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Politics of Sovereignty: Settler Resonance and Māori Resistance in Aotearoa/New Zealand

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ABSTRACT Both settler states and Indigenous peoples have mobilised sovereignty to either entrench or challenge the structure of settler colonialism. However, this historical deployment of co-existing and competing ‘politics of sovereignty’ is deeply missed by the predominant fixed and state-centrist analysis of sovereignty. Based on archival and documentary analysis discussing two pivotal moments of Aotearoa/New Zealand history, I expose how the Crown discourses and practices of sovereignty aim at policing a Euro-modern resonance, whereas the Māori ones contain the potential for a resistance and alternative. Findings reveal how these particular politics of sovereignty function as (dis)empowering and (de-)authorising political devices respectively linked to processes of colonisation and decolonisation.

Introduction

Sovereignty is a contentious notion in the history of settler-Indigenous relations. On one hand, its alleged acquisition by the settler state—through conquest, ‘cession’, ‘discovery’ or passage of time—is the very foundation of its supposed legitimacy as ruler. On the other, intergenerational sovereignty claims are still central in contemporary Indigenous discourses and practices. The discursive and practical mobilisation of the same political concept, respectively as a justification for the status quo and as the foundation for a profound socio-political transformation, has converted sovereignty into one of the most fundamental political terrains in settler colonial countries (Barker, 2005; Corntassel & Primeau, 1995; Moreton-Robinson, 2007). However, this contention is profoundly unequal as the theoretical frames and state sovereignty doctrine still prevailing in the international sphere underpin an official dismissal of Indigenous sovereignty claims around the world (see Clavé-Mercier, 2018). This straightjacketing of what sovereignty is and means therefore forecloses all possibilities of dialogue with the political re-articulations advanced by Indigenous peoples. This is why, this paper argues, a different approach to sovereignty is necessary; an approach that can recognise the existing contention and seriously engage with Indigenous sovereignty claims, while also making sense of their re-signification of the

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term pointing towards alternative political avenues. Broadly said, sovereignty is about political ordering, about situating, constituting and legitimising ultimate authority, about defining the workings of the political community. However, both Indigenous and state actors deploy their own specific articulations of the notion that they claim as foundation for their status, actions, legitimacy or demands. Through the construction of a specific analytical gaze called ‘politics of sovereignty’, this paper engages precisely with this simultaneous deployment of sovereignty as a political restraint and a political enabler in settler colonial contexts.

More concretely, this paper applies the politics of sovereignty lens to an archival and documentary analysis of two key moments of the Aotearoa/New Zealand settler-Indigenous relations: the nineteenth-century Waikato War and the 2010s decade.¹ Starting a few years after the signing of the treaty of Waitangi,² the 1845–1872 New Zealand Wars are generally recognised as the colonial wars through which British sovereignty was effectively imposed (King, 2003; O’Malley, 2019; Orange, 1987; R. Walker, 2004). The competing politics of sovereignty running through this series of conflicts are especially embodied by the opposition of two historical figures and the documents they produced around the Waikato War: Governor Grey’s 1863 Proclamation of War and rangatira (chief) Wiremu Tāmihana’s famous correspondence with the New Zealand Governors and Parliament. On the other hand, the recent decade of 2010s is approached in light of the Waitangi Tribunal³ Te Paparahi o te Raki inquiry (WAI1040) and the work of the Independent Working Group on Constitutional Transformation, Matike Mai Aotearoa. This paper starts with an introduction of the politics of sovereignty approach. It then traces the politics of sovereignty articulated by the Crown and its role in the de-authorisation, disempowerment and marginalisation of Māori in their own lands. This allows us to discern how the predominant Western conceptualisation of sovereignty is intrinsically connected to the Euro-modern/colonial paradigm to the detriment of Indigenous peoples. The second part addresses the Māori engagement in politics of sovereignty with a special interest for its alternative configuration of authority. This paper approaches this politics as both a counter-thinking about what sovereignty means and as a series of practices of contestation and transformation, thus highlighting its potential for the actualisation of a different political thinking and ordering. Both the settler resonance agenda and the Māori resistance one, revealed by the politics of sovereignty lens, demonstrate how sovereignty is not limited to issues of political authority. Indeed, it is also profoundly intertwined with the authorisation of ontologies, epistemologies and subjectivities. While this means it can be used to reinforce the conditions of coloniality, it also suggests a potential to transform the terms of coexistence between settlers and Indigenous peoples.

Politics of Sovereignty

For reasons of scope and space, this paper’s engagement with the literature on sovereignty is circumscribed to the tasks of constructing a ‘politics of sovereignty’ approach and discussing settler-Indigenous relations. The sovereignty literature is incredibly vast and encompasses multiple approaches, fields, and disciplines at times irreconcilable.⁴ In spite of this diversity, authors located differently within this literature have at times recognised the multiplicity of meanings attached to the sovereignty concept (see Benn, 1955; Kalmo & Skinner, 2010; Keating, 2001; Krasner, 1999). Going beyond what is often a mere acknowledgement, the politics of sovereignty approach is useful in that it explains

this conceptual plurality by revealing the political deployments and effects of concrete understandings of sovereignty. Through a case study focused on the Aotearoa context, this approach shows how sovereignty has been used as a colonial tool, but also how a Māori alternative and pluralistic conception of sovereignty is both possible and necessary. Considering the *politics* of sovereignty allows for a proper engagement with these Indigenous alternatives that, explicitly invoking ‘sovereignty’ or not, nonetheless aim at transforming the existing configuration of authority. The approach developed in this paper transcends the still predominant realist notions of sovereignty as a fixed set of characteristics either possessed or lacked by nation-states. Indeed, this static and restrictive understanding needs to be overcome as it conceals that sovereignty is an ongoing and disputed process, and relegates Indigenous claims to a position of marginality and incomprehensibility.

