INDIGENOUS RIGHTS: HAWAI'ANS AND MAORI IN THE INTERNATIONAL POLITICAL CONTEXT.

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ii
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TABLE OF CONTENTS

Introduction ........................................... 5
Chapter One
The Evolution Of Indigenous Rights at the International Level ........................................... 2
Chapter Two
Colonization and its Aftermath for Hawaiians and Maori ........................................... 20
Chapter Three
Hawaiian and Maori Sovereignty Movements:
Similarities and Differences ........................................... 40
Chapter Four
International Organizations of Indigenous Peoples:
Hawaiians and Maori in their International Context ........................................... 73
Conclusion.................................................. 91
Bibliography.................................................. 94
Introduction

The purpose of this thesis is to examine the sovereignty struggles of the indigenous Maori and Hawaiian populations within the international context. In the past three decades increasing attention to and awareness of, the particular needs of indigenous peoples has developed on the international political arena. Consequently not only has there been an increased activity of indigenous advocacy groups, but there has also been the imposition of political pressure on governments to reassess their policies towards indigenous peoples. This thesis examines the particular concerns of indigenous peoples and specifically of the Maori of Aotearoa, and the Hawaiians of Hawai‘i. It is appropriate to study these two peoples together because not only are the linkages between them recalled in mythology but also in contemporary times their similarities in economic, political and social disadvantage mean that they share many concerns and that the identification of one with the other is strong.

Chapter One outlines the evolution in the concept of indigenous rights at the international level and it demonstrates the similarities not only in colonial experiences but in current concerns that link indigenous peoples. Chapter Two places Hawai‘i and Aotearoa in their Pacific context noting that the colonized experience is one
that is shared either openly, through specific constitutional arrangements, or more covertly, through economic pressure, by numerous Pacific Island nations. This chapter also outlines the process of colonization in Hawai‘i and Aotearoa and the loss of Hawaiian and Maori sovereignty, a fact graphically illustrated by the alienation of their land. My argument is that the colonial histories of these two countries continue to shape the lives of these nations, and particularly of the indigenous Maori and Hawaiians.

Chapter Three focuses on the Hawaiian and Maori sovereignty movements, the basis for the sovereignty claims lying with the ambiguity of the Treaty of Waitangi for Maori, and with the illegality of the overthrow of the monarchy in 1893 for Hawaiians. This chapter traces the assertion of sovereignty in Hawai‘i and Aotearoa from the 1970’s but it acknowledges that Maori and Hawaiians have consistently asserted their sovereignty since the imposition of Western rule in the nineteenth century. Consideration is given to the social and economic factors that prompted Hawaiian and Maori political radicalization and to the differences in the sovereignty models proposed by Hawaiian and Maori organizations. Maori organizations state that the provisions of the Treaty of Waitangi recognize Maori sovereignty and that the obligation is therefore with the government to uphold their rights as outlined in the Treaty’s three articles. Hawaiians refer back to the
overthrow of Queen Lili‘uokalani in 1893, and to the United States involvement in that act. The sovereignty claim of both peoples is also shown to be tied to the need for a land base. The desire by Maori and Hawaiians to maintain their distinct and separate cultural identities is also a theme which emerges strongly.

The fourth and final chapter concentrates on international organizations of indigenous peoples and Hawaiian and Maori involvement at this international level. The international organizations arose in response to a demonstrated need by indigenous peoples to be represented at this level and the function and limitations of these organizations is discussed. A description of the Maori and Hawaiian international political participation forms the final part of this thesis. This chapter emphasizes that Hawaiians and Maori have always recognized the importance of international contacts, and it links their participation at this level with their desire for sovereignty. It is appropriate to examine the Hawaiian and Maori sovereignty struggles in their international context at this time, 1990 having marked 150 years since the signing of the Treaty of Waitangi, and 1993 being the centenary of the overthrow of the Hawaiian monarchy as well as the United Nations’ International Year of Indigenous Peoples.
Chapter One

The Evolution Of Indigenous Rights at the International Level

In the past three decades the international recognition of indigenous concerns has developed to the stage where it has become an issue of much debate. In this period also, international organizations of indigenous peoples have emerged to become significant players in the field of international politics. International law, which prior to World War One did little to recognize the rights of minorities has now started to address the concerns of indigenous peoples. This chapter will examine the evolving concept of indigenous rights and it will trace the change in the emphasis of international organizations from a stress on assimilation and integration of indigenous peoples to the current stance which supports their self-determination. Attention will also be given to the definitions of "indigenous" and "self-determination" as well as to the concerns that indigenous peoples have themselves expressed.

International law did not recognize indigenous rights until 1957 when the International Labor Organization (ILO) adopted Convention No.107. Until this time indigenous rights were not recognized as separate issues of international concern (Hannum, 1990: 76). The reasons for this lack of
concern until recent years are numerous. First, the effect of colonialism in the late nineteenth and early twentieth centuries promoted a policy of guardianship rather than rights per se (Hannum, 1990: 75). Added to this, the great diversity in the circumstances of indigenous peoples including the political and legal systems under which they lived, discouraged any attempt to legislate for them as a group (Hannum, 1990: 79). Finally, the policies of many countries were based on the assumption that indigenous populations, cultures and languages would be assimilated into the other segments of the population and into the dominant national culture (Hannum, 1990: 81).

At the end of World War One, the idea of trusteeship or guardianship of indigenous peoples developed, and hence the collective or group rights of these populations were not considered (Lerner: 100). Added to this, the problems and concerns of indigenous peoples were addressed from an humanitarian viewpoint and legislation specifically concerning them did not eventuate. Traditional international law "did not regard aboriginal populations as subjects of international law" (Lerner: 99). The dominant philosophies towards indigenous peoples in this early period were assimilation and integration. These theories were based on the assumption of the superiority of the dominant culture, and their objectives were that minority groups would discard their own culture in favor of the dominant one (Van Dyke and
In the period after World War One, states were also reluctant to have their sovereignty curtailed by international treaties and consequently the provisions on minorities and on religious and racial equality included in President Wilson’s draft of the League of Nations covenant were rejected. President Wilson had included in his draft of January 1919, a supplementary agreement that all new states should "accord to all racial and national minorities within their jurisdiction exactly the same treatment and security, both in law and in fact, that is accorded the racial or national majority of their people" (McKean: 14). Despite the fact that it would apply only to new states yet to be recognized as independent, the agreement was opposed, notably by Britain. The British opposition was spurred on by the Australian and New Zealand Prime Ministers who did not want the League to scrutinize their treatment of the indigenous Aboriginal and Maori populations (McKean: 14). Thereafter, the Commission drawing up the League of Nations covenant avoided questions of race and religion and instead drafted a series of treaties with individual countries requiring guarantees from them as to the protection of minorities before they were permitted to join the League. These treaties were limited in effect however, and they were in fact an attempt to include the humanitarian articles left out of the covenant (McKean: 23). At this stage there were
still no working definitions of racial, linguistic or religious minorities (McKean: 24). The ILO was the first international organization to specifically recognize the rights of indigenous peoples with the adoption of Convention No. 107 in 1957. The convention was a product of its era in that its primary goals were assimilation, integration and non-discrimination, but despite these limitations it was important because it recognized the right of "collective and individual indigenous land ownership, indigenous customary laws and the right for compensation for land taken by the government" (Hannum, 1990: 77). Despite its paternalistic overtones, and its emphasis on the "protection and integration" of indigenous peoples, the Convention provided the first binding standard on indigenous land rights (Barsh: 370). Events that led to the development of an articulated set of rights for indigenous peoples began when the United Nations was established. The formation of the United Nations heralded a new approach to the issue of group rights. The most noticeable change was the new emphasis on individual rights and freedoms. The legislation of this era therefore incorporated the rule that no-one should be discriminated against on the grounds of race, sex, religion, ethnic or national origin or culture (Lerner: 14). Such legislation included the Charter of the United Nations and the Universal Declaration of Human Rights. During the period of the 1950’s and 1960’s therefore, it was assumed that the enforcement of
equality and non-discrimination of individuals would eliminate the need for any particular or special protection for groups (Hannum, 1989: 8).

This attitude was reflected in the Declaration on the Granting of Independence to Colonial Countries and Peoples which was adopted by the United Nations General Assembly in 1960. This document declared that "all peoples have the right to self-determination, by virtue of that right they freely determine their economic, social and cultural development" (Hannum, 1989: 8). Another important development was the United Nations Charter which was the first time that an international instrument had specified that human rights were to be available to all without distinction as to race, sex, language and religion (McKean: 12).

It was not until the 1970's that an international norm regarding indigenous concerns started to emerge and for the first time governments and international agencies began to refer to the particular needs of indigenous peoples. Torres writes that a norm "...includes, and is largely determined by, the enunciation and recognition of a given set of standards by authorized international bodies and agencies such as the United Nations" (Torres: 147).

Until the 1970's, both domestic and international laws treated indigenous peoples as any other minority group. Prior to this time also, the indigenous policies of states
did not have to conform to any international norm, but rather were determined by their domestic needs and ideological trend. Indigenous peoples were also neglected by international bodies who regarded the concerns of indigenous peoples as being adequately met by existing human rights legislation (Torres: 147).

The ILO Convention No.107 defined indigenous populations as those who claimed "descent from the populations which inhabited the country, or a geographic region to which the country belongs, at the time of conquest or colonization" (Barsh: 370). Since this time however, the definition of indigenous has been debated further. In 1983, a draft definition based on the report written by Jose Martinez Cobo was submitted to the secretariat. The draft provided the following definition:

Indigenous communities, peoples and nations are those which, having a historical continuity with pre-invasion and pre-colonial societies that developed on their territories, consider themselves distinct from other sectors of the societies now prevailing in those territories, or parts of them. They form at present non-dominant sectors of society and are determined to preserve, develop and transmit to future generations their ancestral territories and their ethnic identity, as the basis of their continued existence as peoples, in accordance with their own cultural patterns, social institutions and legal systems (Hannum, 1989: 15).

Further, on an individual basis, an indigenous person is one who belongs to these indigenous populations through self-identification as indigenous and is recognized and accepted by these populations as one of its members (Hannum,
This definition emphasized historical continuity with pre-colonial societies evidenced through culture, language, ancestry and occupation of land as well as self-identification as indigenous and acceptance by the group as such. It also succeeds in distinguishing indigenous groups from other ethnic and religious minorities. A point of interest is that there has been some debate as to the difference in the definitions of "indigenous peoples" and "minorities". This issue of definition is important because policy options for indigenous peoples are predicated on their difference from the rest of the population (Van Dyke and DiAmore-Siah: 14). In the debate over Martinez Cobo's definition of indigenous, some countries such as Bangladesh, China, India and the (former) USSR resisted the definition. Bangladesh in particular asserted that "indigenous" should refer only to those countries where racially distinct people coming from overseas had established colonies and subjugated the indigenous populations (Barsh: 375).

The difficulty in defining "indigenous" is largely attributable to the widely varying traditions, lifestyles and political structures of such groups. For example, the Chamorros first encountered the Spanish on Guam in 1521, whereas some Highlanders in Papua New Guinea did not have contact with other peoples until the 1950's. Van Dyke and DiAmore-Siah note that certain elements seem to be acceptable to most people when defining indigenous. First,
pre-existence, meaning descent from populations in the area prior to the arrival of another population. Second, non-dominance, meaning that another culture dominates. Third, cultural difference, meaning that their culture is inherently different from the dominant culture. Fourth, self-identification meaning that the people identify themselves and the group as indigenous (Van Dyke and DiAmore-Siah: 4). Added to the debate on the definition of indigenous was the general rejection among indigenous groups about the need for a definition. Some indigenous groups stated that it is their right to determine who is indigenous and who is not (Lerner: 100). In the end the Working Group decided against adopting a formal definition (Hannum, 1990: 91).

A very significant event regarding the development of indigenous rights at the international level was the appointment in 1971 of Jose Martinez Cobo by the Sub-Commission to study discrimination against indigenous populations. Martinez Cobo’s report concluded that the existing human rights standards were inadequate with regards to indigenous populations. He concluded that such standards had not been fully applied to indigenous peoples and even further, that indigenous peoples had specific rights that needed to be promoted (Van Dyke and DiAmore-Siah: 25). Martinez Cobo also stated that "self-determination, in its many forms, must be recognized as a basic precondition for
the enjoyment by indigenous peoples of their fundamental rights and the determination of their own future" (Van Dyke and DiAmore-Siah: 25).

Raidza Torres attributes the emergence of an "indigenous norm" in international politics to the activities of indigenous advocacy groups and also to a more comprehensive media coverage of international human rights and indigenous problems (Torres: 151). Torres noted that prior to 1972, advocacy groups concerned with indigenous rights were often ad hoc in nature, and lacked the political influence, the resources and the media attention to make them effective advocates. In the 1970’s, media coverage expanded because of the use of communications satellites, the establishment of overseas news bureaus and greater interaction among journalists all of which had the effect of an improvement in the media’s ability to cover a wide range of issues including human rights and the concerns of indigenous peoples (Torres: 151). This increased media attention had the effect of placing political pressure on states to reassess their policies towards indigenous peoples. With the increased attention given to indigenous grievances - states, advocacy groups and international and domestic agencies recognized that "many of the alleged indigenous concerns ... arose from the aboriginal groups' shared history of colonial subordination, and that consequently human rights provisions would have to be
redefined to include special protections for indigenous populations" (Torres: 153).

