
NATIONAL IWI CHAIRS

MĀORI CONSTITUTIONAL CONVENTION

3 FEBRUARY 2021

TREATY ROOMS, COPTHORNE HOTEL,
WAITANGI



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INTRODUCTION

E ngā mana, e ngā reo, e ngā mātāpunawai o ngā mata-ā-waka, e ngā tohunga o te kī, e ngā kaihakairo o te kupu, e ngā puna roimata, e ngā tamariki, mokopuna puta noa i te motu, he mihi aroha, he mihi rangatira tēnei ki a koutou i whai pānga ai ki tēnei taonga ko waihangatia hei huarahi anga mua mō te motu whānui i roto i ngā here whanaungatanga katoa.

He hokinga mahara ki te hunga nā rātou te huarahi i para, nā rātou te kaupapa i hakaarotia, nā rātou te mahara i whao ki ō tātou hinengaro, ko ō tātou tūpuna ēnā. Haere mai haere koutou, Huirangi mā. E moe, e moe, moe mai rā koutou. Hoki mai ki a tatou ngā mōrehu o rātou mā, tēnā koutou, tēnā koutou, tēnā tatou katoa.

The National Iwi Chairs Forum met at Ngāmotu on 5 November 2020 and adopted the following resolution:

That the Forum strengthens Rangatiratanga/Mana Motuhake at the national level by:

- *Iwi providing a mandate for the Forum to facilitate the development of the Rangatiratanga Sphere at the national level*
- *Collaborating with other national Māori organisations in planning what our Rangatiratanga Sphere looks like in order to prevent “divide and rule” tactics used by government*

By way of a brief background, this builds on the 2016 [Report of Matike Mai Aotearoa – the Independent Working Group on Constitutional Transformation](#) which outlines a strategy based on discussions with more than 400 diverse groups from whānau, hapū, iwi and Māori organisations. The terms of reference given to Matike Mai Aotearoa were:

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 of 1835, Te Tiriti o Waitangi of 1840, and other indigenous human rights instruments which enjoy a wide degree of international recognition.

The indicative models suggested included “spheres of influence” that include a Rangatiratanga Sphere where Māori make decisions for Māori, and a Kāwanatanga Sphere where the Crown will make decisions for its people.

This, the first Māori Constitutional Convention, aims to develop a strategy and plan to unite and strengthen the Rangatiratanga of whānau, hapū, iwi and Māori organisations. We seek an agreed understanding of Kotahitanga within the Rangatiratanga Sphere and ways we can unite to strengthen Mana Motuhake to achieve our common goals.

Dr Moana Jackson is the Rangatira who has provided leadership and vision for Constitutional Transformation over many years. He has a unique ability to listen to and follow whānau kōrero on these issues and provide leadership at all international stages that consider issues of self-determination and indigenous rights.

On behalf of the Working Group I want to acknowledge the outstanding contributions Moana has made towards helping us have the discussion we will have today.

I welcome all of you and thank you for taking the time to help us move this important kaupapa forward.

Professor Margaret Mutu

(Chairperson, Pou Tikanga

Chairperson, Matike Mai Aotearoa)

Te Huia Bill Hamilton

(Kaiwhakahaere, Pou Tikanga

Convention Director)

PROGRAMME

9:00	Whakatau
9:30	Opening address: Dr Moana Jackson and Professor Margaret Mutu
10:10	Rangatiratanga today and tomorrow (Video)
10:20	Dr Veronica Tawhai (Matike Mai experience)
10:30	Associate Professor Claire Charters (He Puapua)
10:40	Janell Dymus-Kurei (Rangatahi and Rangatiratanga)
10:50	Vision for Aotearoa (Video)
11:00	Comments from the floor
11:15	Briefing for workshops
11:30:	Workshops based on Constitutional Values and Vision
	What does a Rangatiratanga Sphere look like?
12:30	Kai
1:15	Feedback from workshops
2:30	Open plenary: Next Steps
3.30	Minister (Enabling Rangatiratanga)
3:40	Moana, Margaret
3:50	Tangata Whenua
4:00	Karakia