Conversely, the politics of sovereignty approach rests on three fundamental and intertwined claims. First, sovereignty is not only a *political* concept because it pertains to the organisation of political communities and orderings, but because it is used as a political tool (Prokhovnik, 2007, 2016). Academics, politicians, activists and others deploy multiple, evolving and competing conceptions, which are intimately linked to political stances, aspirations and implications. According to this view, there is no universal, fixed, nor neutral conceptualisation of what sovereignty is as its meaning itself is politicised and deeply embedded in and dependent on the political realities in which it is produced and deployed. This understanding then leads to a second claim: sovereignty is contested in nature. Progressive, conservative, colonial, decolonial, oppressive and emancipatory stances simultaneously claim and redefine what sovereignty is and how it looks like. ‘What is at stake here is the politics and ownership of the sovereignty concept’ (Prokhovnik, 2007, p. 9). A *broad* politics of sovereignty is thus revealed in which several *particular* politics of sovereignty deploy their own specific meanings of the concept based on particular political ontologies and designed to support particular political projects. As an example, this paper later delves into the Aotearoa politics of sovereignty in which both the Crown and Māori deploy diverging particular politics of sovereignty. Finally, this approach argues that sovereignty cannot be reduced to a theoretical principle or an abstract institution but is actually translated into discourses and practices with very real political effects (Prokhovnik, 2007; Shaw, 2008; R.B.J. Walker, 1993). Each particular politics of sovereignty mobilises its own set of discourses and practices with an eye on defining, instituting and negotiating the existing political orderings. As Prokhovnik argues, ‘[w]hat we think and accept sovereignty to mean, structures the real world of political and legal practices within which we work’ (2007, p. 18). Therefore, the broad politics of sovereignty is a key site for political struggle as the fixation of a certain conceptualisation is fundamentally linked to the structuring of the political reality we live in. Discourses and practices of sovereignty then have the potential to enable and disable political possibilities and, as shown in this paper, can either reinforce or challenge the political ordering of a concrete community.

In summary, this approach argues that sovereignty is a process rather than an attribute. A process never settled and always potentially disputed, in which several actors adhere to different conceptions that then lead to competing discourses and practices aiming to reproduce or challenge the existing authority configuration. ‘Unsettling’ sovereignty does not mean embracing an absence of defined authority but rather to conceive its definition as politicised instead of naturalised and pre-political. The high stakes of what we define as

sovereignty are thus made evident, as is the need to analyse how it is strategically used, performed and fought over. Following and expanding on Prokhovnik's theoretical contributions to the study of sovereignty, this paper articulates an analytical approach enabling the empirical examination of concrete disputes between competing conceptualisations, their translation into discourses and practices, and their political impacts. The politics of sovereignty approach thus re-orientates the debate on sovereignty towards an engagement with the deployments and practices of political actors. Moreover, by addressing sovereignty as a key site of political struggle, it dissolves the conflation of sovereignty with state, which, in spite of being already questioned and deconstructed (Agnew, 2009; Biersteker & Weber, 1996; Kalmo & Skinner, 2010), is still prevailing in Euro-modern political thinking and praxis. While state-centrism is still a constitutive aspect of the Euro-modern conceptualisation of sovereignty (see Shadian, 2010), this paper's approach exposes how other political actors can develop their own politics of sovereignty either supporting or challenging the existing predominant conceptualisation and the political order it sustains and reifies.

This competing coexistence of particular politics of sovereignty is especially explicit and relevant in settler colonial contexts, due to the centrality of discourses and practices of sovereignty in both the processes of colonisation and in Indigenous resistance (Alfred, 2005; Moreton-Robinson, 2007; Simpson, 2014). Across the board in conflicts around questions as diverse as land, cultural practices, knowledge production or political authority, both settlers and Indigenous peoples brandish the claim of sovereignty in a bid to impose or challenge norms, worldviews, systems or practices. In a context in which the foundational legitimacy of the political ordering and its many different manifestations is highly questioned, the 'sovereignty game' (Cleave, 1989) becomes crucial due to its potential to (re)define the socio-political conditions.

Crown Sovereignty, Euro-modernity and Resonance

The first conceptualisation of 'sovereignty' originates from the European modern answer to the problem of authority caused by the collapse of medieval forms of political organisation and by religious conflicts. In this context, this new political idea and configuration envisioned a sole source of authority that would be absolute, indivisible, covering the whole territory and population, and mainly exercised through coercive power. However, it is crucial to note that, like Euro-modernity itself (Dussel, 1993), the Euro-modern idea of sovereignty was also framed by and developed through the colonial invasions, providing the perfect setting to refine its conceptualisation and deploy it as an instrument of colonisation itself (Anghie, 2005; Bonilla, 2017). Conflated with Euro-modern civilisation, this idea of ultimate authority was simultaneously asserted by the settlers while denied to Indigenous peoples. Sovereignty was articulated and deployed to uphold and enshrine the colonial power relations, thus enabling and justifying dispossession.

In her monograph *Indigeneity and Political Theory* (2008), Karena Shaw exposed this ongoing reality in the Canadian context by turning to the cornerstone of the predominant Euro-modern conceptualisation of sovereignty: Hobbes' Leviathan (Hobbes, [1651] 2018). While Euro-modern sovereign theory and form have undoubtedly evolved since Hobbes' formulation, the Hobbesian model of sovereignty remains a powerful cognitive frame for scholarship and political praxis alike (Prokhovnik, 2007; Shaw, 2008; R.B.J. Walker, 1993). As a way to insist on the desirability and necessity of a configuration of sovereign

authority built around Euro-modern identity and worldviews, Hobbes resorts to the well-known image of a terrifying ‘outside’ conversely unable to come together under a shared system of ultimate authority. The Hobbesian sovereign commonwealth is then produced through a dual engagement with difference. On one hand, fundamental differences within the political community have to be disciplined as they could question the grounds of sovereignty. On the other, a greater distant and dangerous difference is created as the Other, both negatively defining the commonality that must be shared within the political community and representing a chaotic state of nature implying the necessity of Euro-modern sovereignty. Indigenous peoples have been commonly used as representations of this undesirable ‘outside’ incapable of constituting a recognisable collective legitimate authority according to Euro-modern standards (Hobbes, [1651] 2018; Locke, [1689] 1989; Tocqueville, [1835] 1990). Euro-modern sovereignty thus relies on a process of othering and (violent) exclusion of Indigenous ways of being, knowing, doing and deciding from the constructed commonality.