Other developments in the field of indigenous rights occurred at international conferences. An example of these was the 1977 meeting in Geneva of the International Non-Governmental Organizations which published a final report that emphasized the right of indigenous peoples to have control over their own affairs. In 1978 the World Conference to Combat Racism and Racial Discrimination was held in Geneva. This meeting recognized the special relationship of indigenous people to their land and its natural resources. A third conference held in Geneva, in 1981, was the International Non-Governmental Organizations Conference on Indigenous People and the Land. This conference called for the establishment of a United Nations Working Group on Indigenous Peoples (Barsh: 371).

The Working Group met for the first time in August 1982, its mandate being first to review developments regarding the promotion and protection of the human rights and fundamental freedoms of indigenous populations and to analyze these, and second to study the evolution of standards towards indigenous peoples, taking into account the similarities and the differences in the situations and aspirations of indigenous populations throughout the world (Barsh: 372). The Working Group has been significant because it has encouraged the participation of indigenous
peoples in the process of policy making by allowing indigenous peoples to participate in its meetings regardless of their formal status. Usually the only organizations that are allowed to participate in the meetings of the Economic and Social Council and its subsidiary bodies are those with consultative status (Barsh: 383).

The changing international opinion towards indigenous rights was demonstrated by the adoption of Convention No. 169, also called the Indigenous and Tribal Peoples Convention, by the ILO in June 1989. This new convention reflected the evolution in international law regarding indigenous peoples which had occurred since the ratification of Convention No. 107 in 1957. Convention 169 recognized the aspirations of indigenous peoples "to exercise control over their own institutions, ways of life and economic development and to maintain and develop their identities, languages and religions within the framework of the states in which they live" (28 ILM, 1989: 1384). This Convention represented a significant revision because it eliminated the word "integration" in the preamble as well as in the text, and it included a statement that the assimilationist orientation of earlier standards must be removed. The Convention consists of forty-four articles which outline policies towards land, conditions of employment, social security and health, education, and handicrafts and rural industries. The Convention placed the responsibility for
action with the governments and several articles articulated this, for example: Article Two, "Governments shall have the responsibility for developing, with the participation of the peoples concerned, co-ordinated and systematic action to protect the rights of these peoples and to guarantee respect for their integrity", and Article 4, "Special measures shall be adopted as appropriate for safeguarding the persons, institutions, property, labor, cultures and environment of the peoples concerned" (28 ILM, 1989: 1385). Convention 169 challenges governments to ensure that indigenous peoples participate in, and are adequately represented by, the political system. It also includes the expectation that governments will consult with indigenous peoples concerning the implementation of programs for national development which may affect them directly (28 ILM: 1386). This is particularly relevant to the situations of mining for minerals or sub-surface resources. Two other articles which seemed particularly relevant to Maori and Hawaiians were Articles 14 and 27 which state that adequate legal procedures must be taken to resolve land claims and to preserve and to promote the languages of the indigenous peoples. The Convention is a strong document and a vast improvement on the earlier and clearly inadequate Convention 107.

Overall then, the development on the international
arena regarding indigenous rights revolves around the newfound awareness of the international community that the paternalistic guardianship role of the state was inappropriate and that instead a system based on the "harmonization of the rights of the state, the individual, and the group" was something to strive for (Lerner: 16).

In general, indigenous peoples face a common set of problems as a result of their relationships with a colonizing power. Colonizers, such as the Americans in Hawai‘i or the British in Aotearoa/New Zealand took land and resources from the indigenous peoples and when they had established their political power they proceeded to impose their way of life on what they regarded as the "primitive" native peoples (Torres: 129). Torres writes that the colonial situation has left indigenous populations with four basic needs. First is the need for cultural protections. Because indigenous people lack the voting power or influence to compel the state to pass laws protecting their culture, some initiative is needed from the state to ensure that the religious freedom and economic activities of indigenous peoples are protected. Second, is the recognition of land claims. In many cases indigenous peoples have been removed from their ancestral lands which are not only an economic resource, but also a cultural and religious base for them. Third, is the need to ensure equal access by indigenous peoples to economic and social rights. This is in
recognition of the fact that indigenous peoples are very often discriminated against. The fourth need is greater political autonomy for indigenous peoples. This could include autonomy in a few matters or full political autonomy (Torres: 134).

Indigenous peoples in many countries need urgent action in the areas of health, housing, education, language, employment, land and political rights. These needs are certainly strong in Aotearoa and in Hawai‘i.

The preceding discussion leads to the question of what rights indigenous peoples themselves have demanded. The Hawaiian and Maori sovereignty movements are just two examples that illustrate the fact that many groups of indigenous peoples have rejected the assimilationalist thrust of government policies, and that rather than working more closely with the state they are demanding greater autonomy (Hannum, 1989: 3). Perhaps the concerns most frequently expressed by indigenous groups are their ability to practice their religious beliefs, to preserve their subsistence economic activities and to control their children’s education (Torres: 129).

Other controversial claims that have been made by indigenous peoples include the right to self-determination, the right to restitution of land, the right to permanent control and enjoyment of historical territories and the exclusion of jurisdiction asserted by states over indigenous
nations or peoples except in accordance with their freely expressed wishes (Lerner: 104). Indigenous rights spokespeople have stated that the existing principles in human rights law are inadequate to deal with their aspirations, particularly with regard to land rights and natural resources (Lerner: 104). In addition, indigenous peoples insist that a distinction must be made between their own status and that of minority groups.

Self-determination is another issue attached to the larger issue of indigenous rights. Jose Martinez Cobo’s report, published in 1983, stated that "self-determination in its many forms must be recognized as the basic precondition for the enjoyment by indigenous peoples of their fundamental rights and freedoms and the determination of their own future" (Barsh: 371). Earlier, in 1960, the United Nations General Assembly adopted the Declaration on the Granting of Independence to Colonial Countries and Peoples which declared that "all peoples have the right to self-determination; by virtue of that right they freely determine their political status and freely pursue their economic, social and cultural developments" (Hannum, 1989: 8). In practice however, the emphasis has consistently been on national unity and territorial integrity and as Hannum notes, "with the exception of Bangladesh, no secessionist claim has been accepted by the international community since 1945" (Hannum, 1989: 9). Hannum also wrote that:
while appeals to the right to self-determination are widely heard wherever a minority seeks greater political power, the evidence of the United Nations and state practice since 1960 is that the international community has recognized only a very restricted right, that is, the right to freedom from a former colonial power (Hannum, 1989: 9).

This observation is now a little dated in view of the recent breakup of the Soviet Union, but the sentiment regarding the reluctance of the international community to support secessionist movements is still valid.

Indigenous peoples consider self-determination essential to be able to control their destiny. One of the ways in which indigenous peoples argue for self-determination is that they be recognized as "peoples" with all the connotations that this has internationally as a result of the specification of this right in the United Nations Charter. It is important to note, however, that the diversity in the political and economic situations of indigenous peoples means that although some groups aspire to complete independence, others are claiming autonomy over specific areas of land or natural resources (Hannum, 1990: 95).

State ambivalence to the rights of indigenous peoples is well established. The reasons for this uncertainty are numerous. First, the individualistic orientation of "Western" countries such as Australia, New Zealand, Canada and the United States has tended to emphasize assimilation, or to use an American term, "melting pot" theory rather than
an approach that considers the rights and situations of minority groups. Added to this, the claims of indigenous peoples are often regarded as disruptive by governments, many of which have accepted the boundaries established by former colonizing powers despite the fact that such boundaries may not reflect ethnic, religious or linguistic realities. The reaction of states to indigenous languages and indigenous controlled education has sometimes led to blatant acts of cultural imposition such as intimidation to abandon certain ceremonies or rites. Another very common feature of the domestic internal arrangements is that the central government retains ultimate authority over indigenous peoples and again this situation is found in New Zealand and in Hawai‘i (Hannum, 1990: 81). A fundamental fear of all countries is that the recognition of indigenous rights will undermine "national unity" and that it will adversely affect their national development. Taken to the extreme, central governments have responded to this threat to national unity by persecuting the supposed usurpers of their power. A far less extreme but at the same time pervasive problem for indigenous peoples, is that many states claim ownership of sub-soil resources even if indigenous ownership of the land itself is recognized (Hannum, 1990: 93).

The fact that an international "indigenous norm" has emerged does have some widespread effects on the way that
states react to their internal situations. In the present era when interdependence and mass communications is an established fact of life, the acts of one country towards its own people are public knowledge and consequently a state’s violation of a norm may prompt other nations to alter their diplomatic and economic interactions with the (offending) state accordingly. International politics remains cumbersome however and resistant to many of the major changes that indigenous peoples are demanding.

Indigenous rights as debated in the future are likely to focus on issues such as the rights of indigenous peoples to their land and the extent of self-determination that indigenous peoples will exercise. Other matters that many countries are debating are ways to ensure that indigenous peoples may participate effectively in the political system, as well as the ways that they may preserve their language and culture. Questions here may arise about access to television, radio, and print as well as the administration by indigenous peoples of their own schools (Hannum, 1989: 21).

The struggles of Hawaiians and Maori for sovereignty and self-determination must therefore be seen within the context of international politics. Governments across the globe are now more aware of the specific concerns and demands of indigenous peoples, but they are also very quick to defend their "national unity and territorial integrity."
The United States and New Zealand governments are no exception to this rule.
Chapter Two

Colonization and its Aftermath for Hawaiians and Maori

This chapter will briefly outline the process of decolonization in the Pacific with reference to the particular economic, social and political issues faced by Pacific Island nations today. It will then outline the colonization of Hawai’i and Aotearoa by Europeans concentrating on the social and economic changes that resulted for Hawaiians and Maori. I will specifically look at the legislation that facilitated the loss of land by Hawaiians and Maori and by extension of their sovereignty, and I will draw comparisons between the colonial experiences of Hawaiians and Maori. Finally, I will examine the colonial legacy that is evident today in the social, economic and political inequalities between the indigenous Hawaiian and Maori and the immigrant populations.

Decolonization in the Pacific differed in character from other parts of the world such as Africa, Asia and the Caribbean. Changes came gradually to the Pacific and to the present time the process of decolonization remains incomplete. Pacific Island nations that are still colonized include New Caledonia, French Polynesia, Belau, and American Samoa. I will argue that Hawai’i and Aotearoa/New Zealand belong with this group. Stewart Firth argues that the extent of independence enjoyed by Pacific Island nations is largely
dependent upon their strategic value to external states (Firth: 75). A case in point is the "decolonization" of the United States Trust Territory in a way best suited to the strategic interests of the United States. The Trust Territory has for many years been essential for the American "war machine". The territory has been used as a site for exploding nuclear bombs, for testing missiles and for training Chinese anti-Communist forces. Firth writes that:

For reasons of strategy the United States government never seriously offered Micronesians the option of sovereign independence followed by post independence aid. The realistic alternative for the Micronesians was to bargain for what they could get by selling the only things they had to sell - their strategic and military value to the United States and, in the process, their sovereignty (Firth: 85).

Similarly, French interests in the Pacific are also primarily strategic, and they regard their Pacific territories as sites for maintaining and updating their nuclear capabilities and as a base for a French presence in the Pacific. The sea bed minerals in the exclusive economic zones surrounding French Pacific territories as well as other mineral resources such as nickel in New Caledonia, add to the French determination to hold on to these territories (Firth: 86).

French and American Pacific Island territories provide the most obvious examples of colonial relationships in the Pacific, but they are not unique. Decolonization is also
incomplete because several Pacific Island Nations have accepted constitutional relationships that curtail their sovereign independence. The Cook Islands and Niue are self-governing in free association with New Zealand, which means that they receive New Zealand citizenship and financial aid but have limited power over their foreign affairs or defence. Tokelau also remains a dependent territory. Added to these are the island groups mentioned earlier: American Samoa is an unincorporated Territory, the Northern Mariana Islands is a Commonwealth and Guam is a Territory.

Economic problems facing Pacific Island nations are aggravated by their small size, limited resources, small internal markets and high transportation costs. Pacific Island nations also face acute land shortages and growing populations, transportation and communications difficulties and trade imbalances which mean that imports may exceed exports several times over. Most of the island nations, with the exceptions of New Caledonia, Papua New Guinea, Nauru, the Solomon Islands and Fiji lack significant land based minerals as well as the technology to develop the resources in their exclusive maritime economic zones. Island nations are also susceptible to climatic conditions such as cyclones. Social problems in the Pacific include increased mobility and the lessening of social and cultural controls as well as urban crime, a rise in unemployment and alcohol and drug abuse. Added to this are a wide range of social and
health problems such as youth suicide, poor nutrition and
domestic violence (Morrison: 61).

There are ten fully independent Pacific Island
nations: Western Samoa (1962), Nauru (1968), Fiji (1970),
Papua New Guinea (1975), The Solomon Islands (1978), Tuvalu
(1978), Kiribati (1979), Vanuatu (1980), the Kingdom of
Tonga, the Federated States of Micronesia and the Republic
of the Marshall Islands. Notwithstanding their formal
status, however, the formidable economic and social
conditions which face Pacific Island nations have led to
their continued dependence on metropolitan powers for
financial aid as well as other social services. It is
important to note that aid dependence does not always
correlate to constitutional status and that for example the
governments of Tonga, the Solomon Islands, Vanuatu and
Tuvalu which are independent, receive proportionately more
aid than the Cook Islands which is self-governing
(MacDonald, 1986: 119). Aid does not come without
conditions and Barrie McDonald emphasizes this point when he
writes that "underlying the aid process is the assumption
that its purpose is, in time, to make recipients more like
donors, and the further assumption, seldom stated, that they
will come to share the same broad political and economic
philosophy" (MacDonald, 1986: 119). The fear of losing aid
has prompted some nations to support constitutions that
continue to tie them to a large metropolitan power and even
those nations that are independent have their policies influenced because of their anxiety to secure aid. Dependency and colonization are therefore still widespread in the Pacific. Pacific peoples in general are still manipulated by the larger metropolitan powers because of their economic dependency. It is within this wider context that I now wish to discuss the situation of Hawaiians and Maori.