MATIKE MAI AOTEAROA: CONSTITUTIONAL CONVENTION BACKGROUND

The 2016 [*Report of Matike Mai Aotearoa – the Independent Working Group on Constitutional Transformation*](#) Matike Mai Working Group 2016 recommended:

1. That during the next five years Iwi, Hapū, and other lead Māori organisations promote ongoing formal and informal discussions among Māori about the need for and possibilities of constitutional transformation.
2. That such discussions also be included as an annual agenda item at national hui of lead Māori organisations such as the Waitangi hui of the Iwi Chairs' Forum.
3. That a Māori Constitutional Convention be called in 2021 to further the discussion and develop a comprehensive engagement strategy across the country.
4. That at an appropriate time during the next five years a further Working Group be appointed to begin consideration of relevant structural and procedural issues as they pertain to Māori.
5. That at an appropriate time during the next five years Iwi, Hapū, and lead Māori organisations initiate dialogue with other communities in their rohe about the need for and possibilities of constitutional transformation.
6. That at an appropriate time during the next five years Iwi, Hapū, and lead Māori organisations initiate formal dialogue with the Crown and local authorities about the need for and possibilities of constitutional transformation.
7. That in 2021 Iwi, Hapū, and lead Māori organisations initiate dialogue with the Crown to organise a Tiriti Convention to further discussions about the need for and possibilities of constitutional transformation.

Matike Mai Discussion point notes:

1. A Constitution is simply the values, rules and institutions through which people govern themselves.
2. Every culture develops its own constitution and then implements it through a concept and a site of power unique to it.

3. Prior to 1840 Māori were no different and lived in a society where the kawa of each iwi and hapū was the constitution that encapsulated the values, rules and institutions through which we governed ourselves.
4. Mana (and rangatiratanga) were the generic terms we used to define the concept of power that gave effect to the constitution.
5. Rangatiratanga entrusted with the concept of power made up the site of power through which mana was meant to be exercised in a constitutionally appropriate way.
6. Te Tiriti o Waitangi reaffirmed mana which means that any constitution that is founded upon it has to be based on the values and tikanga that mana expressed as well as recognising the place of kāwanatanga.

SPEAKERS

Dr Moana Jackson (Ngāti Kahungunu, Ngāti Porou)

Moana Jackson has been and continues to be integral in the work of Matike Māori and constitutional transformation for Aotearoa.

Moana is highly regarded throughout Aotearoa for his measured and important contribution in the struggles of the Māori people in terms of Te Tiriti o Waitangi (The Treaty of Waitangi) 1840, sovereignty issues and Indigenous rights.

Moana helped develop the original Wai 262 claim relating to intellectual property rights for indigenous flora and fauna and the rights of Māori over their taonga. He was awarded an honorary doctorate by Victoria University in 2017 and is one of the inaugural recipients of the Michael and Suzanne Borrin Foundation research awards to lead Whaipaanga Hou Update Research to complete a large-scale research project on the criminal justice system and effectiveness with regard to Māori, with a focus on why Māori men and women are imprisoned at high rates.

He was appointed Visiting Fellow at Victoria University's Faculty of Law in 1995 and has gone on to be influential in shaping the curriculum of the Māori Laws and Philosophy programme at Te Wānanga o Raukawa, where he continues to teach.

As a well-respected Māori leader, since 2011 he has co-chaired with Professor Margaret Mutu the Independent Iwi Working Group on Constitutional Transformation, which has held over 300 hui around the country discussing the need for Tiriti-based constitutional change.