In her analysis of the entanglement of Euro-modern sovereignty with colonisation, Shaw highlights the role of this notion of ‘core of resonance’ present in the Hobbesian conceptualisation and further developed by political theorists such as Tocqueville (Shaw, 2008, pp. 41–50): ‘For Tocqueville, as for Hobbes, sovereignty rests upon a shared body of beliefs, a core of discursive resonance. It is this shared set of beliefs, the identity and self-consciousness of a people as a people that provides the most fundamental basis for government’ (Hobbes, [1651] 2008, p. 41). ‘Resonance’ alludes to that ‘similarity of feelings and resemblances of opinion’ shown by the members of a given political community. Their ‘[s]ociety can exist only’ when they hold the same ideas and perspectives (Tocqueville, [1835] 1990; p. 392 in Shaw, 2008, p. 41). Following Hobbes, this resonance pertains to aspects such as an ordering of time and space, shared language, laws and customs, a form of reason, and a way of producing knowledge all based on Euro-modern subjectivity, ontology and epistemology (Shaw, 2008, pp. 19–25). In other words, the Euro-modern sovereignty rests on the constitution of a uniformity firmly based on a particular ontological and epistemological ground. It hinges on and produces a ‘configuration of knowledge, authority, subjectivity and order’ (Shaw, 2008, p. 182), a deep commonality, i.e. ‘resonance’, presented as an allegedly indispensable and naturalised pre-condition of the constitution and legitimisation of sovereign authority. Such an understanding then leads to the de-articulation of any kind of difference that would potentially threaten its core of resonance, thus reinforcing colonising and assimilating mentalities and processes.

Sovereignty is therefore much more than the simple location of ultimate authority within a political community:

Definitions of sovereignty which highlight ‘supreme authority’ only point to the extreme case, and so are only partial definitions. On a day-to-day basis sovereignty is much more importantly the repository of political values – about the nature, scope and limits of politics – which are expressed in laws, rules and policy orientations, as well as in social values and norms. (Prokhovnik, 2007, p. 152)

Drawing on this understanding, the assertion of settler colonial sovereignty has been intertwined with processes of racialisation, de-authorisation, dispossession and assimilation of Indigenous peoples (Anghie, 2005; Shaw, 2008; Wolfe, 2018). However, this article argues that sovereignty, like settler colonialism, is not merely established by an

original occurrence but continuously reproduced through ongoing processes. Settler discourses and practices of sovereignty thus aim to constitute and legitimate their own ultimate authority, while simultaneously policing its commonality against fundamental differences. Therefore, the core of resonance paradoxically appears as both pre-condition and ongoing product of a Euro-modern sovereignty whose conditions of possibility, like those of much of the Euro-modern world, are dependent on the exclusion and dispossession of Indigenous peoples.

From Waikato to Taitokerau

In Aotearoa, the 1840 signing of the treaty of Waitangi constitutes the foundational moment of the Crown politics of sovereignty. The Crown understood—and still understands—that such a process simultaneously asserted British/settler sovereignty over Aotearoa and the cession of Māori sovereignty. In part, the treaty thus furthered the recognition of Māori sovereignty, initiated by the Crown's recognition of He Whakaputanga in 1836,⁵ even if merely to enable its cession.⁶ However, this apparently paradoxical recognition is minimised by historical evidence attesting that it was little more than nominal, and constantly qualified by civilisational views picturing Māori as an inferior race incapable of effective political organisation (Buick, 2011, pp. 70–79; Orange, 1987, pp. 19–31). Despite the Crown's 1840 assertion, British unilateral sovereignty over Aotearoa could not be fully enforced for some more decades. This may be because the British framers of the treaty did not initially envision sovereignty as an exclusive and all-encompassing authority (Fletcher, 2014), but was also the result of Māori resistance and continuous exercise of their own authority over their lands, peoples and, at times, settlers. Additionally, the implications of the treaty have already been extensively recognised and discussed elsewhere (McHugh, 1991; Mikaere, 2011; Orange, 1987; Waitangi Tribunal, 2014).

That is why, following on an understanding of sovereignty as a political process continuously unfolding, this section turns its attention to the New Zealand Wars as one of the most crucial and large-scale practices of Crown sovereignty. In a country where Māori were still demographically predominant, economically strong, and exercised political authority over most of the land, these conflicts were key in furthering the production and effective imposition of Euro-modern sovereignty in Aotearoa. Due to these wars' extension and divergences across time and space, I focus here on the 1863–1864 Waikato War and analyse one of the key discourses of Crown sovereignty in the form of Governor Grey's 1863 Proclamation to the Waikato rangatira.⁷ Additionally, I engage with several Acts of Parliament issued in the 1860s that sustained and reinforced the Crown politics of sovereignty. Indeed, 'laws—in process or in substance—express the shared core of resonance of the nation' (Shaw, 2008, p. 46), they constitute practices of sovereignty enforcing resonance and policing fundamental differences.

Besides initiating the Waikato War, Grey's Proclamation performed several functions in the production and politics of Crown sovereignty. First, a definition of sovereignty as a certain configuration of authority and exercise of power transpires throughout the document. Abandoning an earlier strategy in Crown-iwi⁸ communications in which settler assertions of authority were disguised under the deployment of Māori cultural speech forms (Cleave, 1989, pp. 9–15), Grey's text furthered a previous Proclamation published two days earlier demanding that all Māori between Auckland and the Waikato River take an oath of allegiance to the Crown or face forcible eviction from their lands. Therefore, it

clearly conveys the imposition of British sovereignty as the only valid configuration of authority in Aotearoa, echoing Hobbes' archetype of absoluteness and indivisibility. This assertion is then reinforced by establishing the treaty as incontestable in both meaning and implications, thus following the typical depoliticisation of the production of Euro-modern sovereignty (Prokhovnik, 2007, pp. 159–178; Shaw, 2008, pp. 35–37). Indeed, by declaring that Māori who do not submit to the Crown authority will renounce to their treaty-guaranteed rights, Grey makes the Crown the sole interpreter and referee of a covenant signed between several parties. The source of Crown sovereignty is rendered politically unchallengeable.

Based on Euro-modern systems of knowledge and authority in which the written English word is elevated to the status of epistemological referent, the Crown self-ascribed and unilateral treaty interpretation fundamentally disregarded the rhetoric and consensus-based Māori decision-making processes in which orality and *te reo* (Māori language) were authoritative. Subsequently, the Native Lands Act 1865 pursued the extinguishment of customary title to bring it under British law, imposing and naturalising Euro-modern standards of law and knowledge as Māori land rights had to be decided against processes of formal evidence imported from European practice (see D. Williams, 1999). It also made land rights dependent on Crown recognition instead of hapū-derived rights,⁹ while simultaneously superseding the Māori collectivist and holistic non-owning relations to land by the liberal subjectivity of the individual autonomous property owner. The Native Schools Act 1867, enforced for more than a century, established a native school system in which English was physically enforced as the sole language to be spoken and where the educative setting and contents were defined along civilisational Western ideals. These practices of sovereignty established and policed what constitutes valid knowledge and evidence in a way that de-authorised Māori epistemologies and knowledge claims. Moreover, they also contained an obvious imposition of authority and Euro-modern world-views. Legislation thus reinforced the epistemological ground of this settler resonance by defining the acceptable and authoritative processes and means through which knowledge could be constructed, expressed and given authority.