Before the arrival of foreigners (haole), Hawai‘i had both a complex culture and a stable land tenure system. The hierarchical structure of society paralleled the land division pattern, but despite this definite hierarchy it was not a feudal system. There was no concept of private ownership of land or profit, and the chiefs were not despotic rulers:

Within the Hawaiian Hierarchical structure, the high chief had ultimate power, but it was not without limits ... From a religious viewpoint, the mo‘i was a person of divine power, yet his authority was not a personal authority. It was, instead, a power channelled through him by the gods. In relation to land and natural resources, he was analogous to a trustee. He administered the land and other resources on behalf of the gods (MacKenzie, 1991: 3).

The arrival of the haole in Hawai‘i led to an enormous upheaval in the Hawaiian social structure as well as to the eventual alienation of virtually all Hawaiian land. I will concentrate on the loss of land both because it is a good parallel for Aotearoa and also because land loss is tied to everything else, including depopulation and disease as well
as the loss of political and economic control. Early haole interests in Hawai’i were focussed on the fur trade, sandalwood trade and the whaling industry. When these trades started to diminish, Westerners started to look for new ways to make money and plantation agriculture became the focus of haole entrepreneurial activity. With this in mind they began to increase pressure on successive Hawaiian rulers to change the traditional land tenure system. By 1840, foreigners had already obtained a tenacious grip on Hawaiian land and this hold increased especially following the mahele.

The mahele, or land division, of 1848 was the result of this haole pressure for land as well as the concern of Kamehameha the Third regarding the number of Native Hawaiians who had left the land for the towns and who subsequently had become destitute. Kamehameha wanted to encourage many of these Hawaiians to return to the land (Dudley and Agard: 8). The land was divided into three parts. One third for the King, one third for the chiefs and one third for the commoners, or in the new capitalist terminology, the government, the landlord and the tenants. The eventual settlement was about one and a half million acres for the chiefs, one million acres for the King—called Crown lands, and another one and a half million acres set aside as government lands. The maka’ainana, who according to the original plan should have received one
third of the land, received very little. Reasons for this are tied to the restrictions placed on their ability to claim *kuleana*, meaning the land surrounding their homes. First, tenant farmers (*maka’ainana*) could claim only the land that they had *cultivated* and a houselot of not more than one quarter of an acre. Second, the tenants were expected to pay for the survey of the land and to provide two witnesses to testify to their right to that land (MacKenzie, 1991: 8). Ultimately, the *maka’ainana* received only 28,600 acres which made up less than 1% of the total land area (MacKenzie, 1991: 8). Various reasons explain the inability of the *maka’ainana* to secure more land. Lack of knowledge of the law was a contributing factor as was the requirement that they could claim only land that they had *personally* cultivated. This was a deterrent because Hawaiians cultivated *ahupua’a* in common. Another significant barrier was the requirement that Hawaiians pay for the survey, as was the short time period — 1850-54 — in which *kuleana* claims were allowed (MacKenzie, 1991: 8). Also, in 1850 just before *kuleana* lands were opened up for *maka’ainana* to claim, the legislature confirmed the decision of a *haole* dominated Privy Council to permit any resident of Hawai’i, even foreigners, the right to buy and sell land (Agard and Dudley: 13).

Legislation was the lever which prised Hawaiians off the land and it continued to work for the *haole* and to the
detriment of the Native Hawaiian, in the years that followed the mahele. After the land division, large scale plantation agriculture, notably sugar, became established in Hawai‘i and the movement of land from Hawaiian to haole continued. By 1890 the vast majority of land in Hawai‘i was controlled by a small number of Westerners. By this time also, the census gave evidence of the dramatic drop in the Hawaiian population by two thirds since Western contact (MacKenzie, 1991: 10). In 1887 David Kalakaua, who had been elected to the throne in 1874, was coerced into signing a new constitution that stripped him of his executive powers. This "Bayonet Constitution" allowed American and European males to vote regardless of their citizenship, and it instituted property qualifications that were sufficiently high to exclude many Native Hawaiians (MacKenzie, 1991: 11). The struggles over the constitution continued when Lili‘uokalani succeeded the throne in 1892. She was determined to limit the power of Westerners and she planned to declare a new constitution limiting the vote to Hawaiian born or naturalized citizens, and to reinstate some of the executive powers of the monarchy. Lili‘uokalani’s uncompromising stance as well as the adverse effects that a tariff imposed on Hawaiian sugar imports to the United States had on the local sugar industry, prompted some haole to plot to overthrow the monarchy. The subsequent overthrow and United States involvement in the events are much debated aspects of
Hawaiian history, but for the purposes of this chapter it is important to note that the desire for land by haole was relentless, that it was facilitated by legislation and that the haole procurement of land created a class of economically, politically and socially marginalized Hawaiians. In the aftermath of the overthrow, the newly formed republic claimed title to government lands and at the same time it expropriated Crown lands (MacKenzie, 1991: 13). On August 12, 1898, when Hawai‘i was formally annexed the United States received absolute title of Hawai‘i’s public lands which included both the government and Crown lands under the monarchy (MacKenzie, 1991: 15). The Organic Act of 1900 which established Hawai‘i’s territorial government confirmed this cession of public lands although the act did recognize that public lands were entrusted to benefit Native Hawaiians (MacKenzie, 1991: 16). Large tracts of public lands have subsequently been set aside for military use.

The Hawaiian Homes Commission Act 1921 designated 188,000 acres of public lands to be set aside for leasing out to Native Hawaiians. The land made available was, however, generally arid and unproductive and the blood quantum requirement of 50% reduced the number of claimants significantly. Suffice to say that the colonial history of Hawai‘i, as described, is one of legislative alienation of Hawaiian land.
Maori, like Hawaiians were on the receiving end of legislation that facilitated their loss of land. In this and in many other ways, the colonial histories of Hawai‘i and Aotearoa are similar, as are the contemporary social and economic problems faced by Maori and Hawaiians.

Before Europeans (pakeha) arrived in Aotearoa, Maori society was also complex and hierarchical and it had the same level of organization regarding the division of land and its use as in Hawai‘i. Maori society was and is tribal and each tribe occupied a specific territory. The iwi or tribe was further divided into hapu (sub-tribes) which acted as the major viable units. Again, I will concentrate on the loss of land by Maori for comparative purposes but also because land is so intimately tied to the issue of sovereignty.

Initial pakeha interest in Aotearoa was based around the trade in flax and timber as well as sealing and whaling. Missionaries arrived in the early years of the nineteenth century and prior to the 1820’s it seems that there was a general Maori acceptance of this small number of pakeha, due to the perceived benefits for them such as access to trade, technology and arms (Kelsey, 1984: 22). By the mid 1820’s, the numbers of pakeha immigrants had increased dramatically and economic and social relations between the two peoples were beginning to be strained. Pakeha pressure on Maori for land and the conflicting concepts of land ownership led to a
situation in which violence was escalating. It was in this context that the British reluctantly decided to act. In 1831, James Busby was appointed British Resident to New Zealand. The British initiative was also prompted by the formation of the New Zealand Company, the brainchild of Edward Gibbon Wakefield. He saw in New Zealand a chance to recreate the perfect ordered class society. The means by which he proposed to do so was through the controlled sale and distribution of land. The proceeds from the sale of land would both support the local government and fund future migration, and a strict property franchise would regulate access to power (Kelsey, 1984: 23). During the 1830’s, the New Zealand Company twice sought a royal charter from the British government to develop the colony on this private enterprise basis, and having been refused twice they left in 1839 for New Zealand on their own private expedition (Kelsey, 1984: 23). Faced with this pressure, the Colonial Office finally issued official instructions for annexation of Aotearoa in 1839. The pressure for land has therefore governed Maori-Pakeha relations from the outset, and as in Hawai‘i, the Maori were stripped of land by the systematic process of legislation.

The much debated, criticized and praised Treaty of Waitangi is as important in Aotearoa today as it was at the time of signing in 1840. The Treaty was an agreement signed between the British Crown and Maori chiefs of the North. The
Treaty is problematic for several reasons. First, rather than a single document there were numerous versions of the Treaty, one in Maori, and at least five different versions in English, none of which was an accurate translation of the Maori (Kelsey, 1984: 27). Second, the translation of the English draft into Maori by the Anglican missionary Henry Williams used a number of words that were either inappropriate or inadequate and consequently did not convey the meaning of the English text. This fact means that the Maori and pakeha signatories had differing interpretations as to what they were ceding and what they were maintaining. Therefore some people assert that, "there is no ground for it to be interpreted as a cession of sovereignty to the British on the part of the Maori" (Kelsey, 1984: 27). The Treaty will be discussed again in Chapter Three but it is important to note that the second article had a pre-emptive clause. The British intended that the right of pre-emption afforded to them in this second article would give the Crown sole right to purchase any land the Maori wished to sell. The Maori instead seemed to have understood this pre-emptive right to mean that the Crown would have merely the first right of refusal, after which the land could be offered to others (Kelsey, 1984: 29). The issue of land is at the heart of the Treaty, because the control of land equates to sovereignty. In Else Locke’s words, "the simple fact was that a colony, to be successful, had to gain access to
land — and the *iwi Maori*, to maintain their identity, their mana, their *tikanga* (customs), had to hold on to the land" (Locke: 12). In the 1840’s and 1850’s, the reality of the British system of "justice" which had been introduced to Aotearoa on the signing of the Treaty of Waitangi was revealed to the Maori. British justice in other words served British interests. This legal imperialism and the dispossession that it created were justifiable to *pakeha* settlers because it was *legal*, Jane Kelsey writes:

although there was a determined campaign to strip Maori people of their land and their sovereignty, the *pakeha* did by and large proceed in accordance with the rule of the law. It is true that they made the law themselves, administered them and altered them to suit their interests. It is also true that they took little time to explain them to Maori people before they were imposed on them, and seemed unconcerned that such blatant promotion of *pakeha* interests would prompt Maori contempt for the law. But in doing so, the *pakeha* believed they had a perfect right — they had complied with the procedural requirements of the legal system (Kelsey, 1984: 31).

In the 1850’s, the steady inflow of *pakeha* alarmed Maori who saw that they were soon to be outnumbered. At this time also, the alarming drop in the Maori population was becoming obvious. Sorrenson provided the following Maori population estimates:
1768 ~240 000
1849 ~100 000
1857 ~ 60 000 (Sorrenson: 183).

Tensions caused by pakeha pressure for land and Maori resistance to its alienation eventually spilled over into war in the 1860’s and 1870’s. Localized wars occurred in Taranaki, Waikato, the Bay Of Plenty, South Taranaki-Wanganui, the East Coast and the Urewera (Locke: 13). At stake was not only the land but also mana, sovereignty and whose law would prevail (Pearson: 208).

In the aftermath of the wars, the so called "rebel" Maori had much of their land confiscated. Added to this the legislative machine kicked into action and the loss of land by Maori through legal channels was accelerated. In 1862, The Native Lands Act abolished the Crown’s right of pre-emption, and a Land Court was set up with the purpose of individualizing Maori land ownership to facilitate its sale (Kelsey: 33). The Suppression of Rebellion Act 1863, deemed fighting to retain land to be rebellion against the Crown and the penalties included confiscation of land and death. Immunity was granted to any pakeha who committed a criminal act in the suppression of Maori rebellion (Kelsey, 1984: 33). The Native Land Act 1865, gave the Native Land Court the authority to determine title to land. If a Maori owner did not claim the land in court, title would automatically
go to the pakeha claimant. Maori owners who did take part incurred debts both during the hearing and also because of the surveying. Land titles were put under the names of ten individual owners - a further step towards the alienation of Maori land (Kelsey, 1984: 33). The Maori Prisoners Trials Acts 1879, were a series of acts directed at the resistance to the land confiscations in Taranaki. Habeus Corpus was suspended and the trials of the hundreds of men arrested for preventing the survey of their land was continually postponed, allowing imprisonment without trial (Kelsey, 1984: 34). The Public Works Act 1928, gave the government the authority to take land for purposes such as subdivision, forestry, airports, recreation and roading. Compensation for land taken would be assessed by the Crown (Kelsey, 1984: 35). By 1939, Maori held only 4 000 000 acres of land out of a total of 66 000 000 acres. Of this remaining Maori land, 777 000 acres were not suitable for farm development and another 750 000 acres were leased to Europeans (Sorrenson: 27). Therefore, like Hawai‘i, the colonial history of Aotearoa has seen the establishment of a Western form of government and law which then proceeded to work for the interests of the settlers and to that end, to remove land systematically from Maori control.