Professor Margaret Mutu

Margaret Mutu is of Ngāti Kahu, Te Rarawa, Ngāti Whātua and Scottish descent. She is the Professor of Māori Studies at the University of Auckland where she teaches and conducts research on Māori language, tikanga (law), history and traditions, rights and sovereignty, Te Tiriti o Waitangi and treaty claims against the English Crown, constitutional transformation and Māori-Chinese encounters. She holds a BSc in mathematics, an MPhil in Māori Studies, a PhD in Māori Studies specialising in linguistics and a DipTchg. She has published four books: a grammar of the `Ua Pou dialect of Marquesan (2002); the history and traditions of her hapū, Te Whānau Moana (2003); her collection of annual reviews of issues affecting Māori, The State of Māori Rights (2011); and Ngāti Kahu: Portrait of a Sovereign Nation, on the traditions, history and Tiriti o Waitangi claims of her iwi (nation), Ngāti Kahu (2017). She has also published numerous articles and book chapters and is called on frequently by local, national and international media to provide information and expert commentary. Margaret is the chair of her iwi parliament, Te Rūnanga-ā-Iwi o Ngāti Kahu of the Far North and of two of her marae. She has been a mandated representative of Ngāti Kahu and of Māori in a number of national and international fora. She has three children, six grandchildren and a huge extended family.

Dr Veronica Tawhai

Ngāti Porou, Ngāti Uepohatu. Dr Tawhai lectures in policy and politics at Te Pūtahi a Toi. A recipient of the Fulbright-Ngā Pae o Te Māramatanga scholar award, Dr Tawhai's fields of research and community work include te Tiriti o Waitangi, Māori and youth political engagement, constitutional change, and electoral, civics and citizenship education. To date she has co-edited two books, authored several papers and presents widely on these issues. She is a member of Matike Mai Aotearoa, the

Independent Working Group on Constitutional Transformation. Her recently completed PhD considers the role of citizenship education in transforming indigenous-coloniser relations.

Associate Professor Claire Charters

Claire is from Ngāti Whakaue, Tūwharetoa, Ngā Puhi and Tainui. Claire's primary area of research is in Indigenous peoples' rights in international and constitutional law, often with a comparative focus. Claire is working on articles on the UN Declaration on the Rights of Indigenous Peoples, the relationship between tikanga Māori and the state legal system, tensions between human rights and Indigenous peoples' rights and on the legitimacy of Indigenous peoples' rights under international law, which will be published as a book by Cambridge University Press. Claire is also working on a number of collaborative research projects including on Indigenous peoples' self-determination and the philosophical foundations of Indigenous law. See: <https://www.youtube.com/watch?v=9DOHdhzQNu8>, and is a member of the International Law Association's Committee on Indigenous peoples' rights. Claire was awarded a Royal Society Rutherford Discovery Fellowship in 2017: <https://www.royalsociety.org.nz/what-we-do/funds-and-opportunities/rutherford-discovery-fellowships/rutherford-discovery-fellowship-recipient/claire-charters/>.

Claire has typically combined her academic research and teaching with advocacy for the rights of Indigenous peoples at the domestic and international levels and served two terms as a trustee on the UN Voluntary Fund for Indigenous Peoples from 2015 - 2020. In 2016 - 2017 Claire was appointed by the President of the United Nations General Assembly to advise him on enhancing Indigenous peoples' participation in the United Nations. From 2010-2013 Claire worked for the UN's Office of the High Commissioner for Human Rights in the Indigenous Peoples and Minorities Section, focusing on the Expert Mechanism on the Rights of Indigenous Peoples. Claire is currently a co-director of the Aotearoa New Zealand Centre for Indigenous Peoples and the Law.

Janell Dymus-Kurei

Ko Mātītī te maunga, Ko Waioweka te awa, Ko Ngāti Ira te hapū Ko Te Whakatōhea te iwi. Ko Mataatua te waka, Ko Muriwai te tīpuna. Tohetohe ake nei, tohetohe ake nei. Ānō te ātaahua o te noho herekore a te wahine. He tohenihorau, he toherauariki ina oho i ia ata i tōna tohetoa. Kia Whakatāne!