Grey's Proclamation extended the Crown unilateral treaty interpretation to the point of enabling Māori people to be stripped of their supposedly treaty-bound citizens' rights. This gave Crown authority the Euro-modern sovereign ability to force assimilation or exclusion and dehumanisation of the 'othered' whose constructed difference and subjectivity negatively defines the settler resonance (Agamben, 1998; Shaw, 2008). The Proclamation, reinforced by the 1863 Suppression of Rebellion Act and NZ Settlements Act, constructed Māori as the savage and violent Other conspiring to plunder and exterminate settlers. Their repeated qualification as 'rebels' subverting the Crown's authority meant the imposition on Māori of a subjectivity defined by its exclusion. Additionally, since such qualification enabled a denial of warfare courtesies and of treaty-guaranteed rights, it also functioned as a justification for humanity erasure. The Proclamation's definition of settlers as 'a population capable of protecting for the future the quiet and unoffending from the violence with which they are now so constantly threatened'¹⁰ reinforced this construction of Māori as the Hobbesian undesirable and threatening 'outside'. Moreover, it identified the settler resonance with notions—and attribution of meanings—of order, law, peace and security, as well as elevating it to guarantor of the future. Māori are depicted as incapable of ordered and peaceful behaviour when even 'well-disposed Natives' are defined as 'unable or unwilling to prevent these evil acts',¹¹ rendering them either evil themselves or unable to exercise

effective authority, let alone claim sovereignty. ‘Well-disposed’ Māori submit to Crown sovereignty, its understandings of peace and order, and even actively support its military endeavours against other Māori. ‘Evil-disposed’ ones, clinging onto their authority claims, are banished to the outside of the political community and consequently stripped of their rights and humanity. The Proclamation’s discourse of sovereignty, practically enshrined through legislation, thus imposed on Māori a Crown-produced subjectivity divide forcing them into either assimilation or exclusion.

Therefore, the Waikato War functioned as a Crown assertion of sovereignty by force, coupled with a production of Euro-modern sovereignty through discourses and practices notably underpinned by laws reaching deep into Māori everyday life. The studied documents reveal an imposition of Crown authority combined with an attack on Māori own political structures and configurations. But beyond this dual political authorisation/de-authorisation, the Crown politics of sovereignty also resulted in an imposition of ways of knowing and being. By constructing Māori as fundamentally different and threatening the settler sovereign resonance, it authorised and naturalised colonial epistemologies and worldviews as well as Māori assimilation. In this process, Māori were dispossessed of their land, language, knowledge systems and authority configurations.

In no small part owing to continuous Māori political mobilisation, the Crown-Māori relations have generally improved since the NZ Wars. Some significant changes transformed Aotearoa’s politico-legal sphere at the end of the twentieth century and beginning of the 21st. For instance, elements of Māori tikanga¹² have been progressively incorporated into New Zealand law. Although positive in some aspects, this recognition has been limited to a series of optional and easily defeasible provisions incorporated ‘within the broad confines of the status quo’ (J. Williams, 2013, p. 12) without amounting to a genuine transfer of decision-making powers to Māori communities. Prominent Māori legal scholars and practitioners have ultimately criticised this incorporation of Māori law into the settler legal system for being circumscribed to the constraints of a Euromodern view of Crown sovereignty (Mikaere, 2011; Sykes, 2020). Similarly, the struggle for legal recognition of the treaty finally culminated in 1975, reinforced by the creation of the Waitangi Tribunal. Since the 1990s, many iwi underwent a settlement process, and are now to a certain extent involved in state consultation and decision-making processes. However, these changes have been criticised as limited and superficial (Jones, 2016; McDowell, 2016; Mutu, 2019), as they leave the question of sovereignty in Crown-Māori relations largely unaddressed. In fact, the treaty settlements process actually stands as a modern example of the Crown’s assertion of a particular form of sovereignty in which Māori are largely de-authorised. Most flaws arise from the fact that the process is unilaterally designed and imposed by the party held accountable for breaching the treaty in the first place: the Crown. Although leading to state apologies, compensations, or devolutions,¹³ the Crown’s control over the whole process—from recognising its negotiating counterpart to delimiting the negotiations—stems from its assumption of sovereignty and thus means that this same sovereignty cannot be challenged.

Transversally, the contemporary Crown keeps restraining Māori authority by imposing its frameworks and criteria to the partial devolution of power and resources (McHugh, 1999), maintaining encroachment on Māori land and rights through legislation and a market-driven approach (Greensill, 2005), or promoting neoliberal forms of tribal self-determination (Poata-Smith, 2001). In spite of inspiring social and cultural parallel institutions, Māori are still generally bound to settler power and authority in their own land.

The Crown thus reproduced the real basis of its power—though more subtly than through military invasions—by maintaining a politics of sovereignty entrenching the unquestionability of its authority, the policing of fundamental difference and the limits of political possibility, over Māori.

The Crown's discourse and engagement in the WAI1040 Waitangi Tribunal inquiry constitutes a clear example of the continuity of its politics of sovereignty. Initiated in 2010 and covering more than 400 claims across the Taitokerau region, this inquiry investigated the Māori and Crown understandings of the 1835 He Whakaputanga and of the 1840 treaty. Sovereignty was a key issue throughout the hearings and submissions, and three intertwined observations can be made regarding the Crown discourses and practices of sovereignty deployed in them. First, its position was marked again by an assumed monopoly on the interpretation of the treaty, 'us[ing] this Inquiry as a forum for the further perpetuation of its longstanding perspective' (Waitangi Tribunal, 2014, p. 487). This self-ascription of authoritative interpretation, recalling Grey's Proclamation, echoes broader contemporary practices such as the highly criticised definition of 'treaty principles' as legal devices bypassing genuine engagement with the Māori treaty text and understanding.¹⁴ Arguing that 'the well-established interpretation of the Treaty as having ceded sovereignty to the Crown remains' (Waitangi Tribunal, 2014, p. 486), the Crown articulated a double narrative concealing the violence of its own production of sovereignty and unilaterally placing its authority beyond question. Indeed, the assertion of its sovereignty is emphatically presented as a 'cession' thoroughly debated, agreed upon, and even 'welcomed' by Māori. At the same time, the then Treaty of Waitangi Negotiations Minister reacted to the WAI1040 report asserting flatly that '[t]here is no question that the Crown has sovereignty in New Zealand. This report doesn't change that fact' (Kenny, 2014). The Crown's argumentation surrounding this inquiry thus evidences how its politics of sovereignty rests on reproducing the treaty as the unquestionable foundation and justification of its own authority.