The comparisons to be drawn between the colonial histories of Hawai‘i and Aotearoa are immediately apparent. In both countries, the increasing numbers of Western
settlers led to an increased demand for land and subsequently to the imposition of legislation suited to their interests, such as the statutory disruption of communal title. The statistics bear out this fact, for example in 1928 only four million acres out of sixty-six million acres of land remained in Maori hands (Kelsey, 1984: 35). The 1890 census in Hawai‘i demonstrated the Western monopoly over land: "... of a total population near 90 000, fewer than 5000 actually owned land. Hawaiians, if they had any lands, owned small acreages" (MacKenzie, 1991: 10). Maori and Hawaiian exclusion from political participation was also ensured through legislative means. The New Zealand Constitution Act 1852, gave male property owners the right to vote in the newly constituted Parliament. Communally owned land however, did not qualify as property and Maori men were therefore denied the right to vote (Kelsey, 1984: 33). Similarly, in the "Bayonet Constitution" of 1887, property qualifications for voting for the House of Nobles and House of Representatives which made up the legislative council were so high that many Native Hawaiians were disenfranchised (MacKenzie, 1991: 11). These restrictions also added to the dominance of a small group of entrepreneurs over the economy, finance, land and commerce in both Hawai‘i and New Zealand. In New Zealand, the powerful were the pastoralists while in Hawai‘i they were the plantation owners. Another parallel is the role that
economic forces played in the annexations of Hawai‘i and Aotearoa. In Hawai‘i, the tariff placed on sugar imports into the United States in 1891 had disastrous effects on the local sugar industry and to a large degree motivated the plan by haole businessmen to overthrow the monarchy. To the plantation owners the solution to their problem was for Hawai‘i to become part of the United States. In New Zealand, the pressure exerted by the New Zealand Company forced the British Colonial Office to act, because the company was determined to colonize Aotearoa with or without British approval (Kelsey, 1984: 23). A significant date for both countries was 1840. The Treaty of Waitangi was signed in this year signalling a redistribution of power. Similarly in 1840, Kamehameha the Third enacted a constitution that established a governmental structure for the Kingdom of Hawai‘i. This constitution, like the Treaty was an attempt to reconcile the interests of the indigenous peoples and the Europeans. Importantly, this constitution also specified that the land belonged to the chiefs and the people with the King as trustee overall (MacKenzie, 1991: 5). The Maori perception of the Treaty was that their tino rangatiratanga or sovereignty had been upheld.

The legacy of colonization has stayed with Hawaiians and Maori, meaning that the disadvantages accrued to them through land loss, political and economic marginalization continue to affect them. Among the various peoples of
Hawai‘i, Native Hawaiians have the shortest life expectancy, the highest school dropout rate and the highest number of people in jail (Dudley and Agard: 77). Added to this, young Hawaiian men aged 18-34 years are more likely to commit suicide than any other group (Davis: 142). Hawaiians are still losing their land to American corporations in adverse possession cases and they also face the pressure of being outnumbered by many other ethnic groups. Tourism and its associated "development" are rampant and in contemporary times the Japanese yen as well as the American dollar is controlling the economy. In New Zealand, a similar situation has occurred, and Maori also are disproportionately represented in crime statistics, lower income brackets and higher unemployment rates. Peter Davis wrote that the health status of populations are important social indicators and that they provide crucial insights into the conditions of life experienced by different social groups (Davis: 147).

Maori women have among the highest rates of heart disease and lung cancer in the world and Maori in general smoke and drink more than Europeans and Pacific Islanders (Davis: 147). A study by Pool and Pole 1987, noted that:

In the early 1980’s Maori males could expect to live to age 64, while Maori females were likely to live 4 years longer to age 68. By comparison non-Maori males still live 7 years longer than Maori males and non-Maori females live 8.5 years longer than Maori females. Thus, although there has been a convergence in levels of life expectancy between the Maori and non-Maori populations within the last 3 decades, the present gap in life expectancy for these two populations is still considerable (Pool and Pole: 18).
The loss of land by Maori has continued in recent years. The Maori Affairs Act 1953, provided that Maori land deemed uneconomic could be compulsorily purchased at state valuation, and The Maori Affairs Amendment Act 1967, forced Maori to individualize title to land or suffer confiscation. (Kelsey, 1984: 36). These inequalities between pakeha and Maori have been widely acknowledged for some time but pakeha also believed that "discrepancies" would dissipate when time, money and good race relations took effect. It was commonly believed in New Zealand that once Maori became sufficiently "Europeanized" they would enjoy the achievements of the majority population (Pearson: 203). This assimilationist attitude permeated much of the policies in Aotearoa until very recent times.

The colonial histories of Hawai‘i and Aotearoa continue to shape the lives of these two nations today, and the inequalities that have arisen out of their colonial experiences are evident in the statistics which show Hawaiians and Maori to be overrepresented in the "social ills" and severely underrepresented in the "social achievement" categories. Both groups have also been deprived of most of their land. The loss of sovereignty by Maori and Hawaiians as well as their present situation as minority groups in their own lands has made the experiences of these two peoples different from a lot of other Pacific Island countries. For Maori and Hawaiians the struggle has extended
beyond political and economic factors to include even their language and cultural practices. The similarities in the sovereignty movements between Hawai‘i and Aotearoa, as well as the models proposed by them for self-determination and sovereignty, are the subject of the next chapter.
The Maori and Hawaiian sovereignty movements share many similarities, a fact that is not unexpected considering their similar experiences of colonialism. For both peoples the loss of land and resources as well as a population decline due to disease, contributed to a general demoralization. The change in the racial balances of the populations of Aotearoa and Hawai‘i also led to the loss of political power by both groups and these factors combined meant that the economic, political and social marginalization of both peoples was complete by the beginning of this century. Despite these circumstances, both Maori and Hawaiian have consistently asserted their claim to sovereignty. Maori base their claim on the provisions of the Treaty of Waitangi, and Hawaiians refer back to the illegality of the overthrow of their monarchy in 1893, as well as to the subsequent (illegal) annexation of the islands by the United States in 1898.

The Sovereignty movements which emerged in Hawai‘i and Aotearoa in the 1960’s and 1970’s were prompted by the educational, health, and income disparities between the indigenous Maori and Hawaiian and the settler populations. Examples of struggles by native peoples elsewhere also
encouraged their increased political activity. The models or concepts of sovereignty being proposed in Hawai‘i and Aotearoa differ in aspects that relate to their perceived relationship with the national governments, but at the heart of both claims for sovereignty is the need for a land base. Land is regarded by both Hawaiian and Maori as being at the heart of the culture, and it is through land therefore, that the economic, cultural, political and spiritual needs of the people are met.

Maori like Hawaiians and indigenous peoples worldwide have stated as central concerns their desire for self-management, self-determination and ultimately for sovereignty. In New Zealand these concepts are captured in the phrases mana Maori motuhake (Maori self-determination; the distinctiveness of being Maori) and tino rangatiratanga (the authority that iwi have over their land, sea and other resources and the mana associated with that authority) (Renwick: 11). This chapter will examine the sovereignty debate in Aotearoa/New Zealand with attention given to the Treaty of Waitangi; the long history of the Maori assertion of sovereignty; assimilationist policies of successive New Zealand governments and their effect on Maori, and then the Maori "Renaissance" starting in the 1960’s which had, as an off shoot, a radicalism of Maori political activism in the 1970’s. Finally, I will consider Maori claims and the pakeha reaction to them, as well as what the future may hold for
Maori and pakeha in the years ahead.

The sovereignty debate which has evolved in Aotearoa in recent years reflects the complexities of a post-colonial society which is struggling with a history of race relations marked by turbulence, deceptive calm and polarization. The reality for Maori is that their status as Treaty partner was later replaced by the status of indigenous minority. As in Hawai‘i, the change in the racial balance over the course of the nineteenth and early twentieth centuries led to a redistribution of political and economic power and to the establishment of a white hegemony. At the heart of the debate therefore is the question of how to accommodate the rights of self-determination and sovereignty of Maori as the indigenous people, when sovereign rights are claimed by the central government which is the heir of the original European colonizing power (Renwick: 8).

The Treaty of Waitangi, including its past, present and future place in New Zealand’s system of government is closely tied to the concept of sovereignty (McHugh: 170). This is the document to which Maori refer when asserting their right to mana Maori motuhake and tino rangatiratanga. Article Two of the Maori version of the Treaty confirmed and guaranteed to the chiefs and tribes the absolute chieftainship of their lands, homes and all their treasured possessions. It is likely that the chiefs understood this article to be a confirmation of their sovereignty, and they
believed that they had merely conceded a limited measure of power to the British under Article One. The ambiguity of the Treaty has fuelled the sovereignty debate. The British claimed sovereignty on the basis of the English version of the Treaty but most chiefs signed in Maori which conveyed a different meaning to them. Thus, the British believed that the Treaty had secured sovereignty for them and the Maori believed that they had never surrendered it.

What does sovereignty mean in the New Zealand context? The English concept of sovereignty is that Parliament has the right to make or unmake any law and that no person or body, judicial or executive is legally recognized as having the right to override or set aside the legislation of Parliament (McHugh: 173). In reference therefore to New Zealand and the Maori rights associated with the Treaty of Waitangi, the Crown has legal sovereignty over New Zealand, this ultimate authority being vested in Parliament. Parliament has the sole legal right to set aside legislation and in any conflict therefore between statute and Treaty, the former will prevail (McHugh: 173). Nevertheless, Maori claims in recent years have been challenging this accepted idea of sovereignty. Paul McHugh writes that two features of the legal concept of sovereignty which are under increasing strain throughout the Anglo-Commonwealth world are first the paramountcy and second, the indivisible character of the Crown’s sovereignty (McHugh:
The international law of human rights which has emerged since the end of World War Two has had a significant impact on the sovereignty of states. The situation that modern states now face is one of international responsibility for their internal affairs. International law therefore signals or concedes that a division of sovereignty is possible (McHugh: 182). Similarly in New Zealand many Maori and historians/academics reject that the Crown's sovereignty over New Zealand is absolute and contend rather that the Treaty of Waitangi and Maori interpretations of it justify a division of sovereignty, or a change in the orthodox concept of sovereignty. Sir Hugh Kawharu, Professor of Maori Studies at Auckland University stated that, "Justice will remain in jeopardy so long as Maori values are not included in that range of values by which the laws of New Zealand are framed and upheld" (R. MacDonald: 4). Sovereignty therefore is an evolving concept, and the possibility in New Zealand exists whereby the Treaty of Waitangi may become recognized as an external limitation of the power of Parliament (McHugh: 188). The future possibility therefore is that constitutional theory in New Zealand will incorporate the principles of the Treaty of Waitangi and that New Zealand will have a truly bi-cultural constitution. An alternative view of the issue of Parliamentary sovereignty and the Treaty of Waitangi is offered by Joe
Williams. He states that Maori at no stage accepted Parliamentary sovereignty and that rather, the chiefs viewed the Treaty as a guarantee that tribes would continue to govern themselves. Williams writes:

Put simply, it was not the Proclamation of Waitangi, it was the Treaty of Waitangi, It was not a document by which English law was imposed on the Maori. It was a document which signalled the acceptance of English law subject to certain clear and specific terms and conditions. Foremost among these was of course the guarantee of rangatiratanga ... If the Treaty is truly a founding document, and was truly entered into in good faith as between the parties, then the Treaty itself was, is, the law (Williams: 193).

Williams essentially argues that the Treaty did not transfer sovereignty but rather redistributed it. The Treaty acknowledged the pre-existing rights of Maori as the indigenous people and guaranteed their continuing exercise while ceding limited powers to the Crown. Therefore the sovereignty of the Crown in New Zealand is unique to the country and it is inappropriate to use the English model in the New Zealand context.

Prior to the signing of the Treaty of Waitangi in February 1840, Britain had formally recognized New Zealand as a sovereign and independent state. In October 1835, thirty-four Northern Maori chiefs had signed a Declaration of Independence declaring an independent state of the United tribes of New Zealand; proclaiming that all sovereign powers would reside with the chiefs of tribes and that they should
be the sole legislative power; declaring that the chiefs would meet every year in order to legislate for justice, peace and the regulation of trade and finally a petition to the King of England to ask that he protect their state from interference with its independence. The sovereignty of Maori prior to 1840 was therefore internationally recognized.

A scrutiny of New Zealand history provides ample evidence of Maori assertions of sovereignty since 1840. Maori assertions of sovereignty have at various times been militaristic, or alternately have led to the establishment of separate Maori institutions such as the Kingitanga (King Movement) in the Waikato in the 1850’s and the Kotahitanga Movement in the 1890’s. The Kotahitanga or Unity Movement advocated a separate Maori Parliament and an end to the Native Land Court which was involved in the alienation of Maori land by transforming tribal land into freehold land and fragmenting the title among individual owners (Ward: 46). Several petitions have also been presented to Parliament over the years and numerous delegations have gone to England. Prophetic/Religious movements such as those established by Te Whiti O Rongomai, Rua Kenana or Wiremu Ratana have resisted the Crown incursion on Maori land as well as being an exercise in tino rangatiratanga. In recent times the Mana Motuhake party established by Matiu Rata in 1979 put together a manifesto advocating the ratification of the Treaty; unity in search of justice; recognition of mana
whenua (sovereignty over the land); self-determination in all matters affecting Maori people; retention of Maori language and customs and the transformation of all the country’s social and political institutions to include bi-culturalism (Walker: 245).