Raised in Te Whakatōhea, Janell grounds herself in her understanding of Te Ao Māori. Janell graduated from The University of Auckland with a Bachelor of Health Science and is currently working towards a Bachelor of Laws. She began her Public Health career with Hāpai te Hauora- within research, evaluation and gambling harm minimisation kaupapa. After a stint with Te Rūnanga o Ngāti Whātua as Māori Public Health co-ordinator and coordinating the Rangatahi strategy, Janell has returned to Hāpai as the Kaiwhakahaere for Māori Public Health. Janell brings with her an experience and understanding in co-design, systems thinking, and youth engagement. Janell hopes to enable the progression of the Public Health sector and ensure that Hāpai are strong advocates for the needs of whā7nau, hapū and iwi, whilst allowing for the self-determination of their lives and futures.

SUPPLEMENTARY CONVENTION READING/VIEWING LIST

[Moana Jackson Constitutional Transformation](#) on RNZ

[Professor Margaret Mutu presents Constitutional Transformation in New Zealand: Matike Mai Aotearoa at the 2016 Research Excellence Forum](#). Margaret Mutu video

Reading and document list [Constitutional convention background documents](#)

STRENGTHENING RANGATIRATANGA – BACKGROUND PAPER

In November 2020 the National Iwi Chairs Forum made a decision to facilitate the strengthening of Rangatiratanga in whānau, hapū, iwi and Māori organisations both locally and nationally. This decision was inspired by the report of Matike Mai Aotearoa – the independent working group on Constitutional Transformation and promoted by a series of interviews with Iwi Chairpersons.

There was much discussion about the correct term to use. Some made reference to *mana*, *mana Motuhake*, *mana taketake*, *mana tōrangapū*, *mana i te whenua* and *tinu Rangatiratanga*. It was decided to use *Rangatiratanga* and *Mana Motuhake* together, so when *Rangatiratanga* is used in this paper, it also includes the use of *Mana Motuhake*.

There was discussion about human rights standards that apply to Rangatiratanga and the following standards were established:

- Authority to self-determination
- Authority to self-government
- Authority to maintain and strengthen our institutions
- Right to participate fully in the State
- Right to choose our own representatives
- Free, prior and informed consent

One important aspect of these standards is that they can be measured.

It was asserted that if Rangatiratanga is to be strengthened, that mahi needs to be led by whānau, hapū, iwi, Māori organisations and the National Iwi Chairs Forum. The Forum also made a decision to be proactive with this mahi and as a first step there will be a Māori Constitutional Convention in Waitangi on 3 February 2021. The aim of the Convention will be to strengthen alliances between Iwi and National Māori organisations and develop a strategy for moving forward. In addition, two Iwi-based pilot case studies are being developed that will give us better insight into what could be done to strengthen Rangatiratanga at Iwi level and what lessons could be applied both locally and nationally.

It is anticipated that by strengthening Rangatiratanga there will be better outcomes for Māori and all New Zealanders. For example, Kaupapa Māori kura (Kōhanga Reo, Kura Kaupapa Māori, Whare Wānanga) have improved Māori participation in the education system and they are producing young leaders who are confident, talented with skills and knowledge to make better decisions for their own development and future. The recent checkpoints put in place by Iwi during the Covid-19 lock down prevented people from carrying the virus into communities. That benefited all New Zealanders.

Recent government reports on the Justice sector and Oranga Tamariki advocate for greater Māori authority (Rangatiratanga) over our whānau as a key solution to improving the horrendous performance of those agencies. Sharing power and authority over resources has been advocated by Māori for years. *He Whaipānga Hou*, a report on the criminal justice system in 1987, advocated for Rangatiratanga as did the 1988 report on the social welfare system *Pūao-Te Ata-Tū*. In 1990, Māori teachers and parents held a “Hui Rangatiratanga” that called for the establishment of a Māori education authority. To date, despite the partnership provisions of Te Tiriti o Waitangi, governments

have avoided sharing power and authority over the resources the State provides. Instead, the Crown has a habit of trying to “empower” us. That means they believe they can give us permission or authority or provide us with opportunities to assert Rangatiratanga. That is condescending and another less than subtle form of colonisation. Rangatiratanga cannot exist in Parliament or any agency of the State. Those are the sites of Kāwanatanga authority.