Furthermore, the Crown's interpretation of the treaty reveals its understanding of what sovereignty is and can be in terms of configuration of authority. Across its closing submissions, Crown counsel rejected notions of shared or dual sovereignty advanced by claimants, reaffirming instead the absoluteness and indivisibility of sovereignty.¹⁵ The WAI1040 Crown politics of sovereignty relies on a conception of sovereignty that views Māori rights and potential decision-making as concessions subsumed under Crown sovereignty. These efforts intend to fix the meaning of sovereignty as necessarily 'absolute, unitary and unaccountable' (McHugh, 1996, p. 302), a Euro-modern Hobbesian-infused view according to which 'any residual form of Māori sovereignty' (Waitangi Tribunal, 2014, p. 486) is considered inconsistent and impossible. Finally, the Crown's engagement in this inquiry has been repeatedly criticised for its disregard for Māori knowledge and language (Huygens et al., 2012; Waitangi Tribunal, 2014). Its treaty interpretation and subsequent submissions largely overlooked the Māori oral tradition of decision-making and were deeply reliant on non-Māori historiography and the English treaty text. Its counsel and witnesses were heavily dependent on English written documentary sources and had a self-acknowledged limited expertise of *te reo*, but nonetheless argued what *rangatira* meant and understood by signing *Te Tiriti*. This naturalisation and authorisation of imported epistemologies and English language underpin claims about what constitutes evidence and how truth is established, therefore reinforcing the

Crown sovereignty's epistemological ground and resonance while de-authorising alternative knowledge systems.

When signing Te Tiriti in 1840, Mohi Tāwhai famously commented: 'Our sayings will sink to the bottom like a stone, but your sayings will float light, like the wood of the whau tree, and always remain to be seen' (Waitangi Tribunal, 2014, p. 382). This cautionary statement accurately anticipated the detrimental consequences of the Crown politics of sovereignty. The Euro-modern understanding and production of sovereignty as a specific configuration of authority that the British imported to Aotearoa relegated Māori to epistemic closure, political erasure and assimilation. In addition to Māori 'sayings', the Crown politics of sovereignty has, consciously or not, marginalised Māori customs, worldviews and epistemologies, imposing a system in which Māori authority claims cannot be heard nor make sense. Even though socio-political improvements since the Waikato War are undeniable, Māori still resist and challenge this situation today.

Rangatiratanga, Interdependency and Decolonisation

Because sovereignty has been appropriated by the Western world (Anghie, 2005; Smith, 1999)—materially, politically and semantically—and conflated with Euro-modernity, its values and political ontologies, Indigenous peoples tend to identify it as a rhetoric and practice of domination, dispossession and violence. However, they have maintained claims of Indigenous sovereignties throughout generations, asserting authority in their lands according to their specific configurations, legitimations, and conceptions of power. Although sometimes privileging their own vernacular concepts of authority, Indigenous peoples have engaged in politics of sovereignty, differently across time and place and often challenging the impositions of colonial power (see Barker, 2005; Gagné & Salaün, 2010; Simpson, 2014). Due to the tensions between Euro-modern sovereignty and Indigenous experiences, their politics of sovereignty is often counter-hegemonic and largely underpinned by politics of indigeneity. 'The challenge for Indigenous peoples in building appropriate postcolonial governing systems is to disconnect the notion of sovereignty from its Western, legal roots and to transform it' (Alfred, 2005, p. 42). Indigenous sovereignties thus challenge the Euro-modern configuration of authority from a rearticulated stance and a transformed ground, deploying a reconceptualised sovereignty based on alternative registers and Indigenous values. The politics of sovereignty approach allows engaging with Indigenous discourses and practices of sovereignty without presupposing that they deploy the same conceptualisation as Euro-modern sovereignty, nor that it fits in and pursues the same terms of expression.

Articulated by diverse movements and around several conceptual strategies both in te reo and English, a significant part of the Māori politics of sovereignty since 1840 has been aimed at the political relations with the Crown. Tracing it through two examples of Aotearoa history, this section highlights how these Māori projects not only dispute the country's political configuration but also encompasses issues and realms reaching beyond mere questions of governance. The significance of this far-reaching challenge resides in its potential advancement of a path for the transformation and overcoming of Euro-modern sovereignty towards genuine decolonial landscapes.

*'Māori Sovereignty is Timeless'*¹⁶

Far from diminishing Māori mana and rangatiratanga,¹⁷ the relation consecrated in Te Tiriti in 1840 was considered by Māori to enhance them through a covenant of cooperation and friendship with the Crown (Waitangi Tribunal, 2014, pp. 515–529). This understanding was most famously illustrated by Te Rarawa rangatira Nōpera Panakareao who, when signing Te Tiriti, declared that the shadow of the land had passed to the Queen while its substance remained with Māori (Orange, 1987, p. 83).¹⁸ Across Aotearoa, Māori tried to pursue and actualise this new socio-political vision through diverse politics of sovereignty and in spite of an aggressive British colonisation. The Kīngitanga, or Māori King Movement, established in 1858 in Waikato, is one of these initiatives. Wiremu Tāmihana, Ngāti Hauā rangatira and key figure in the Kīngitanga's early years, glimpsed the configuration of authority they pursued in his letters and petitions to the New Zealand Governors and Parliament. These same letters, advancing an alternative politics of sovereignty for nineteenth-century Aotearoa, were used by Governor Grey to declare him and the Kīngitanga threats to the Crown and to justify the 1863–1864 Waikato War (O'Malley, 2013, pp. 42–45; Orange, 1987, p. 159).