Until recently, the policies of successive New Zealand governments strived to Europeanize the Maori and to assimilate them into the dominant pakeha society. A prime example of such a policy was the amendment in 1871 of the Native Schools Act making English the only language of instruction allowed in schools (R. MacDonald: 14). Until very recently the monocultural view of the pakeha was so complete that the New Zealand myth of good race relations remained entrenched. In general, the pakeha majority did not scrutinize the total domination by their own culture and the assimilationist character of public policy and its impact on the language, culture and identity of the Maori (Vasil: 11). In New Zealand as in Hawai‘i not only did the language, culture and way of life of the tangata whenua suffer but state policies created a condition in which the very survival of these things was threatened. The Maori experienced the system as a small, powerless minority without the influence over either the politics, the processes or the power. Race Against Time, a report written by the Race Relations Conciliator in 1982 included the following statement about the dominant pakeha culture:
The influence of the dominant pakeha majority has become so pervasive that its members genuinely believe that theirs is the right and proper way of doing things. They cannot relate inequality with cultural practices, believing that the opportunities they have are available to everybody. Since it does not occur to them that their practices, ideals, behavior and beliefs are culturally determined, they do not recognize that they are imposing this belief system on others and in doing so are penalizing them in ways that create inequalities. If they do recognize it, however, they consider it their right to do so, because of some notion that their culture is better - because they have never experienced another culture (Race Relations Conciliator: 44).

As mentioned in Chapter Two, Maori like Hawaiians were alienated from their land by legislation to such an extent that they no longer had an economic base with which to support themselves. This issue of land is intimately tied to sovereignty and in fact for Maori, the need for a viable economic base is perhaps the single most important issue facing them today (R. MacDonald: 4). Maori landholdings today are less than 5% of the total 66 million hectares, and in general Maori have lower standards of living and economic prospects than pakeha, as well as being over represented among the unemployed, unskilled and in prisons. Maori are a disadvantaged minority in New Zealand (R. MacDonald: 4).

The Maori Renaissance of the 1960’s and the political radicalization of Maori in the 1970’s had its roots in the urbanization of Maori in the period immediately following World War Two as well as in the assimilationist policies of the New Zealand government. The close proximity of Maori and pakeha in the cities made Maori increasingly aware of their
economic and political marginalization, and Maori organizations began to be established in the cities to aid the adjustment of Maori to urban life. These groups included culture and sports clubs, benevolent associations and the influential Maori Womens’ Welfare league. These organizations provided the kinship bonds which otherwise would have been absent in the cities but equally importantly they perpetuated Maori identity, values and culture (Walker: 202). The Maori Womens’ Welfare League established in 1951 was the first national Maori organization, and as such it provides a good example of politicization among Maori. Far from being solely a benevolent association, the League became an important forum for the expression of Maori views on housing, education, welfare, crime and discrimination in employment and accommodation (Walker: 202). Legislation of the 1960’s and 1970’s as well as the publication of statistics showing Maori to be disadvantaged in all aspects of life galvanized Maori opinion and prompted the formation of organizations dedicated to asserting the rights and interests of Maori. In particular, the Maori Affairs Amendment Act 1967, which compulsorily amalgamated or extinguished minuscule, or in the government’s eyes uneconomic interests in Maori land, led to a widespread protest by Maori. This was viewed as the government’s attempt to Europeanize Maori land and for Maori people it seemed that this was the last land grab by the pakeha
In the 1960’s, the position of Maori as disadvantaged minority was very clear in the statistics. The Hunn Report 1960, highlighted the gap in educational achievement between Maori and pakeha with only 0.5% of Maori secondary students reaching the seventh form (last year of secondary school) as compared to 3.78% of pakeha students (Walker: 203). Thus the land issue was only one of the underlying problems causing Maori discontent. There were also problems of unemployment which was higher among Maori than pakeha, problems of earnings which for Maori on average were sizably less than for pakeha, problems of educational failure among young Maori and by extension questions about the curriculum which seemed geared for pakeha. In courts also, Maori had a much higher level of convictions than pakeha and were far more likely to go to jail. Added to this, the standards of health and housing for Maori were at a lower level than for pakeha (R. MacDonald: 6). Social problems among Maori in the cities grew due to the breakdown of the whanau or extended family system in the new environment and as a consequence the 1970’s saw the rise of street kids and urban gangs largely comprised of young Maori. These negative statistics as well as a government which seemed impervious to the needs of Maori added fuel to the growing discontent among Maori. A further catalyst to the cause was the example of events overseas such as the Black Power Movement in the
United States, the decolonization of countries in Africa, Asia and the Pacific as well as the activities of the United Nations particularly in the field of human rights. Maori were also aware of the methods of protest effectively used by indigenous peoples in Canada and the United States (Orange: 244).

In the 1970’s leaders emerged from among the urban dwelling Maori. Many of these leaders were both young and university educated and were therefore well equipped to articulate their grievances in terms calculated to force a response from the pakeha majority. They were more outspoken and militant than their elders and were more willing to voice their concerns abroad. These young people adopted the strategies of activist movements elsewhere (R. MacDonald: 6).

In 1970, Nga Tamatoa (the Young Warriors) emerged out a young Maori leaders conference at Auckland University. This group initiated a series of self-help programs such as monitoring the courts and providing advice and legal aid to Maori offenders. Nga Tamatoa also lobbied the government for the inclusion of Maori language in the education system and they protested at the Waitangi Day "celebrations" thus drawing attention to the fact that for Maori there was little to celebrate (Walker: 209). In the late 1960’s and early 1970’s a number of publications also contributed to the rising political awareness among Maori. Two such
newspapers were first Te Hokioi, which publicized issues such as the pollution of shellfish resources and the stripping of paua beds and MOOHR published by the Maori Organization on Human Rights. MOOHR concentrated on issues such as the erosion of Maori rights by legislation, and discrimination against Maori in housing, employment, sport and politics (Walker: 209). In general, the political radicalization among Maori put New Zealand society under a scrutiny to which most pakeha had not subjected it to before. Questions were raised about Treaty promises and breaches, and the facade of tranquility and harmony which had so long been in place began to slip.

The general public consciousness about the issue of Maori grievances was raised in 1975 due to a land march of Maori down the length of the North Island to Parliament buildings in Wellington. The march was triggered by legislation such as the 1967 Maori Affairs Amendment Act and it expressed Maori resentment over the alienation and control of the remaining 1.2 million hectares of Maori land by pakeha law. The slogan of the march was "Not one more acre of Maori land" (Walker: 212). At the same time, Maori protesters began to focus more attention on the Treaty of Waitangi, and this activity as well as research by academics into the history and effect of the Treaty led to a more critical appraisal of the Treaty's role in serving British and settler interests (Orange: 245). In 1975 the Treaty of
Waitangi Act established the Waitangi Tribunal to hear Maori grievances, to inquire into Maori claims under the Treaty and to make recommendations to Parliament for their settlement (Walker: 212). However, the Tribunal had no power to enforce its decisions and at this stage it had no power to look at matters arising before this 1975 legislation.

In the 1970’s, confrontation between Maori groups and the government continued. In 1977, a group of Maori occupied land at Bastion Point in Auckland city to protest the government’s plans to subdivide the disputed land. In 1983 a confrontation developed over land at Raglan on the West Coast south of Auckland which had been confiscated during the war and never returned to the tribe (R. MacDonald: 16).

In the 1970’s a new wave of Maori political organizations were established such as the Waitangi Action Committee, He Taua, and the Maori Peoples Liberation Movement of Aotearoa. These groups, particularly, the Waitangi Action Committee held demonstrations and marches, challenged politicians in public places and challenged the legitimacy of the judicial system itself (Walker: 220). In 1984, Donna Awatere’s Maori Sovereignty was published – contributing once again to the sovereignty debate. Awatere challenged the legitimacy of the government by claiming that Maori sovereignty had been preserved in the Maori version of the Treaty. She also provided a Maori interpretation of New
Zealand’s colonial history and she highlighted the discrepancies existing in contemporary New Zealand society between Maori and pakeha. She wrote:

Maori sovereignty is the ability to determine our own future and to do so from the basis of our land and fisheries. In essence, Maori sovereignty seeks nothing less than the acknowledgement that New Zealand is Maori land, and further seeks the return of that land. At its most conservative it could be interpreted as the desire for a bi-cultural society, one in which taha Maori receives an equal consideration with, and equally determines the course of this country as taha pakeha. It certainly demands an end to monoculturalism (Awatere: 10).

A consequence of the radicalization among young urban based Maori was to encourage the older generation to become more assertive, and at the end of the 1970’s Matiu Rata’s resignation from the Labour Party and establishment of the Mana Motuhake Party signalled Maori disenchantment with pakeha politics and the lack of attention given to Maori grievances. Therefore, mainstream politics was also affected by the widespread political agitation by Maori. In the 1980’s, the Maori assertion of self-determination was expressed in the establishment in 1981 of the Kohanga Reo (language nest) program and in the many claims placed before the Waitangi Tribunal, the jurisdiction of which was extended in 1984 retrospectively to 1840. Another significant event was Te Hikoi ki Waitangi (the march to Waitangi) in 1984 by a coalition of Maori groups. The hikoi was particularly significant because like the 1975 land
march it brought together many diverse groups under the common cause of stopping the celebrations of a Treaty which had not been honored (Walker: 234).

Rangi Walker has noted that both radical and conservative Maori groups have consistently pursued the same objectives of justice; the resolution of Maori grievances under the Treaty of Waitangi; the recognition of mana whenua and of rangatiratanga and an equal say with the pakeha in the future of the country (Walker: 243). Specifically, Maori are claiming the application of the Treaty of Waitangi provisions; that the issue of sovereignty be addressed; the recognition of their status as tangata whenua and that the inequalities between Maori and pakeha in health and other areas be addressed (Vasil: 9). Maori have also criticized the educational system and linked Maori failure in it, to its monocultural orientation. They assert that in a bi-cultural society the system of education must not be based only on one of the two ethnic groups (Vasil: 13). Jane Kelsey wrote that "the monocultural state education sanitized the history, suppressed the language and rationalized Maori failure" (Kelsey, 1990: 18).

The notion of partnership based on the Treaty of Waitangi is one that is widely advocated in Aotearoa. At the heart of all claims however is the claim for land. The loss of Maori land has been identified by Maori as the cause of their alienation in the pakeha dominated society, and for
many tribes the loss of millions of acres confiscated after the wars of the 1860’s from tribes held to have been in "rebellion" against the Crown, has been a lasting grievance. By extension, the loss of land and the economic base threatens the existence of the tribal way of life if the area is unable to sustain its people. Land therefore is intimately tied to sovereignty, and for Maori as for other indigenous peoples it is impossible to have one without the other. Sovereignty for Maori therefore is tied to their control of resources and in particular to a land base. Maori seek compensation for the land and other resources wrongly taken in order to secure a material base for tribal prosperity as well as to redress the past injustices. The pakeha reaction to Maori claims has been varied. For many, the claims are threatening because they challenge the picture of New Zealand society that emphasized the harmony and effectively covered up the divisions. Others agree with the justice of many of the claims. The importance of information about the bases of the claims and of the obligations of the Crown under the Treaty of Waitangi as well as the status of Maori as tangata whenua must continue to be stressed in order to facilitate pakeha understanding of the issues. The issue of Maori self-determination and sovereignty has been debated with increased fervor in recent years. However it has also been demonstrated that this same issue is closely tied to the Treaty of Waitangi.
The Hawaiian Sovereignty Movement

Until 1893 Hawaiians had full sovereignty and were recognized as an independent nation by the world community of sovereign nations. Numerous treaties testify to this international recognition of Hawaiʻi’s independence including a treaty with the United States which was ratified by Congress in 1849. Ironically, Article One of this Treaty provided for peace and amity between the United States and the King of the Hawaiian Islands. When the Hawaiian monarchy was overthrown in 1893 the United States in effect, violated this and other treaties drawn up with the Hawaiian Kingdom as well as international standards of conduct between sovereign nations (MacKenzie, 1991: 78). In 1898 when Hawaiʻi was formally annexed by the United States, thus becoming an unincorporated territory of the United States, the Hawaiian people lost their status as a sovereign people and became an indigenous minority of The United States. As in Aotearoa, the debate about the self-determination and sovereignty of Hawaiians has increased in recent years. The historical injustice of the overthrow is widely accepted but from this common ground, the opinions as to how Hawaiians should exercise their sovereignty and self-determination are numerous. I will examine the various sovereignty plans proposed by Hawaiian groups later in the chapter. Common to all Hawaiian sovereignty groups however is the basis of
their claim to sovereignty. Hawai’i was a sovereign nation and at no time were Hawaiians asked to choose or reject annexation. The overthrow and the annexation were unwarranted interventions by the United States government who were acting on behalf of strong economic interests. Hawaiian nationalists assert the moral and legal claims of Hawaiians to independence. Hawaiians like Maori, base their claims also on their status as indigenous peoples. Through historical circumstances, Hawaiians have been denied their nationality, their lands and resources as well as their rights of self-determination. For Hawaiians, as for Maori, the assertion of sovereign rights is linked closely to the well being of the people. Clearly, Hawaiians have not fared well in the haole dominated state. Overall, Hawaiians have lower incomes, lower status jobs and a higher rate of unemployment than other ethnic groups in Hawai’i. Hawaiians also have the lowest life expectancy and very few make it all the way through the education system to the university level. Thus, Hawaiians are alienated from the social system as well as the political power structure that rules Hawai’i (McGregor, 1980: 2). The Hawaiian assertion of sovereignty is not a recent phenomenon, there is rather, a long tradition of sovereign organizations in Hawai’i. As early as 1900, several Hawaiian political organizations were active in the Hawaiian community. One such organization was the Home Rule Party, which actively opposed the American
domination of Hawai‘i by supporting Hawaiian Legislative candidates (McGregor, 1980: 30). Other active Hawaiian political organizations included Hawaiian Civic Clubs, the Hawaiian Protective Association and the United Hawaiian Association which organized a "back to the land" movement aimed at rehabilitating Hawaiians on the land and out of the unsanitary living conditions of urban Honolulu. Davianna McGregor notes that the grassroots political activity around issues specific to the Hawaiian community declined after the passage of the Hawaiian Home Commission in 1920. She attributes this to the fact that Hawaiians felt appeased by the passage of the Act. Added to this they might have hesitated to voice their concerns for fear of jeopardizing the Homes Commission or their own opportunities to qualify for a Homes Commission lease (McGregor, 1980: 32). Even though Hawaiians in general were not involved in specifically Hawaiian issues, up to the 1950’s Hawaiians were actively involved in the Labor Movement as well as in electoral politics. Additional reasons for Hawaiian sidelining of Hawaiian rights during this period were, "the collaboration of Hawaiian political leaders with the Big Five in the Republican Party; the enactment of the Hawaiian Homes Commission Act; and the systematic suppression of Hawaiian language and culture by the American educational and political system" (McGregor, 1980: 31).

