

**Waitangi and Indigenous Rights:
Revolution, Law and Legitimacy
By F.M. Brookfield**

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With this important work, Professor Brookfield brings a fresh legal perspective to the revolutionary conquest of Western expansion and colonisation globally, including New Zealand. This is more than a history lesson: it is a bold vision statement with a revolutionary strategy for the settlement of Waitangi issues. It offers, furthermore, insights into what New Zealand might be like in the future. This book is indeed timely, dealing as it does with so many of today's important issues - The Treaty of Waitangi, the settlement of Maori claims and the Republic of New Zealand.

Professor Brookfield has devoted many years to researching and writing on law and revolution, Waitangi matters and indigenous rights. The conclusions presented here, and the evidence for these conclusions, are the results of this comprehensive research.

This book contributes greatly to the debate on Māori counter-revolutionary resistance over the years, carefully considering the constitutional challenges that have arisen since the establishment of the Treaty of Waitangi. It provides compelling arguments for open and informed debate on constitutional and Waitangi matters.

The work has been constructed and written with a set of clear purposes in mind. At the forefront of these important tasks is the author's intension of defining clearly the concept of revolution. He also considers in detail the constitutional changes and legal orders that legitimise the revolutionary seizure of power.

Brookfield analyses several revolutions in Aotearoa, beginning with the Crown's seizure of power in 1840. He repeatedly raises a number of complicated constitutional issues for debate and careful consideration, never failing to offer a carefully considered perspective on each of these issues. For example, in relation to the claim by some Māori that the 1835 Declaration of Confederation and Independence supported legal rights for iwi and hapu today, he argues that the Independent State of United Tribes did not survive what he refers to as 'the legitimation of state succession' following the revolution of 1840. Indeed, although some Maori counter-revolutions persisted in some areas (such as the King Country, Parihaka, Ngāpuhi in the north and Tūhoe in the Urewera), their legal status as independent nations finally ceased to exist around the end of the nineteenth century. This is not to say, however, that Maori entitlement to equity, cultural, intellectual, and proprietary rights and claims were extinguished. Indeed, what the Crown did to assert its power over New Zealand, and how and why it did it, is explained in terms of the thesis of legitimation of state succession after revolution.

The application of the principles of legitimacy, Brookfield argues, does not apply only between Māori and the Crown: it applies also between Moriori and Maori and between Moriori and the Crown. Thus, the case of the Chathams is a special one, one that deserves wider and more serious consideration.

There is a wealth of ideas, evidence of careful and insightful scholarship, in this publication. These important ideas are likely to have a profound effect on the negotiation of the various major claims yet to be heard by The Waitangi Tribunal or High Court or Court of Appeal. They are also likely to have some influence on judicial decisions in relation to these claims.

In this book, Professor Brookfield has done much to advance the debate about Treaty issues. At the same time, he has launched a revolutionary plan to establish a negotiated constitutional order, an order that could lead New Zealand into the future with a renewed sense of purpose.