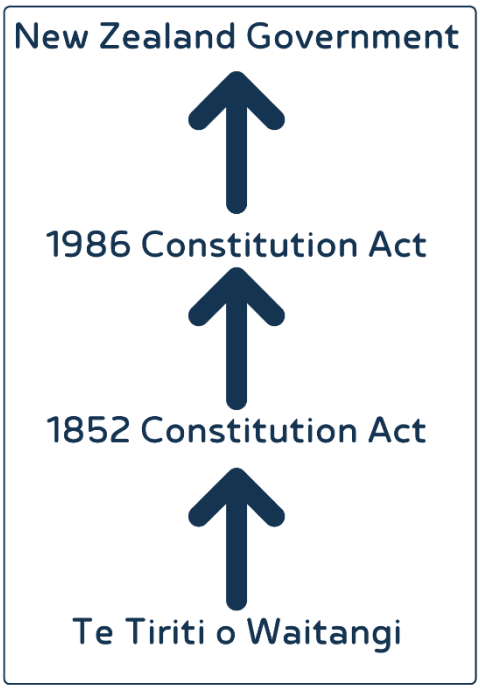
Te Tiriti – the basis for Crown authority

- Te Tiriti o Waitangi provided the basis for the Crown to establish an authority over British subjects in Aotearoa New Zealand in order that they might live here peacefully.
- It created a basis for ongoing cooperation and coexistence between the indigenous peoples and new arrivals.
- The New Zealand government rests its legitimacy on the 1986 Constitution Act, passed by the New Zealand Parliament. Its right to pass that Act rests on the powers granted to it in the New Zealand Constitution Act 1852, passed by the British Parliament. That Parliament's right to make that law rests on the Te Tiriti o Waitangi, which is therefore the guarantee that our government is legitimate, provided that it carries out its treaty obligations (see diagram below). Any other source of authority is based on revolutionary might, not right, and is therefore at risk of equally legitimate counter-revolution (peaceful or otherwise).
- Unlike other similar countries with such treaties (eg Canada, USA) New Zealand has no single unified written constitution and has not consistently built Te Tiriti into our legal system. This, and the process of colonization, led to Te Tiriti being devalued and ignored by the Crown for a century, until 1975. During this period the Crown greatly extended its authority far beyond what Te Tiriti granted.
- Since the first Crown breaches, Māori have constantly called on the Crown to honour its Te Tiriti commitments.
- In terms of Crown recognition, Te Tiriti has been recovering lost ground since the 1970s. The Treaty of Waitangi Act 1975 has been especially influential. More recently, the United Nations Declaration on the Rights of Indigenous Peoples (to which New Zealand became a signatory in 2010) has presented another avenue by which to hold the Crown to account in its relationship with hapū/iwi/Māori.



Government legitimacy rests on Te Tiriti o Waitangi being honoured

- At a human level and in terms of "the honour of the Crown", it is a grave injustice to use a treaty to gain entrance to another country, then to take all the advantages the treaty offers while refusing to honour the responsibilities, and finally to deny it legal status.

Source: Rowan Partnership and Groundwork: Facilitating Change