The "Renaissance" among Hawaiians during the 1970’s
occurred for similar reasons as earlier described for Maori. Hawaiians were influenced by radical political movements elsewhere such as the Civil Rights Movement, the Anti-Vietnam War Movement and the struggles of Asian, Chicano and Native American peoples during the 1960’s. As a result of these movements by other minority groups within the United States, Hawaiians not only gained in political consciousness but they also benefitted from various programs such as the College Opportunities Program and the Hawaiian Community Action Program which provided Hawaiians with training and more opportunities to attend colleges and universities and by extension to gain the skills necessary to attain leadership positions later (McGregor: 34). Again, like Maori, the economic and social disparity between Hawaiians and other ethnic groups was alarming by the 1960’s. In the period of the 1960’s and 1970’s, the majority of Native Hawaiian wage earners fell within the low income level and the unemployment rate among Hawaiians was greater than for the overall state population. Hawaiians also had a far greater high school drop out rate than the state average and Native Hawaiians disproportionately received a far greater amount of assistance from the Department of Social Services and Housing (McGregor, 1980: 37). Another factor that prompted Hawaiian political organization in the 1970’s was their increasing alienation from mainstream politics. Until the 1950’s, a Hawaiian-Republican Party alliance had ensured
Hawaiians of political influence, however by 1940, the Japanese comprised the largest number of voters and a winning Japanese-Democratic Party alliance resulted. In 1954 this alliance won a majority in the Territorial legislature and subsequently the Hawaiian dominance in government service and administrative positions was replaced by a Japanese dominance. This loss of political influence denied Hawaiians an important channel through which to raise specifically Hawaiian issues and concerns (McGregor, 1986: 20). The rapid growth that occurred in Hawai‘i after statehood in 1959 also served to further marginalize Hawaiians. A mega-tourist industry emerged and development pressures started to squeeze many Hawaiians out of rural areas. Agricultural lands were bought for sub-division, golf courses and resort developments, displacing families and removing their ability to supplement their incomes with fishing, vegetables and livestock. Added to this, the cost of homes rose to heights not matched by a rise in incomes (McGregor, 1980: 35). Despite the relocation of many Hawaiians into the cities, and particularly from neighboring islands to Honolulu on O‘ahu, a significant proportion of the Hawaiian community had remained in rural areas, especially on the neighbor islands. These people were adversely affected by the development which spoiled fishing grounds, diverted streams to hotels and away from farms, and cut off access to mountain areas or fishing grounds.
Property taxes for land adjacent to resort areas also soared, forcing many small land owners to sell their property (McGregor, 1986: 18). The assault on the lifestyle of these people threatened a way of life in which Hawaiian cultural practices, lifestyle, language and spirituality had survived. These communities included Hana, East Moloka'i, Nanakuli, Wai'anae and Waimanalo. The threat to these communities was a catalyst for action by Hawaiians. Haunani-Kay Trask writes:

Given the effects of educational and religious colonization by the missionaries in the nineteenth century, and the great decline in the native population, these Hawaiian communities, although remnants of a once dynamic civilization, were nevertheless crucial to the perpetuation of Hawaiian culture. This threatened extinction by urbanization and other forms of development was correctly perceived by many Hawaiians as a final attempt to rid their ancestral homeland of all Hawaiians (Trask, 1991: 6).

Development also destroyed sites of historical, cultural and religious significance such as heiau, house sites, burial grounds and cultivation complexes. The Renaissance drew on all these issues but especially on the alienation of land for its inspiration. From 1970, a Native Hawaiian Rights Movement became established, starting from protests against land abuses and then expanding to emphasize the exploitation of Hawaiians and further, to assert their sovereignty as po' e Hawai'i (Trask, 1991: 5). The Native Hawaiian organizations which emerged in the 1970's focussed their attention on reclaiming a land base for Hawaiians because
the loss of land was seen as the root cause of the Native Hawaiian social, economic and political alienation. The reclamation of a land base was regarded as the answer to the glaring cultural, economic and political needs of Hawaiian people. The interaction of Hawaiians with the land provided them not only with the material goods but also with spiritual sustenance. Therefore, land is essential for the perpetuation of the Hawaiian culture, and land in essence is sovereignty.

In 1970, The Hawaiians, a political organization was established with the purpose of seeking justice and promoting the general welfare of Hawaiians. They also sought to encourage Hawaiians to become more involved in the development of policies affecting them and to this end members of the organization successfully lobbied the Hawaiian State Legislature to increase the appropriations to the Hawaiian Homes Lands Commission. This organization mobilized support at the grassroots level and at its peak in 1974 it had 8000 members (McGregor, 1980: 44). Aboriginal Lands Of Hawaiian Ancestry (ALOHA) which was established in 1972 was also a mass political organization. ALOHA was notable for raising the reparations issue in Congress. They demanded payment to the Hawaiian people for "losses of lands, resources, rights and revenues sustained as a result of the overthrow and subsequent annexation to the United States" (McGregor, 1980: 44). Other organizations
established in the 1970’s included Hui Malama ‘Aina O Koolau (1973), The Homerule Movement (1973), the Ohana O Hawai‘i (1974) and the Coalition of Native Hawaiian Claims (1974) which later became the Native Hawaiian Legal Corporation. The organizations addressed issues of development and its encroachment on Hawaiians in rural areas, land laws which adversely affected kuleana owners, access rights of Hawaiians to ocean and land resources, and reparations claims of Hawaiians for these same resources. In general for Hawaiian people, the 1970’s was a period of politicization and activism. Numerous examples of direct action, occupations and demonstrations occurred and eviction struggles which brought the issue of land use and land rights of Hawaiians to the fore in the 1970’s were Kalama Valley, Sand Island and Waimanalo Beach Park struggles. The fact that there were homeless Hawaiians who had to build shelters on beaches at Sand Island and on the coastlines of Wai‘anae and Waimanalo was linked to their lack of resources and therefore to their inability to afford a home and ultimately to the loss of Hawaiian sovereignty (McGregor, 1986: 28). As the years progressed, what had started as a land rights issue turned into a cultural assertion of the importance of land for Hawaiian people as the basis of their culture and then more recently struggles over land have been related to the larger issue of Hawaiian rights to the land as indigenous people (Trask, 1983: 8). The occupation of
Kaho'olawe which had been a military bombing target since 1941 unified Hawaiians statewide because it touched on several sensitive issues. The destructive use of the island was in direct opposition to the Hawaiian philosophy of *aloha 'aina* and it also highlighted the exploitation of Hawai'i in general by the United States. The military was not only regarded as an organization that misused land but statewide their use of Native Trust Lands was condemned (Trask, 1991: 9). In the 1980's the call for Hawaiian sovereignty crystallized and various organizations put together proposals for a sovereign Hawaiian nation. Haunani-Kay Trask wrote:

> Thus, as Hawaiians came to link the abuse of the trust lands with land dispossession at the time of the overthrow and annexation, they coalesced around a unified push for a land base. Land and money restitution from the American government for its historic role in the loss of Hawaiian domain and dominion could be coupled with Native control of the trust lands to form a land base as the anchor of Native sovereignty (Trask, 1991: 9).

The proposals for Hawaiian sovereignty differ on issues such as relationship with the Federal government, international links and citizenship but the fact that the possibility of Hawaiian sovereignty is being practically mooted demonstrates the strength of the Hawaiian movement. The theoretical discussion of sovereignty has been explained by Trask in the following way:

> At the largest level, discussions of Hawaiian sovereignty entail a choice between self-governing structures: a completely independent Hawai'i under the exclusive or predominating control of Hawaiians;
"limited sovereignty" on a specified land base administered by a representative council but subject to United States Federal regulations; legally incorporated land based units within existing communities linked by a common elective council; a "nation-within-a-nation" on the model of American Indian nations (Trask, 1984: 10).

Ka Lahui Hawai‘i which was established in 1987 supports sovereignty on the model of American Indian nations. The organization challenges the legitimacy of the Office of Hawaiian Affairs (OHA) as sole representative of the Hawaiian people, and vigorously opposes any moves by OHA to settle for money rather than land regarding the ceded lands trust (Trask, 1984: 8). Ka Lahui has a constitution with a legislature, judiciary and executive branch, but as well as this democratic structure of government there is an Ali‘i Nui symbolizing the Hawaiian monarchical tradition. The Ka Lahui National Legislature is a unicameral body with each island having eight voting representatives - the emphasis being on increasing representation and involvement at the district level. Any Native Hawaiian can enroll as a citizen of Ka Lahui and non-Hawaiians may receive honorary citizenship but with no voting rights. Ka Lahui envisions a government-to-government relationship with Federal and state governments and they emphasize that Native Hawaiians should receive the direct grants to aid development and self-government that Native Americans receive (MacKenzie, 1991: 93). As a land base Ka Lahui seeks the Hawaiian homelands and half the government and Crown lands for Native
Hawaiians, and additional ceded and federal lands for those of less than 50% Hawaiian blood (MacKenzie, 1991: 94). Sovereignty as defined by Ka Lahui has five elements. First, faith in the Akua; second, common culture, language and tradition; third, a land base; fourth, a government structure to determine the management and use of resources and to plan for the future; and fifth, an economic base that enables the people to be self-sufficient (Ka Lahui Hawai‘i: 4).

The Institute For The Advancement Of Hawaiian Affairs is a sovereign organization which approaches the issue from another perspective. This organization focuses on the international human rights principles that support the Hawaiian claim for self-determination. The use of such human rights instruments is applicable in the case of Hawai‘i because the overthrow of the Hawaiian monarchy and the subsequent annexation of the islands by the United States were carried out in the face of active opposition by Native Hawaiians. A Hawaiian presence in international forums is therefore seen as a way in which Hawaiians may reassert their sovereignty. Finally, while special status is accorded Native Hawaiians as the indigenous people, the nation would include all those who consider Hawai‘i their home (MacKenzie, 1991: 94).

The Office Of Hawaiian Affairs (OHA) is an example of a measure of self-governance and autonomy achieved at the
state level. Established in 1978, OHA is an organization that has drawn mixed reactions from Hawaiians. Under the state of Hawai‘i law, OHA was established as a separate state agency independent of the executive branch due to the fact that its funding is primarily from the Public Land Trust Fund. The purposes for which it was established include the co-ordination of state programs and activities regarding Hawaiians, the assessment of policies and practices of state agencies impacting on Hawaiians, and acting as an advocate for Hawaiians and Native Hawaiians (MacKenzie, 1986: 55). In 1989 OHA released the Draft Blueprint For Native Hawaiian Entitlements which both affirmed the Native Hawaiian Right to self-determination and self-government as well as suggesting a process for developing a self-governing entity. The Blueprint outlined a land base composed of returned Government and Crown lands from state and federal governments as well as monetary compensation for the use of ceded lands. It also provided for the protection of indigenous rights (MacKenzie, 1991: 92).

OHA’s position as a state agency causes some skepticism, however, and OHA has already drawn criticism for not really tackling the issue of sovereignty. Rather than supporting an independent mechanism for self-government, OHA is seeking approval from Congress for a federally recognized entity (Ka Lahui Hawai‘i: 9).
Numerous other Hawaiian organizations have addressed the sovereignty issue and the diversity of opinion and debate over the nature of sovereignty for Hawaiians reflects the interest in the issue across a broad spectrum of people. In general however, there is widespread agreement on certain issues. In brief, the claims of various sovereignty groups center around the call for reparations from the United States government for its actions which led to the loss of Hawaiian nationhood and sovereignty, and for a land base from which to exercise their sovereignty.

