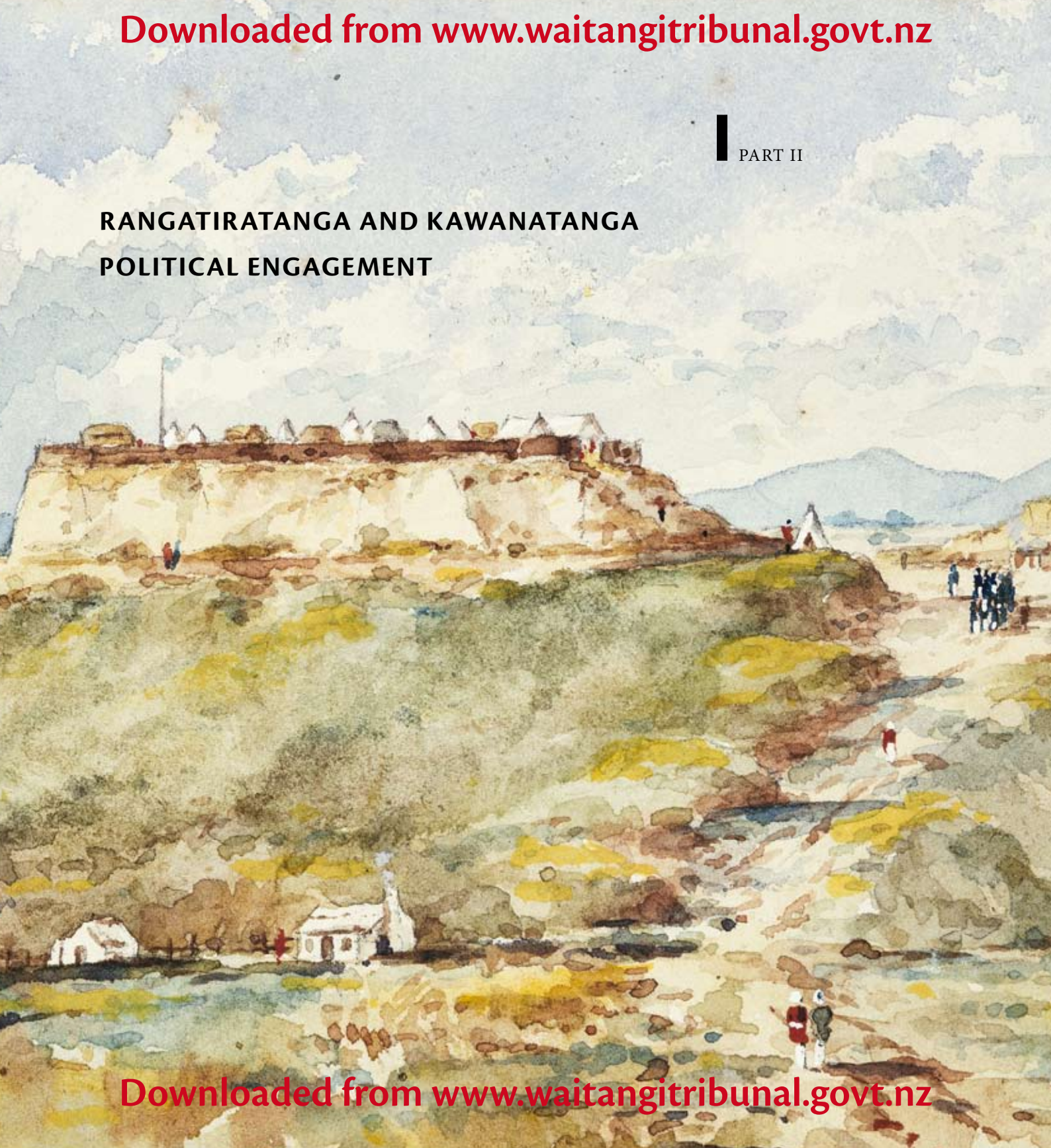


**RANGATIRATANGA AND KAWANATANGA  
POLITICAL ENGAGEMENT**



*Previous page: Maketu redoubt, 1864. Detail of a watercolour by H M L Atcherley, possibly of the 1st Waikato Regiment. The full image is reproduced in black and white on page 249.*

Fundamentally, the claimants argued that the root of all Treaty breaches in their rohe was the Crown's failure to give effect to its guarantee of their autonomy and self-government. The Crown argued that it was neither desirable nor practicable for it to have done so.

The Turanga Tribunal summarised the Maori entitlement to autonomy as follows:

By Maori autonomy, we mean no more than the ability of tribal communities to govern themselves as they had for centuries, to determine their own internal political, economic, and social rights and objectives, and to act collectively in accordance with those determinants.<sup>1</sup>

In chapter 3, we explore the Treaty standards by which we measure the Crown's treatment of the claimants' tino rangatiratanga in our Central North Island inquiry region. We examine the Treaty principles of autonomy, partnership, and reciprocity, and also the question of whether there was an article 3 right of self-government for British subjects in the nineteenth century. The Crown submitted that its Treaty obligations in that respect were governed by the circumstances of the time, and that the Tribunal must not apply present-day standards or expectations of what the Crown could reasonably have done in all the circumstances. We assess this argument and establish standards for measuring the Crown's actions, having regard to historical context and whether 'less penal alternatives' to the Crown's policies were known or practicable.

The claimants see their history as a series of opportunities for the Crown to have given effect to its Treaty guarantee of their autonomy and self-government – opportunities that were either lost or actively rejected. Throughout the nineteenth century and into the twentieth century, they sought to engage with the Crown on a political level, to secure their management of their own lands and affairs, and

to obtain legal powers of self-government. In their view, the Crown denied their repeated requests and demands, acting instead to promote settler interests at their expense. The Crown replied that the degree of 'self-management' promised by the Treaty is a matter of legitimate debate, that its officials genuinely thought assimilation was in the best interests of Maori, and that lost opportunities were either impracticable or too uncertain for the Tribunal to judge them.

In chapters 4 to 7, we explore the detail of the claimants' argument that the Crown missed or actively rejected feasible opportunities to give effect to their Treaty rights of autonomy and self-government. The key question for the Tribunal's consideration is: Did the Crown miss (or actively reject) opportunities and requests to give effect to its Treaty guarantees of Maori autonomy and self-government?

To address that question, we have divided the historical material into four periods (covered in chapters 4 to 7):

- ▶ the era of practical autonomy, 1840–65;
- ▶ the era of civil war and active repression, 1863–70;
- ▶ the era of committee and komiti, 1870–90; and
- ▶ the era of Kotahitanga and the councils, 1890–1920.

The evidence available in our inquiry does not allow us to address issues of political autonomy at a general level after 1920, although it is assessed in later parts of this report in regard to key issues – such as public works takings or management of the environment – where relevant to those issues.

**Note**

1. Waitangi Tribunal, *Turanga Tangata Turanga Whenua: The Report on the Turanganui a Kiwa Claims*, 2 vols (Wellington: Legislation Direct, 2004), vol 1, p 113