However, the Crown does have an obligation to work with Tangata Whenua to strengthen Rangatiratanga. Through Te Tiriti the Crown promised to protect Rangatiratanga and the taonga owned by us. The Treaty settlements programme is evidence that they failed to meet that obligation. The need now is to revitalise our taonga (for example; reo, relationship to whenua, tikanga, our institutions). The role of the Crown is to “enable” that to happen. This involves sharing skills, knowledge, systems, data, information, resources and funds. It involves ensuring all parts of government, and communities, understand Rangatiratanga and respect and value it. That was the promise of Te Tiriti.

There is often discussion about “equity” in regard to funding, resources and outcomes. Based on the current Māori population, an equitable distribution would be at least in excess of 16%. For example, if education funding was to be distributed equitably, whānau, hapū, iwi and Māori would have control of more than 16% of Vote: Education. We are a long way from achieving that, but it is certainly a goal to aim for. The main reason is that government and its agencies have a fear of sharing power, authority and resources. Despite years of them getting it wrong for Māori, they don’t trust that we might get it right.

The Forum has a “levels of engagement” agreement with government which aims to whakamana the Te Tiriti partnership. This requires Iwi Chairs to engage with Ministers at the structural level and deal primarily with strategic decisions, CEOs and senior managers to engage with lead technicians at the institutional level and deal mainly with issues of management and for technicians and kaimahi to work together to implement or operationalise the decisions. Our expectation is that the partnership will apply at all levels and include the shaping of new legislation, policies and practices in those areas that affect whānau, hapū, iwi and Māori organisations.

There are some human rights standards that guide how partnership can be achieved. These include:

- The right to participate in decisions that affect us
- Good faith cooperation; and
- Free, prior and informed consent.

Human rights standards also help us achieve better outcomes in all areas of society including those that relate to equality and non-discrimination.

We expect that the first Māori Constitutional Convention to be held in Waitangi on 3 February will help us develop concrete actions, strategies and plans to strengthen Rangatiratanga.

Te Huia Bill Hamilton (Kaiwhakahaere, Pou Tikanga)

AOTEAROA 2020 VISION

New Zealanders want to have a say about how we will rebuild Aotearoa together as citizens. The starting point for that is for all of us to work together to develop a Vision for Aotearoa. Organisations and communities have a Vision but our country does not. In February 2020 the National Iwi Chairs Forum agreed to lead a national conversation about a 2020 Vision for Aotearoa and included a draft vision to start the discussion; *“All whānau, communities, organisations and people will achieve their potential.”*

An inclusive vision will help unite whānau, communities and people generally and contribute significantly to their wellbeing. It will normalise diversity. It will give us something to aim for and has the potential to lift our spirit as a country. It will build on the kind and generous behaviour of our people during the Christchurch shooting, the Whakaari/White Island disaster and more recently Covid-19.

A unifying Vision built from our communities will tell policy makers what is important to all of us and give us all something to aim for.

This project is being funded by the JR McKenzie Trust and the National Iwi Chairs Forum. The four key themes from our 9 month community engagement has highlighted the following as priorities for the people of Aotearoa.

PAPATŪĀNUKU: Environment, Land, Sea, Waterways Local sustainable lives, cleaning up our waterways, protecting the environment, hua parakore, protecting our wildlife, oceans, land, reducing waste, more organics.

HOUSING: Homelessness, Housing Access, Quality Employment and Training Supporting access to affordable, warm, dry, safe, secure housing, building on papakāinga, building communities.