Across this correspondence, roughly spanning from 1858 to 1866, Tāmihana defended a configuration of authority recognising both the Queen's sovereignty over its subjects and settlements, and Māori ultimate authority over their lands and people. In his answer to Governor Browne's 1861 declaration demanding Kīngitanga submitted to the Crown's sovereignty, a document foreshadowing Grey's 1863 declaration, a Christianity-converted Tāmihana outlined a dual authority system connected under the same God but adhering to their respective customs. Through his analogy of Māori as wai maori (fresh water) and Pākehā as wai tai (salted water) coming together at a river mouth, he argued for a socio-political relationship emphasising interconnections while recognising mutual independence and respect for difference.¹⁹ Neither water is predominant nor does their mutually beneficial encounter mean the disappearance of their respective independent ways. Translating this analogy to the question of sovereignty in Aotearoa, Tāmihana asserted Māori ultimate authority over their lands and people without a complete rejection of the Crown, to whom space on equal footing is reserved to govern settlers: 'I do not desire to cast the Queen from this island, but, from my piece (of land). I am to be the person to overlook my piece'.²⁰ Even after the Waikato War and its dreadful consequences, Tāmihana continued to assert Māori mana and rangatiratanga as inherent and legitimate. He denounced that the war and subsequent confiscations deprived Māori of their authority and obliterated any possibility of such a shared sovereignty configuration.²¹

As seen earlier, the law played a crucial role in Aotearoa's early politics of sovereignty as an expression of sovereignty and a device for (de)authorisation of ways of doing, knowing, deciding and being. While an early Tāmihana appeared to defend the union of Māori and settlers under British law, he rapidly realised the laws partiality against Māori. This led him to argue for the Kīngitanga to be the source of their own laws based on tikanga and regulating Māori, their lives and their relations with settlers. After enumerating instances where settlers used their laws to dispossess Māori and disrespect Māori authority, he declared: 'Then did I say, let me set up my King, for we do not approve of the law'.²² Māori authority is thus clearly located beyond a plane of mere political subsidiarity or autonomy within a foreign and necessarily constraining legal framework. Instead, Tāmihana argued for a separate Māori law expressing rangatiratanga and

stemming from customary and Māori-defined sources. The Māori independent expression of sovereign power is reaffirmed, without incorporating nor negating settler laws but circumscribing them to settler affairs. Moreover, Tāmihana's rejection of the Crown laws displays perspicacity about the Crown sovereignty practices as he openly criticised the use of the law in Aotearoa to exert violence and disempowerment upon Māori.

Kīngitanga and Tāmihana were highly conscious that the 'civilising' Crown politics of sovereignty imposed not only political authority but also British culture, practices, and subjectivities by constructing a sovereign resonance. Wiremu Te Akerautangi's *whaikōrero* (formal speech), pronounced at the 1858 first Māori King coronation, illustrates this by comparing Māori with fish out of water. While once powerful in their own element, Māori were now being imposed the settlers' customs and socio-political structures, thus losing their own traditional practices, worldviews and independence. 'Are we to feed upon the things that come From lands far distant? [...] thou gavest this to me And caused these lips to be polluted Which once were sacred' (Gorst, 1959, p. 270). Cautioning against assimilation, Te Akerautangi concluded his speech by an assertion of independent authority in the form of the Māori King, intimately linked to the maintenance of the Māori identity and ways of doing. Tāmihana was also aware and critical of the Crown's de-humanising narratives that constructed Māori as the sovereign resonance's threatening Other: 'you applied an evil murderous name to us'.²³ This echoes his observation from 1861, where he analysed the Crown's civilisational discourse as relegating Māori to *kuri* (dogs) by denying them what was recognised to *tāngata* (humans), namely their sovereignty embodied in the Māori King.²⁴ Calling for equality between sovereign nations, he criticised the master-slave relation imposed by the Crown through a forced uni(c)ity under its overarching authority. 'You mock us; saying that this island i[s] one, and the men in it are one (united)'.²⁵

Therefore, Tāmihana's writings provide first-hand accounts of the workings of the totalising Crown politics of sovereignty, while also articulating the Kīngitanga's own politics of sovereignty. The latter is best summarised by the *whakataukī* (proverb) 'Ehara te ara horipū; haere koa i te ara āwhio', a version of which was used by the Kīngitanga itself.²⁶ Translated as 'Go by the roundabout route rather than by the direct one' (Mead & Grove, 2003, p. 24), this traditional proverb argues for embracing complexity over simplicity as a way to achieve better outcomes. Taken into the political terrain of diverging politics of sovereignty, it makes a case for a configuration of authority embracing interrelations of equals and diversity, instead of hierarchical imposition, unicity and violent exclusion. Largely based on traditional Māori political systems, this vision acknowledges each group's autonomous authority—illustrated by Tāmihana's assertion of plural legalism—while conceiving it as shared and interdependent instead of absolute and indivisible. As exposed earlier, the lesson of this proverb still seems to evade the Crown, but 160 years later, the Māori engagement in politics of sovereignty endures along similar lines despite having adopted different forms.

Matike Mai Aotearoa, also known as the Independent Working Group on Constitutional Transformation, was created in 2010. Under the coordination of Moana Jackson and Margaret Mutu, this group of tribal leaders, activists, and academics organised over 250 collective discussions and interviews with Māori individuals and organisations on how to transform the existing constitutional framework. This work, culminating in their 2016 report, illustrates how the Māori politics of sovereignty is pursued in the twenty-first century. Indeed, Matike Mai themselves assert that their constitutional transformation

agenda sustains a conversation happening since 1840 about how to reclaim Māori authority over Māori affairs (Jackson, 2020). Arguing for a new constitutionalism embedded in documents such as He Whakaputanga and Te Tiriti and informed by a Māori politics of indigeneity, they clearly engage in Aotearoa's politics of sovereignty. Emerging against the effects of the Crown's unilateral exercise of power, Matike Mai reject a mere inclusion of Māori authority within the existing Westminster system—as product of and resting on the Crown assertion of sovereignty—and instead aim to reshape the configuration and legitimisation of authority in Aotearoa. However, a discursive tension runs through their position about the notion of sovereignty itself. Although they identify it as a Western construct and concept of power (Matike Mai Aotearoa, 2016, p. 32), their project is grounded in documents considered as declarations and assertions of Māori sovereignty (Waitangi Tribunal, 2014). Moreover, they explicitly reject the Crown-articulated narrative of Māori cession of sovereignty: 'We did not give away our sovereignty, we still have the right to make our decisions' (Jackson, 2015). Simultaneously claiming Māori sovereignty and articulating vernacular concepts of mana and rangatiratanga, Matike Mai reject sovereignty without renouncing what it represents. Therefore, it provides a possible resignification of the idea disconnected from its English wording, genealogy and cultural-political load; a possible articulation of a different kind of politics of sovereignty distancing itself from Euro-modern sovereignty.