The Maori and Hawaiian sovereignty movements of recent years arose out of their shared histories of colonialism, as well as the grim reality of the Maori and Hawaiian present status as disadvantaged minorities in the fields of health, education and employment. In essence, the assertions of sovereignty by Maori and Hawaiian groups focus on a need for a land and resource base to give them a material base for prosperity. They also assert their rights and status as indigenous peoples, as well as their desire to maintain their distinct and separate identities. In these ways, the sovereignty movements are very similar. The differences in the sovereignty struggles however are very apparent and the different models of sovereignty being suggested by both is closely tied to the political systems within which they are working. The Maori assertion of sovereignty to date has been directed towards obtaining the rights and privileges
accorded to them in the Treaty of Waitangi. Thus, rather than constructing a sovereignty model, Maori refer to the Treaty and the rights specified within this document for them. Their challenge to the government is to uphold the provisions of the Treaty with all of the implications that this has for resource and power sharing. Maori efforts have been directed towards the fulfillment of this partnership role and the "vision" for the future that is most often presented by Maori sovereignty organizations is of a bi-cultural society, i.e. partnership in practice. In comparison to New Zealand, the demographic structure of Hawai‘i does not lend itself to the discussion (or pursuit) of bi-culturalism. Not only are there five major ethnic groups in Hawai‘i, but there has been a policy of multiculturalism for some time, the consequence of this being that it denies any special place for Native Hawaiians. This denial of the indigenous status of the Hawaiians is a disadvantage that they have in comparison to Maori who are widely acknowledged in Aotearoa as the tangata whenua.

The political systems within which Maori and Hawaiians exist have affected their struggles. Maori dealings are with a national government within which they have some measure of representation. Maori are also a significant minority of the total population of New Zealand. Hawaiians in contrast have to deal with both the state and the federal government, which lends itself to excessive bureaucracy and a certain
amount of inertia with regards to political change. Added to this, although Hawaiians are a significant percentage of the population in the state of Hawai‘i, when they are placed in the overall United States context, they are a very insignificant minority. Unlike Native Americans, the federal government does not recognize that Hawaiians have any special status, and therefore before their outstanding grievances can be met, Hawaiians are forced to defend the "authenticity" of their claim in an unsympathetic American judicial system. Hawaiian sovereignty models such as that proposed by Ka Lahui Hawai‘i are directed towards the attainment of the status and rights accorded to Native Americans. To some extent the Native American relationship with the federal government is of some benefit to Hawaiians because they are able to point to a working model of indigenous peoples' sovereignty within the United States and in doing so strengthen their own case. Hawaiians therefore are an indigenous people of the United States who are not accorded that status. A final difference between the Hawaiian and Maori sovereignty movements is that in comparison to Maori, Hawaiians have teased out the "practicalities and workings" of being a sovereign nation to a much greater degree. The sovereign organizations have drawn up constitutions and elaborate models for the future Hawaiian nations. Maori on the other hand have tended to look to the tribes as the administrative bodies and to argue
for reform of the system rather than radical change. Again this is linked to the Treaty and the perceived bi-cultural society. The differences therefore between Hawaiian and Maori sovereignty movements are significant, but at the heart of the sovereignty claim for Hawaiians and Maori is the land. Sovereignty cannot be separated from the land.
Chapter Four

International Organizations of Indigenous Peoples: Hawaiians and Maori in their International Context

In this chapter I will discuss a number of international organizations for indigenous peoples concentrating in particular on the purposes behind their establishment and the difficulties that they, as representative bodies, have encountered. I will then examine the involvement of Maori and Hawaiian organizations in this international network.

International organizations which are involved in the development of international standards concerning indigenous rights include the International Labor Organization (ILO); United Nations agencies such as the Sub-Commission on the Prevention of Discrimination and Protection of Minorities and the Working Group on Indigenous Populations (WGIP); and Non-Governmental Organizations (NGO's), representing regional areas and groups (Van Dyke and DiAmore-Siah: 21). Such organizations arose in response to a demonstrated need by indigenous peoples. As a result of colonialism, indigenous nations were grouped within new political boundaries and the rights of indigenous peoples were governed solely by the political and legal system of the particular colonial power. The common experience of indigenous peoples in this situation was one of economic and social disparity and virtual political disenfranchisement.
and it became very apparent to them that acting on the basis of tribal groups was ineffective. Indigenous peoples therefore began to look at alliances within the new national boundaries as a way to effect change (Sanders, 1977: 5).

The contradiction between the theory and practice of Western European colonialism also encouraged indigenous peoples to organize in order to effect political and legal change (Sanders, 1977: 6). European colonizers had carried with them an attitude of superiority and racism but ironically their culture also developed principles of human equality and human rights which became the moral and political weapon by which indigenous peoples have been able to refute the European claim that they had a right to rule over "primitive" peoples. In 1948 the United Nations Declaration of Human Rights gave these principles an international moral force (Mulgan: 42). The principle of self-determination, which originated from an eighteenth century European philosophy in respect to individuals, also developed to the stage where it was applied to whole peoples and nations and therefore it was applicable to colonial territories (Mulgan: 43). Thus, indigenous political activity began within particular colonial systems and it was prompted by the political rhetoric of the colonial powers themselves; it soon expanded however, to the international sphere when indigenous peoples began to utilize the international bodies that were formed, such as the League of
Nations and then the United Nations.

It is important to note that indigenous peoples had long recognized the fact that their disputes with the local settler populations could in fact be argued abroad. For example, delegations of Maori travelled to England on several occasions to meet with the Queen or King, and Liliʻuokalani appealed to the US Congress to investigate the activities of the annexationists in Hawaiʻi. Both Maori and Hawaiians regarded the more distant imperial authorities as potential allies in their disputes with the local settler populations (Sanders, 1977: 8).

The demand by indigenous peoples for the recognition of their rights internationally included the expectation that indigenous peoples themselves be active on this international level rather than be represented by others. This conviction also reflected the widespread rejection by indigenous peoples of the assimilationist government policies to which they had been subjected. The advantage of these international bodies for indigenous peoples is that they provide forums for discussing, articulating and monitoring indigenous rights. Douglas Sanders said of the WCIP, established 1975, that it developed "a sense of political relatedness among groups scattered across much of the world" (Sanders, 1977: 26). Added to this, the development of the international norm in which human rights are no longer considered "domestic" or "internal" matters,
has created a more favorable atmosphere for the representation of the rights of indigenous peoples (Sanders, 1977: 25).

The particular concerns of indigenous peoples which international organizations promote include the question of control over the occupation and/or use of their lands and resources; invalidation of Treaty rights; transmigration; rights to self-determination; autonomy and self-management; high mortality rates and unemployment; violations of political and civil rights; and the rights to use their own language and to carry out traditional cultural and religious practices. In a presentation to the International NGO Conference on indigenous peoples and the land, held in 1981, the World Council of Indigenous Peoples (WCIP) presented a report that made the following three recommendations:

- that the international community recognize the indigenous sovereignty and entitlement to traditional lands, however lost; and
- that the UN recognize as binding under international law the treaties which indigenous nations around the world have signed; and
- that the international community and the UN honor its responsibility to the indigenous nations of the world by establishing the necessary mechanisms and instruments to protect their rights to self-determination, including their lands and resources (WCIP, 1981: 4).

Davianna McGregor tied the concerns of indigenous peoples to their political sovereignty. She wrote;

Clearly, the survival and perpetuation of indigenous minority peoples and their cultures is integrally
linked to the question of political sovereignty. To the degree that an indigenous minority exercises sovereignty over its land base and the resources of that land base, that indigenous peoples can mobilize those resources to provide for the welfare of its people. Moreover, to the degree that these sovereign rights are acknowledged it creates the basis for negotiations and transactions to be conducted between the indigenous minority and the broader society on the basis of equality (McGregor, 1986: 6).

Increasingly indigenous peoples are demanding that the modern nation states must establish a new relationship with indigenous peoples based on a recognition of their equal partnership and their right to define and pursue their own social, economic and development agendas. A number of indigenous peoples organizations have arisen in recent years testifying to the importance now placed on the rights of indigenous peoples by governments around the globe as well as to the fact that indigenous peoples themselves are increasingly in a position to be able to utilize the international organizations and the international political arena for their own benefit.

The World Council of Indigenous People (WCIP) is a non-governmental international organization with a consulting status in the Economic and Social Council of the United Nations. The WCIP was established in October 1975, largely due to the efforts of George Manuel, former President of the Indian Brotherhood of Canada. George Manuel’s involvement in national Indian politics in Canada had caused him to travel and to establish links with indigenous peoples in other
parts of the world such as Maori, Australian Aborigines and Sami in Northern Sweden. In 1972, Manuel announced his plan for a world conference of indigenous peoples (Sanders, 1977: 11). Enthusiasm for a world conference of indigenous peoples was widespread and at the first preparatory meeting for the conference in Guyana in 1974, representatives from Australia, Canada, Colombia, Greenland, Guyana, Aotearoa, Norway and the United States attended. The definition of indigenous that was adopted in regards to delegate status at the proposed conference was:

People living in countries which have a population composed of differing ethnic or racial groups who are descendants of the earliest populations living in the area and who do not as a group control the national government of the countries within which they live (Sanders, 1977: 12).

The definition of indigenous therefore was both social and political because it focused on the lack of control by indigenous peoples over their destinies. The international conference was finally held in Port Alberni, British Colombia in October 1975. Hawaiian and Maori delegates were included among the initial group which also included representatives from Argentina, Australia, Canada, Colombia, Ecuador, Finland, Greenland, Guatemala, Mexico, Nicaragua, Norway, Panama, Paraguay, Peru, Sweden, the United States and Venezuela (Sanders, 1977: 15). The purpose of the organization was outlined as follows:

This organization has been formed in order to ensure the unity among indigenous peoples to facilitate the
meaningful exchange of information among the indigenous peoples of the world, and to strengthen the organizations of the indigenous peoples in the various countries. The organization is dedicated to: abolishing the possibility of the use of physical and cultural genocide and ethnocide; combating racism; ensuring political, economic and social justice to indigenous peoples; and to establishing and strengthening the concepts of indigenous and cultural rights based upon the principle of equality among indigenous people and the people of nations who may surround them (WCIP Charter: 2).

The WCIP's main areas of action are in economic and social development, inter-institutional forums and relations and the provision of information and documentation on indigenous peoples. The emphasis of the organization is on the encouragement of indigenous communities socially and economically so that they are better able to define their own development objectives and by extension achieve self-determination. In promoting inter-institutional relations and diplomatic relations with governments, the WCIP works to promote the interests of indigenous peoples through formulating policies, international instruments and legislation that allow this. The establishment of the WCIP was significant because it is an organization that not only works for indigenous peoples but also is administered by them. The strength of purpose and the similarity in experiences and in concerns of the delegates, is expressed in the declaration adopted by them at this first conference in Port Alberni in 1975. It states:

We glory in our proud past:
when the earth was our nurturing mother,
when the night sky formed our common roof,
when the sun and moon were our parents, when all were
brothers and sisters,
when our great civilization grew under the sun,
when our chiefs and elders were great leaders, when
justice ruled the law and its execution.

Then other peoples arrived:
thirsting for blood, for gold, for land and all its
wealth, carrying the cross and the sword, one in each
hand, without knowing or waiting to learn the ways of
our worlds, they considered us to be lower than the
animals, they stole our lands from us and took from us
our lands, they made slaves of the sons of the sun.

However, they have never been able to eliminate us,
nor to erase our memories of what we were, because we
are the culture of the earth and the sky, we are of
ancient descent and we are millions, and although our
whole universe may be ravaged, our people will live on
for longer than even the kingdom of death.

Now, we come from the four corners of the earth, we
protest before the concert of nations
that, "we are the Indigenous Peoples, we who have a
consciousness of culture and peoplehood
on the edge of each country’s borders and
marginal to each country’s citizenship."

And rising up after centuries of oppression,evoking the
greatness of our ancestors,
in the memory of our indigenous martyrs,
and in homage to the counsel of our wise elders:

We vow to control again our own destiny and
recover our complete humanity and
pride in being Indigenous People (Sanders, 1977: 17).

The International Work Group for Indigenous Affairs
(IWGIA) is an independent international organization with
consultative status as an NGO with the United Nations. The
IWGIA, which is based in Copenhagen, Denmark, organizes
campaigns to put pressure on governments and international
organizations in order to mobilize public opinion against
the suppression and violation of indigenous peoples' human rights. Specifically, the IWGIA initiates and supports research projects on the situation of indigenous peoples worldwide. Both the WCIP and the IWGIA are internationally active non-governmental indigenous organizations. These organizations monitor violations of indigenous rights and report such incidences to international bodies. Added to this they conduct studies and distribute the information on indigenous populations as well as proposing alternative mechanisms for the protection of indigenous rights (Torres: 168).

The International Labor Organization (ILO) has been influential with regards to indigenous rights because it was the first international organization to adopt specific measures for the protection of indigenous peoples. In 1957 the ILO adopted the Indigenous and Tribal Peoples Convention (No. 107) which both defined indigenous and other tribal or semi-tribal populations as well as recognizing the right to the collective ownership of land (Van Dyke and DiAmore-Siah: 22). The ILO has been a significant organization for indigenous peoples because it has consistently considered the issue of indigenous rights and by its actions it has promoted the discussion of the rights of indigenous peoples by other organizations.