TE TIRITI, TE REO ME ŌNA TIKANGA: Honouring Te Tiriti o Waitangi, Protecting and Revitalising Te Reo, Teaching NZ History. Becoming a Te Tiriti, bilingual nation that has awareness of the history of Aotearoa, Kaitiakitanga and access to our whenua, awa, moana, able to practice tikanga, decolonising our nation.

SOCIAL JUSTICE AND ELIMINATING POVERTY: Eliminating Poverty, Sharing Economic Benefit, Addressing Inequality and Disadvantage, People Centred Economy, Education, Employment. Addressing racism, power and privilege, looking after one another and those most in need, addressing human rights.

Six hundred community organisations and networks, 96 video submissions, 120 written submissions, 120,000 online engagements, ten e-wananga (through Instagram, facebook and LinkedIn) contributed to this visioning. The next stage is formulating vision statements to reflect these themes and to present them to NICF.

WORKSHOP OUTLINE

The group workshops will focus on three questions:

- What three qualities that will help us develop a strong Rangatiratanga sphere?
- What three values will we take to a transformed Constitution?
- What three ideas will we take to our vision for a transformed Constitution?

Each workshop will have a facilitator and someone to record your main points as agreed by the group.

The following extracts will provide you with information to assist your group discussions. There is also provision for you to make individual contributions that will be included in the report of the Convention proceedings.

Workshop: Individual Submission from (Name)

(Please hand to the desk when you have completed)

What three qualities that will help us develop a strong Rangatiratanga sphere?

What three values will we take to a transformed Constitution?

What three ideas will we take to our vision for a transformed Constitution?

STRENGTHENED TINO RANGATIRATANGA SPHERE

Following are some characteristics that determine what might constitute Tino Rangatiratanga/Mana Motuhake at a national level. This workshop aims for participants to discuss, make changes and then identify the three characteristics that are most important for a strong Tino Rangatiratanga/Mana Motuhake Sphere.

Mana Motuhake – paramount power and authority derived originally from the gods. exercising authority to determine our own political, social, cultural, environmental and economic development.

Rangatiratanga – the exercise of mana motuhake to determine our own political, social, cultural, environmental and economic development and in doing so, weaving people together with integrity, through leading by example, humility, generosity, altruism, and diplomacy. Leadership is strong and well supported.

Kotahitanga - having a unity of purpose, and unity of direction – working together to achieve agreed goals.

Ngā Rōpū – working hard to ensure our institutions – whānau, hapū, iwi, wānanga, hāhi, kura – are strong.

Kanorau – the diversity of our people is valued

Whanaungatanga – recognising the inter-connectedness of all people and all things, affirming the value of the collective. Valuing whānau, hapū, iwi and Māori organisation aspirations

Mana Tupuna/Whakapapa – living what defines us as Tangata Whenua. Knowing the links to our ancestors and institutions, that defines our heritage and gives us the pūrākau which define our place in the world.

Wairuatanga – recognition of the spiritual existence of all things, alongside the physical.

Mana Whenua – paramount power and authority with respect to lands, territories and resources. Whānau, hapū and iwi ancestral rights and connection to land are established and known by members.

Kaitiakitanga – we enjoy the responsibility of guardianship (spiritual, cultural and physical) over all things, including our taonga tuku iho and resources.

Manaakitanga – we provide aroha, hospitality, generosity and mutual respect to each other and to tauwiwi.

Kawa and Tikanga – our laws that guide our decision-making and how we act towards each other

Mātauranga – our Tohunga are known and highly respected

Te Reo Rangatira - recognising that our Māori language is the cornerstone of all that is Māori.

EXTRACT FROM MATIKE MAI REPORT: CONSTITUTIONAL VALUES

The third task the Working Group set for itself arose from the common thread in the kōrero that any constitution and any constitutional model or models had to be based on certain values. We have therefore collated the main constitutional values which people identified. Sometimes the “values talk” was quite explicit while on other occasions 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 Papatūānuku 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.