Matike Mai's alternative understands the exercise of Māori authority as only genuinely possible if grounded in and exercised from a space not defined by the Crown sovereignty and its structures, thus leading to their core proposal of *two distinct* spheres of authority (Matike Mai Aotearoa, 2016, pp. 7–11). Respectively recognising Crown sovereignty and Māori rangatiratanga, these would be simultaneously independent and interdependent, autonomously constituted and defined but connected through a new constitutional relationship possibly reified in a relational sphere dealing with common issues (Matike Mai Aotearoa, 2016, pp. 99–112). Matike Mai's vision for a new political system based on these Te Tiriti-inspired 'spheres of influence' undoubtedly reminds Tāmihana's plead to share authority. 'We are misguided [...] if we believe we can achieve tino rangatiratanga through kāwanatanga.²⁷ They are a fundamental contradiction in terms' (Jackson, 2020). Conscious of the trend towards Indigenous political erasure and marginalisation contained in the Crown politics of sovereignty, Matike Mai highlight the profound dissonance in philosophical, legal and political foundations between the latter and their own politics of sovereignty. Their challenge to the current configuration of authority thus aims to (re)empower Māori independent socio-political structures, while still imagining an equal-footing relation with the settler government based on Māori political values such as autonomy, difference, multiplicity and connectedness. Potentially, such an arrangement would counter the Euro-modern sovereignty pretension of uniformity that justifies imposition, exclusion and violence as political necessities.

Therefore, Matike Mai represent an alternative to the Crown politics of sovereignty as they advance a specifically Māori ground for politics. Their reconfiguration of authority is embedded in the history of Māori constitutionalism, tikanga, and Māori interpretations of He Whakaputanga and Te Tiriti, thus legitimising and authorising Māori epistemologies, experiences and worldviews in the socio-political shaping of the country. Positioning these front and centre not only constitutes a resistance to political and epistemic erasure, but also allows for articulating a different political space embedded in Māori culture, 'derived from, of and for the land' (Jackson, 2020). Matike Mai's proposed configuration,

legitimation and exercise of authority is explicitly normative as based on a set of values coming from, but not limited to, Māoritanga. Whereas the Crown politics of sovereignty is self-presented as allegedly neutral, they argue for values of autonomy, reciprocity, manaaki whenua and manaaki tangata,²⁸ among others, to underpin the Māori sphere and possibly the entire constitutional arrangement. Flowing from this grounding in tikanga, Matike Mai connect reconfiguration of authority and transformation of politics by advancing alternative understandings of power, power relations and politics stemming from Māori worldviews and traditional political ontologies. Emphasis is placed especially on the notion of independencies within interdependencies and on a defence of a non-partisan, consensual and conciliatory type of politics, ideally applied to governance models within and between the spheres as a way to work through difference. Through their vision for Aotearoa's future, Matike Mai promote a different political culture from the one created through the production of Euro-modern settler sovereignty.

In summary, and although Matike Mai themselves do not make that claim explicitly, I suggest that their work offers a blueprint for a new twenty-first-century sovereignty paradigm, yet one deeply rooted in Māori historical claims. Resisting unilateral ruling imposed through a Euro-modern understanding of sovereignty and Crown discourses and practices upholding it, they articulate a multilateral and horizontal configuration of authority constituted of different jurisdictions and philosophically grounded in Māori values. This is not to say that the idea of ultimate authority is somehow absent from a Māori conception of sovereignty. However, I posit that Māori political ontologies understand it as intrinsically shared and negotiated through principles of plurality and interdependence, an understanding contrary to the Hobbesian notion of the unfettered autonomous sovereign. Not pleading for participation or recognition within the state's processes or structures but asserting an autonomously constituted and exercised Māori authority as equal to the state clearly situates Kīngitanga and Matike Mai within a Māori politics of sovereignty. These initiatives disrupt the political space established through the production of Euro-modern sovereignty in order to advance an alternative thinking and configuration of authority. They distinctly fight the political marginalisation of Māori, but are arguably as importantly pursuing the authorisation and legitimation of their worldviews, epistemologies, political ontologies and subjectivities.

Conclusion

This paper has traced the deployment of competing politics of sovereignty in the state-Māori relations in Aotearoa, paying special attention to observable continuities throughout history. On one hand, I exposed how the Crown grounds its authority on a Euro-modern/Hobbesian understanding of sovereignty resting on processes of othering, universalisation and construction of resonance. Functioning as a mechanism of Māori disempowerment, this conceptualisation and practice of sovereignty have been maintained in contemporary times in subtler ways. The ongoing Crown's interpretation of the treaty of Waitangi stands as a striking example. Paradoxically, the configuration of authority and construction of political community sustained by such a vision of sovereignty constitute an impediment to the effective realisation of Te Tiriti o Waitangi and Māori rangatiratanga claims. On the other, I argued that Māori initiatives such as Matike Mai aim to alter the 'terms of sovereignty' (Shaw, 2008, p. 66) through a reconceptualisation intertwined with a different configuration of authority. This article has suggested how this Māori politics of sovereignty

could reframe the terms of coexistence between peoples and transform politics and the political. Several generations have challenged the power structure and relations enacted by the colonial assertion of sovereignty through an authorisation of Māori subjectivities, knowledge or worldviews, while systematically resisting universalisation and exclusion of difference. In famous Māori activist Tame Iti's words, Māori sovereignty 'is not about me trying to make a Māori out of you. Not that at all' (Salmon, 2002).

The recent Covid-19 crisis has exposed the continuity of an unchanged contention in the Aotearoa politics of sovereignty. Iwi and hapū across the country established road checkpoints and suspensions of activities in rivers, lakes or mountains in order to protect the communities living on their traditional territories (RNZ, 2020a). Some of these genuine expressions of rangatiratanga were carried out in cooperation with the Crown but always under Māori collective leadership, stemming from their inherent decision-making power and grounded in their traditional values and systems such as manaaki tangata, rāhui,²⁹ or tikanga (McMeeking & Savage, 2020; Te One & Clifford, 2021). The Crown, however, after tolerating and even supporting these practices of sovereignty in the first months of the pandemic, then used the Covid-19 crisis to further encroach on Māori lands and on already established Māori rights and authority. Indeed, on the day the state of emergency was lifted, the government rushed the Covid-19 Public Health Response Act through Parliament, an act controversially authorising for warrantless searches of marae³⁰ (NZ Herald, 2020; Wade, 2020). The COVID-19 Recovery Act, adopted by Parliament in July 2020, restricted Māori rights to appeal decisions on major infrastructure projects and limited their already unsatisfactory involvement in decision-making processes related to environmental consents (Johnsen, 2020; RNZ, 2020b). These two instances betray a clear disregard for any kind of Māori authority. Once again, the Crown displays an understanding of its sovereignty as boundless, indivisible and unchallengeable, and deploys legal tools conducing to Māori disempowerment and making impossible a genuine Te Tiriti relation. As 2040 continues being a staunch goal for constitutional reform across an important sector of Maoridom and their non-Māori allies, future governments may need to accept the challenge towards a new understanding and articulation of sovereignty.

