

In 2010 [Matike Mai o Aotearoa \(the Independent Working Group on Constitutional Transformation\)](#) was tasked by the [Iwi Chairs' Forum](#) “to develop and implement a model for an inclusive Constitution for Aotearoa based on [tikanga](#) and [kawa](#), [He Whakaputanga o Te Rangatiratanga o Niu Tirenī \(1835\)](#), [Te Tiriti o Waitangi \(1840\)](#), and other indigenous human rights instruments which enjoy a wide degree of international recognition”, like the [United Nations Declaration on the Rights of Indigenous Peoples](#).

In 2015, the Working Group reported their findings and recommendations which are based on the people’s feedback from more than 300 [hui](#), as well as numerous written submissions, completed questionnaires, focus groups and one-on-one interviews.

Their report is written in five parts and to date this column has covered Part One which discusses the [Nature of Constitutions](#) and Part Two which looks at various [Constitutional Foundations](#). This week we begin to cover Part Three which lays out the [Constitutional Values](#) that arose from the people’s [kōrero](#).

<sup>1</sup>Sometimes the “values talk” was quite explicit; other times it was implied in the way people discussed tikanga or the nature of the relationships that a constitution should guarantee. At a number of hui the kind of equal constitutionalism provided for in Te Tiriti was itself seen as a value.

Other values ranged from the importance of the land, to respect for all living things. This included the prime relationship with the natural world and an understanding that the wellbeing of humans depended upon the well-being of [Papātūānuku](#) as a living entity rather than a resource.

Another value that was frequently referred to was the equality of men and women and the preservation of good relationships between people in general. There was also a belief that a constitution should enhance the sense of belonging that Te Tiriti reaffirmed for [Māori](#) and offered to others.



Some of the values that were identified were more structural and related to constitutional conventions such as transparency and fair

representation. They included a requirement that a constitution should have specific provisions to promote equality and intergenerational fairness as well as specific mechanisms to ensure that the rights and obligations of Māori were not subordinated to those of the majority.

In the Working Group’s considered view, the identification of such values, and the serious and lengthy consideration people gave to them, indicates a very real desire for a more responsive and open constitutionalism. It also indicates in their view a hope that a constitution based on Te Tiriti would allow for what they describe as a conciliatory and consensual democracy rather than the adversarial and majoritarian one that currently exists in this country.

Next week we will cover the Working Group’s summary of the key constitutional values identified from the people’s kōrero, and in the following weeks we will consider each of those values in detail.

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<sup>1</sup> Twenty-fifth edited extract from p. 68 of [He Whakaaro Here Whakaumu Mō Aotearoa – The Report of Matike Mai o Aotearoa](#)