It is our considered view that 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 indicated in our view a hope that a constitution based on Te Tiriti would allow for what we describe as a conciliatory and consensual democracy rather than an adversarial and majoritarian one.

The values are all inter-related although different people attached greater or lesser degrees of significance to different ones. However, all of the “values talk” was contextualised within Te Tiriti and its guarantee to maintain the independent constitutional authority of Māori.

In thematic terms Te Tiriti represented the values of political and social inclusiveness. It was the values base from which other broader ideals were discussed and from which some quite specific ideas about constitutional models eventually emerged. The values which have been identified are also sourced in or stress the importance of relationships, whether they are environmental values or those that give meaning to the structure of a constitution. They may be defined as whakapapa values which overlap and influence each other just as the relationships in a whakapapa always do.

They may be conceptualised under the following broad headings –

1. *The value of tikanga* – that is the need for a constitution to relate to or incorporate the core ideals and the “ought to be” of living in Aotearoa.
2. *The value of community* – that is the need for a constitution to facilitate the fair representation and good relationships between all peoples.
3. *The value of belonging* – that is the need for a constitution to foster a sense of belonging for everyone in the community.

4. *The value of place* – that is the need for a constitution to promote relationships with, and ensure the protection of Papatūānuku.
5. *The value of balance* – that is the need for a constitution to ensure respect for the authority of rangatiratanga and kāwanatanga within the different and relational spheres of influence.
6. *The value of conciliation* – that is the need for a constitution to have an underlying jurisdictional base and a means of resolution to guarantee a conciliatory and consensual democracy.
7. *The value of structure* – that is the need for a constitution to have structural conventions that promote basic democratic ideals of fair representation, openness and transparency.

Many of these values were discussed in some detail at various rangatahi wānanga and they are referenced separately at the conclusion of this Part of the Report.

EXTRACT FROM MATIKE MAI REPORT: THE CONSTITUTIONAL VISION

In this final Part of the Report the Working Group draws some conclusions and attempts to translate the kōrero about the nature, foundations and values of a constitution into a vision for constitutional transformation. The main arguments we heard for a tikanga and Tiriti-based transformation are summarised, some indicative constitutional models are suggested, and recommendations are made for progressing the discussion.

Throughout this final part of the process the injunction we were often given, especially by pākeke to “get the kaupapa right first” has proved both timely and apt. The steps that we outline in this Part of the Report are drawn from the concern in all of the kōrero about the values base for any transformation.

The notion of a constitutional model or models featuring discrete rangatiratanga and kāwanatanga spheres of influence along with a relational site of joint decision-making flowed obviously and early from discussions about the relationship in Te Tiriti and the manaaki in tikanga. Similar ideas have been trialled before of course but the kōrero we have had offered substantial and substantive refinements. Perhaps the most important of those is the positioning of the relational sphere and the overarching constitution itself upon the jurisdictional base of tikanga Māori while recognising the integrity of both rangatiratanga and kāwanatanga.

Because of the value our people placed on good relationships there is also some discussion about how the rangatiratanga and relational spheres of influence might give effect to them. The kāwanatanga sphere naturally relies on good relationships too, but how others express them there, if indeed they wish to do so, is up to them.

What is available to both Māori and the Crown from the kōrero of this process is its generosity of spirit and the belief that the many practical and social obstacles to transformation can be overcome and a new constitution established. It would be fair to say that throughout the last four years of discussion people did not see that as some pious hope but as a legitimate treaty expectation.

The Indicative Constitutional Models

Throughout the kōrero about “getting the kaupapa right” a number of different constitutional models emerged. As noted earlier the decision of the Waitangi Tribunal in the Paparahi o te Raki claim reflected or informed the majority of those models.