However, as this paper has argued, considering 'sovereignty' as a fixed notion based on hegemonic Euro-modern standards prevents us from making sense of Indigenous sovereign claims and of the transformative potential contained in their engagements with such an idea. Alternatively, the politics of sovereignty approach acknowledges the plurality of thought, discourses and practices around sovereignty. Analysing the *politics* of sovereignty reveals how the concept's meaning, contents and even languages are (re) articulated, or how it is politically produced or challenged through the advancement of specific configurations of authority. Such an approach allows to complexify and problematise questions of sovereignty beyond a still too common realist understanding of sovereignty as either possessed or not, and fixed or settled within and by nation-states. Conceiving sovereignty as an evolving and ongoing politics discloses its contested nature. Moreover, it opens up the exploration of the different competing stances, their discourses and practices, and their attached socio-political configurations and consequences. For instance, this paper has illustrated how the politics of sovereignty actually reach far beyond questions of political authority to encompass authorisations of ontologies, epistemologies and subjectivities. One of the main avenues for future research concerns the role of these competing politics of sovereignty in either reproducing or disrupting the conditions

of de/coloniality. In contexts beyond Aotearoa, its application might shed a new light on dynamics of imposition of power and resistance. Overall, engaging with Māori political thinking and their intergenerational articulation of politics of sovereignty may reveal paths to deconstruct the Euro-modern sovereignty and achieve genuine decolonial political arrangements and ways of living together. For Aotearoa and beyond.

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Notes

1. Naturally, this paper rests on a selective choice of a few illustrations of the long and complex broad politics of sovereignty in Aotearoa. It does not pretend to be an exhaustive representation of the settler imposition of sovereignty, nor of the Māori historical struggle for sovereignty. For a possible nuancing of the former suggesting that settler production of sovereignty has not been monolithic through time, especially in early colonial stages, see Fletcher (2014). For further reading on the latter, see Walker (2004), Cox (1993) or M. Durie (1998).
2. The treaty of Waitangi was signed by the Crown and Māori rangatira (chiefs) in 1840. Two different texts were actually signed during this process: one in English and one in te reo Māori (Māori language). The Treaty of Waitangi (signed by 39 Māori rangatira) establishes the Māori’s surrender of sovereignty to the Crown in exchange for their recognition as British rights-holder subjects and the protection of their property rights. Te Tiriti o Waitangi (signed by about 480 Māori rangatira) states that rangatira accept the Crown’s right to govern settlers in Aotearoa, while retaining full authority on Māori people, land, possessions and taonga (cultural and material treasures). Historically, and arguably still today, the English version is the favoured interpretation by the settler state. Throughout this paper, I follow what has become a common nomenclature: ‘the treaty (of Waitangi)’ refers to the process of meetings, discussions and signings; ‘Te Tiriti (o Waitangi)’ refers to the Māori text; and ‘the Treaty (of Waitangi)’ to the English version.
3. The Tribunal is a permanent commission of inquiry investigating the Crown’s breaches of the treaty of Waitangi.
4. For a more extensive discussion of this literature, see Prokhovnik (2007), Philpott (2020) or Gratton (2012) among others.
5. He Whakaputanga (o te Rangatiratanga o Nu Tirenī), also known as the Declaration of Independence, was signed in 1835 by 35 rangatira. The text asserted their ‘sovereign power and authority’ on their

- lands. The British Resident was involved in this process and the declaration was recognised by the Crown a year later.
6. Such a process draws interesting parallels to Anghie's critique of Victorian jurisprudence and of the international legal order of the so-called 'decolonisation waves' in which 'the native is granted personality in order to be bound' (2005, p. 105).
 7. Governor Grey to the Chiefs of Waikato, 11 July 1863, *Appendix to the Journals of the House of Representatives* (AJHR), 1863, E-05, pp. 6–7.
 8. Iwi are Māori extended kinship groups, generally translated as 'tribes' but also at times as 'nations'.
 9. Hapū are kinship groups or 'clans' that compose an iwi.
 10. Governor Grey to the Chiefs of Waikato, 11 July 1863, AJHR, 1863, E-05, p. 6.
 11. Ibid. By 'evil acts' Grey here refers to alleged Māori threats to attack Auckland.
 12. 'Māori customary system of values and practices that have developed over time and are deeply embedded in the social context' (www.maoridictionary.co.nz)
 13. Treaty settlements represent between 1% and 2% of the calculated Māori dispossession (Hoskins & Bell, 2021).
 14. For more details on the critiques surrounding the 'treaty principles' see E.T.J. Durie (1991), Kelsey (1990) or Mikaere (2011).
 15. Closing Submissions of the Crown, 8 February 2011, WAI1040, #3.3.33, p. 179.
 16. Hilda Halkyard-Harawira in Huygens, Huygens et al. (2012, p. xvi).
 17. Māori concepts of power sometimes translated as sovereignty and argued by many Māori commentators to be closest equivalents. See Cram (2005), M. Durie (1998), Tomas (2012), Waitangi Tribunal (2014).
 18. In *Lost in Translation* (Morrison, 2009), Rima Edwards explains that the 'shadow' represented protection while the 'substance' was to mean sovereignty.
 19. Wiremu Tāmihana to McLean, 23 May 1861, AJHR, 1861, E-01b.
 20. Ibid., p. 13.
 21. Petition of Wiremu Tāmihana, 18 July 1865, AJHR, 1865, G-06.
 22. Ibid., p. 3.
 23. Petition of Wiremu Tāmihana, 24 July 1866, AJHR, 1866, G-02, p. 6.
 24. Wiremu Tāmihana to McLean, 23 May 1861, AJHR, 1861, E-01b, p. 16.
 25. Ibid.
 26. Ibid., p. 17.
 27. Kāwanatanga represents the state governance space or the Crown's sphere of authority. It comes from Te Tiriti's article 2 wording in which Māori rangatira agreed for the Crown to exercise kāwanatanga (governorship).
 28. Care for the land and care for the people.
 29. 'Temporary ritual prohibition' (www.maoridictionary.co.nz).
 30. Māori communal meeting places.

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