Two UN agencies involved in the field of indigenous rights are the Sub-Commission on Prevention of
Discrimination and Protection of Minorities and the Working Group on Indigenous Populations (WGIP). The Sub-Commission is a UN body organized under the Commission on Human Rights. The purpose of the Sub-Commission is to hear and consider minority concerns from other UN agencies, the UN Secretary-General, member states and NGO’s. The Sub-Commission then drafts and recommends resolutions to the Commission on Human Rights and to the General Assembly (Torres: 169). It was at the prompting of the Sub-Commission which recognized the unique nature of indigenous problems, that the Cobo Report was authorized in 1972. The Sub-Commission also recommended that a separate body needed to be established to address the specific concerns of indigenous peoples and subsequently the WGIP was established in 1982 (Torres: 170). The Working Group reviews national developments relevant to the human rights of indigenous populations as well as paying attention to the evolution of international standards of indigenous rights. The Working Group has also drafted an indigenous convention, designated 1993 the year of indigenous peoples, and in general it has become the main forum for the discussion of indigenous rights at the UN (Torres: 170). Torres summed up the contribution of the Working Group in the following way:

While the WGIP cannot guarantee the full compliance of all states with the indigenous norm, it remains the recipient and distributor of information concerning indigenous rights, thus contributing to the clarification and articulation of the norm and to the protection of indigenous rights (Torres: 171).
Bearing in mind the similarities in experiences of indigenous peoples that make their collective organization necessary, there are also some important differences that international organizations have to take into account. Indigenous peoples share a history of colonization, and they share the present experience of being incorporated into modern nation states which denies them the right to self-determination, the rights to their own land and to their own resources. Despite these similarities the present day experiences of indigenous peoples vary greatly from those facing genocide to those who live in prosperous industrialized nations (such as Hawaiians and Maori). State policies towards the indigenous populations which are expressed both in legal provisions and in practice, also differ greatly and indigenous peoples have variously been subjected to policies of assimilation, integration, segregation and pluralism (Lerner: 110). The problem therefore is how to represent the variety of experiences and concerns of indigenous peoples. Douglas Sanders raised a related issue in his discussion paper on membership and representation within the WCIP. In this paper, Sanders mentions a debate over whether representation in the World Council should be on the basis of indigenous peoples or on the basis of indigenous populations of states. Arguments in favor of representation by states are along the lines of political expediency because states are the recognized units
of international law and indigenous political organizations therefore copy the state structures in order to deal with the state (Sanders, 1982: 6). Alternatively, arguments in favor of representation by peoples base their claim on international law which recognizes that the right of self-determination is a right of peoples. To use people as the category of representation is therefore a recognition of indigenous law, while to use state as the category is to recognize colonial law (Sanders, 1982: 8).

An additional division among indigenous peoples that has affected their ability to work together is the degree to which their organizations are supported or not by government funding. Regarding the international conference of indigenous peoples held in Port Alberni, British Columbia, October 1975, which led to the formation of the WCIP, Sanders made the following comment on the delegates:

The international conference brought together delegates from countries with policies which supported indigenous organizations with public or semi-public funding and delegates from countries where indigenous peoples might be recognized by governments as peasants or workers, but not as politically distinct groups within the nation. The divisions in the conference were clearly along these lines. The Sami, the North American Indians, the Inuit, the Maoris and the Australian Aborigines could understand each others situation quite easily. But the relationships between these groups and their national governments were paradoxical, perhaps incomprehensible to the delegates from most of Latin America... The basic element of indigenous culture were mutually understood - but the political differences between governments in Latin America and the industrialized West had given the two groups of delegates radically different experiences with national governments (Sanders, 1977: 23).
Maori people have been involved in international organizations for indigenous peoples for many years. Maori concerns which have prompted such involvement include land rights, respect for the Treaty of Waitangi, rights to natural resources, preservation of culture, identity and traditional ways of life and protection of the environment. The New Zealand government has shown its adherence to international standards of human rights by voting in favor of the Universal Declaration of Human Rights and by ratifying the International Covenant on Economic, Social and Cultural Rights (in 1987), the International Covenant on Civil and Political Rights (1986) and the International Convention on the Elimination of all Forms of Racial Discrimination (1972). However Maori claims to self-determination, self-government and autonomy as well as the obvious economic and social disparities between the Maori and dominant pakeha population have prompted Maori to look for support internationally for their concerns. Maori delegates travelled to Guyana in August for the first preparatory meeting for the World Conference of Indigenous Peoples and later that year a Maori, Neil Watene, was one of seven representatives on the policy board in Copenhagen that dealt with organizational issues regarding the World Conference (Sanders, 1977: 13). The emphasis that Maori people place on international links is shown for example in
the fact that the National Maori Congress which was established in 1990, has an international committee whose role is to develop foreign policy for Maori and to promote global considerations in tribal development planning. The committee is especially interested in maintaining links with the UN and in particular with the WGIP (National Maori Congress: 2). Some policy suggestions of the Congress include the recommendation that the 1993 Year of Indigenous Peoples emphasize the positive and dynamic strengths of indigenous peoples as well as the inequitable conditions which they suffer (National Maori Congress: 3). Congress also suggested that an international indigenous treaties conference be convened and finally, Congress noted the achievements of the WGIP in developing an international indigenous network by establishing a Commonwealth of First Nations and they anticipated the role of such a commonwealth as considering how UN conventions could be made more relevant to indigenous peoples as well as addressing such issues as intellectual and cultural property rights (National Maori Congress: 4). Maori interest and involvement in international indigenous issues was also demonstrated by their hosting in December 1990 of the first World Indigenous Education conference at Turangawaewae marae, Ngaruawahia. The promotion of indigenous languages education is an issue close to the heart of Maori who now have over 900 Kohanga Reo (Maori language early childhood
centers) as well as a number of Kura Kaupapa Maori (Maori language primary schools). The speech given at the Waitangi day commemorations, February 6, 1992, by the Maori Queen Te Arikinui Te Atairangikaahu also emphasized the international role of Maori as well as the desire by Maori for Aotearoa to be a truly bicultural society. She stated:

We need to remind ourselves...that as Polynesians we live in Te Moana Nui a Kiwa; as Pacific people, we have a strong bond with those other people who are nourished by our great ocean, and whose lives touch ours commercially as well as culturally. What then happens to Aotearoa's indigenous, or bicultural concerns? A Samoan speaks for Samoa, a Tongan speaks for Tonga, so I ask, Ma wai e kawe atu taku kupu ki tawhiti? And who shall speak for my people? (Te Atairangikaahu speech: 5).

She went on to comment on the fact that Maori people have been politically active internationally for many years:

An international Maori perspective is not new. The 1835 Declaration of Independence was an attempt by our forebears to claim their place in the world of nations, as a viable trading entity, with whom other nation states made effective trade agreements. Several European governments did this. The world at large knew who the Maori were, and from where they were coming. This happened despite a widely scattered tribal system. Abroad the Maori entrepreneurs had an established and reputable international status (Te Atairangikaahu speech: 5).

The aspirations of the Maori Congress and of Maori people in general as reflected in Te Atairangikaahu’s speech provide a challenge to the New Zealand government as well as a vision for a bicultural future. Maori people emphasize their contacts with indigenous peoples elsewhere in recognition of a shared history of colonialism but also as a way to
demonstrate their sovereignty and their desire to retain their distinctiveness or mana maori motuhake.

Hawaiian representatives have also been active in international organizations for indigenous peoples and a Hawaiian delegate attended the first World Conference of Indigenous Peoples in Port Alberni, British Colombia in October 1975. More recently, Poka Laenui (Hayden Burgess) has served as the Vice-President of the WCIP and as Director of the Pacific-Asia Council of Indigenous Peoples. Hawaiians have also made numerous representations at international conferences concerning their situation. Like Maori, Hawaiians regard involvement in international organizations as a way to assert their sovereignty and to bring world attention to their particular concerns which the federal government is reluctant to address. The specific concerns that Hawaiians seek to have addressed at these international forums include the economic and social problems shared by Maori but specifically the environmental problems caused by rapid development and a rampant tourist industry, land claims, military use of land and the desire for self-government. The advantage that a world forum provides is the platform from which Hawaiians can address the United States government, rather than just as a very small minority within the United States. Hawaiian sovereignty organizations differ, however, in the importance that they place on international organizations and on the declarations that
result from these international meetings. Regarding ILO Convention 169, Poka Laenui commented that:

The convention ... is a definite step forward in respecting in indigenous peoples the full human rights and fundamental freedoms which should be respected in all peoples ... (and that) almost every article of ILO convention 169 has something to add in forwarding the concerns of our own indigenous peoples in Hawai‘i, It is a document which can lend added authority to the struggle for greater control of our Native Hawaiians to the total political, social, cultural and economic environment surrounding us today (Burgess, Press Release: 5).

Some other Hawaiian nationalists such as Mililani Trask have a different assessment of the convention. They regard the revised constitution as damaging for indigenous peoples because (unlike Convention 107) it does not specifically recognize the right of tribal people to the ownership of their traditional land. A press release by Survival International summed up the opposition to the revised Convention in the following statement:

The Convention essentially denied tribal people the rights of being "peoples". A "People" has by law the right to: 1. Peace. 2. Security. 3. Subsistence, and 4. Self-determination. The irony was that the Convention actually recognized tribal peoples to be "peoples" - but peoples without the four basic rights (Survival International, 1989).

The debate among Hawaiian groups on international involvement is also reflected in their differing approaches to the struggle for sovereignty. Some organizations concentrate their efforts on trying to have their concerns addressed within the federal system. They are striving to attain the same rights and privileges accorded to Native
Americans. Other organizations argue for exclusion from the federal system and with this in mind, they regard international links as very important in view of future sovereignty claims.

In conclusion, both Maori and Hawaiian nationalists recognize the importance of international organizations and forums in which to establish links with other indigenous peoples and also as a way to air their grievances internationally. The concentration of the sovereignty movements in both cases however, remains focused on claims against their national governments. International organizations are helpful in that they provide a reference point for human rights and facilitate a free flow of information among indigenous peoples, but as described earlier, such organizations are by necessity very broad in their outlook. Consequently, the struggle for specific claims by indigenous peoples means that internally they have to keep pressuring the government. Maori organizations therefore continue to assert their status as tangata whenua and their rights under the Treaty of Waitangi and Hawaiian organizations continue to struggle to have the illegality of the overthrow of the monarchy recognized and to obtain reparations for the injustices suffered since then.
In 1971, a report written by Special Rapporteur Jose Martinez Cobo, concluded that the existing international human rights standards were inadequate with regards to indigenous peoples and further that indigenous peoples had specific rights that needed to be promoted. Cobo’s report prompted a reassessment at the international level of the rights and concerns of indigenous peoples and in the 1970’s and 1980’s, there was increased activity among indigenous advocacy groups as well as the establishment of new organizations such as the Working Group on Indigenous Populations which was formed in 1982. The concerns of indigenous peoples included the need for cultural protections, the recognition of land claims, equal access to social and economic rights and greater political autonomy. This increased awareness of the needs of indigenous peoples was offset however by the general ambivalence of states to the rights of indigenous peoples. From the perspective of national governments, the assertion of indigenous peoples’ rights represented a threat to national unity and territorial integrity.

The struggles of Hawaiians and Maori were revitalized in the 1970’s because of the influence of civil rights movements elsewhere, as well as decolonization in the Pacific and in Africa. Both Maori and Hawaiians drew on a
colonial experience that had left them economically and politically marginalized and largely landless. Hawaiian and Maori struggles within Aotearoa and Hawai‘i have focused on the reclamation of land as well as compensation for their loss of sovereignty.

International organizations of indigenous peoples perform many important functions such as facilitating the discussion of indigenous rights and monitoring the actions of governments regarding their policies towards indigenous peoples. The organizations also provide the opportunity for indigenous peoples to meet and share their experiences with each other. The question about the real effects of international indigenous organizations for Maori and Hawaiians (and other indigenous peoples) is still valid however. On the one hand, such organizations enable indigenous people to form alliances as well as providing forums to discuss and to monitor indigenous rights. States continue however, to be reluctant to accept charters that in any way infringe on their authority and they resist the recognition of the specific rights of indigenous peoples to land, resources, compensation and particularly to sovereignty. The dilemma for these international organizations seems to be in their role of balancing the hopes and aspirations of indigenous peoples against the reality of dealing with nation-states that will give only a certain amount of resources or compensation or even
acknowledgement of past injustices. Despite the many similarities between Maori and Hawaiians, not only historically but also in their present economic and social situation, the concepts of sovereignty being suggested by nationalist organizations seem to be quite different, due largely to the different political contexts within which they are working. Maori look to the Treaty and the provisions within it that protect their rangatiratanga, while Hawaiians refer to the recognition already granted to Native Americans by the federal government as a model for the nation-within-nation status that they desire.

The issue of sovereignty continually comes back to land and the need for a resource base. Land loss, disease, economic exploitation by Pakeha/Haole settlers and the change in the racial balance of the populations of Hawai‘i and Aotearoa during the nineteenth century led to the loss of Maori and Hawaiian sovereignty.

The moral and legal claims that both peoples make for their sovereignty at this time are rooted in their experiences of colonialism as well as in their status as tangata whenua and po‘e Hawai‘i. The Maori and Hawaiian claim of sovereignty demonstrates their desire to retain their cultural distinctiveness as well as their reclamation of their place in the Pacific.


Burgess, Hayden.

------------ Interview with author, 14 November, 1991.
------------ Letter to Jorge Dandler, 24 June, 1989 regarding the revision of ILO Convention 107. Transcript held by Professor Jon Van Dyke.
------------ Press Release, "World Attention on Indigenous Peoples". Transcript held by Professor Jon Van Dyke.


Te Arikinui Te Atairangikaahu (the Maori Queen). Speech given at Waitangi, NZ, February 6, 1992. Transcript with author.


------------------- Charter. Transcript in the Pacific Collection, Hamilton library, University of Hawai‘i at Manoa.