

ANNEXATION PATHWAYS FOR WHAREKAURI NOVEMBER 1842

PARTIES

Ngāti Mutunga o Wharekauri (NMOW)

- Exercised Rangatiratanga /sovereignty over entirety of Wharekauri by conquest and occupation.
- Proven willingness/ ability to fight for sovereignty and independence
- Clear agenda to engage with wider world through trade
- Widespread conversion to Christianity 1841/42.
- Proven capacity to modify concepts into Ngāti Mutunga framework.
- Hardy and resilient people with 'backs to wall'.
- Customary process of absorption of Moriori well underway but modified by:
 - Non-traditional beliefs/ mores
 - Lesser dependence on 'traditional' use of resources.
 - Numerical superiority of Moriori

The Crown

- Normanby's instructions – achieve annexation by cession where possible (1839).
- Signatory of Treaty of Waitangi (TOW) 1840.
- Claimed to have annexed North Island, South Island & Stewart Island by right of discovery.
- Limited financial and military capacity to impose practical sovereignty or protect Maori rights guaranteed by the TOW.
- Active colonial rivals nearby (Germany & France).
- Under severe political pressure by well-connected *NZ Company*.
- Limited sovereignty established at the Government Capital Auckland) and (reluctantly) at *NZ Company* settlements in Wellington, Wanganui, New Plymouth and Nelson

PROCESS

(1) Incorporate Wharekauri fully into NZ under the Treaty of Waitangi

- TOW Articles and Principles a mandatory framework overlaying Normanby's instructions.

Sign TOW (Cession)

(2) Wharekauri Becomes a Dependency of NZ

- Normanby's Instructions applied – TOW a relevant consideration
- Additional / modified terms agreed – similar process to Cook Islands 1895.

Sign A Treaty (Cession)

(3) No Agreement

- Go to 4, 5, 6.

(4) Try Again Later

- Later cession negotiations are more likely to require agreements that go beyond the Articles and Principles of the TOW.

(5) Undermine Ngāti Mutunga o Wharekauri "Social and political system":

- and thereby destroy its sovereignty. This was the Government policy (see Sewell 1870). I.e. What actually happened

Annexation by stealth

(6) Military Conquest

- Very unconvincing cost/benefit proposition for the Crown.
 - More likely if there was foreign interest in settling/ colonizing Wharekauri but associated risk of war with a foreign power.

OUTCOMES

(1) Cession

- NMOW recognised as exclusive owners of all Wharekauri Lands, Forests and Fisheries from 1842 to present day.
- Exclusive NMOW rangatiranga/ mana whenua recognised:
 - Crown recognises absorption of Moriori.
 - Any rights of Crown pre-emption apply only to NMOW.
- Exclusive Crown Treaty Partnership or relationship under terms mutually agreed by the Parties.
- Crown obliged to give specific attention to the special circumstances of Wharekauri
 - Services as good as the rest of NZ, or;
 - Services as required by agreed terms.

(2) Undermining

- No clear and exclusive relationship with the Crown.
- No clear recognition of NMOW rangatiranga and mana whenua:
 - NMOW receive 50% of Fisheries Assets.
 - Exclusive vesting of land in Moriori
 - Vilification of Ngāti Mutunga o Wharekauri
- 30 Adverse impacts catalogued in Special Factors Papers provided to the Crown

(3) Conquest

- Disaster for NMOW
- Disgrace for Crown
 - American Indian/ Aboriginal parallels.