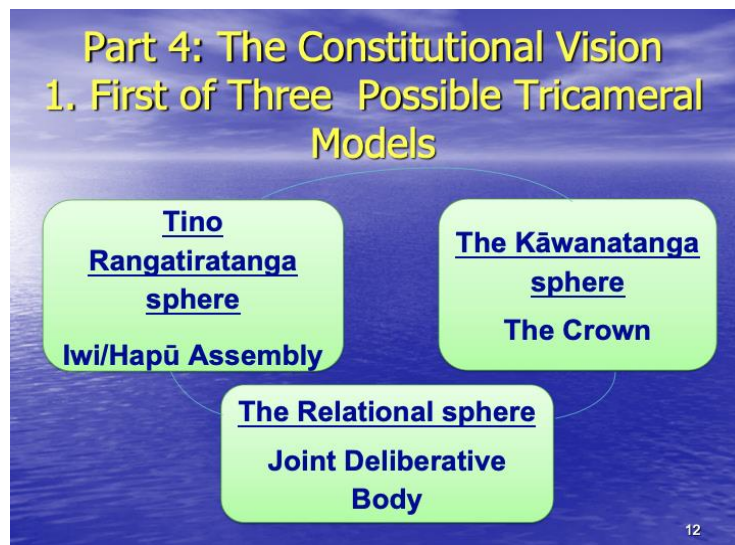
Some models were also influenced by the discussions about the structure of He Whakaputanga and by some of the more recent constitutional innovations that have been implemented in a number of different sectors such as the Anglican Church. However, they were most of all shaped by a need to have the kind of shared foundational kaupapa that was identified as the conciliation value.

Thus, while some similar models have been considered before it is clear from the kōrero we have heard that there should be a number of substantial and substantive refinements. Perhaps the most important of those is the positioning of the relational sphere and the overarching constitution itself upon values drawn from tikanga Māori. They recognise the integrity and independence of both rangatiratanga and kāwanatanga in their respective spheres but acknowledge tikanga as the source jurisdiction upon which they should function in their Tiriti relationship.

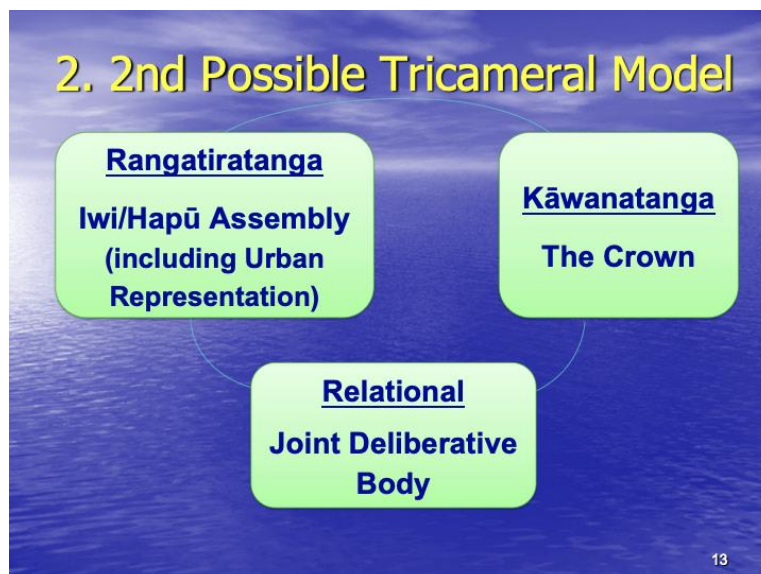
We describe the models as indicative because they indicate what models might best ensure the values involved in tikanga and the Tiriti relationship. We also call them indicative because they simply indicate the range of possibilities that are available for those who really want a good faith honouring of Te Tiriti.

It is hoped that the models might at least provide some options for the discussions which lie ahead. They would obviously need to be given detailed consideration, including the financial implications, before any final choice is made. The discussions may even produce an entirely different model.

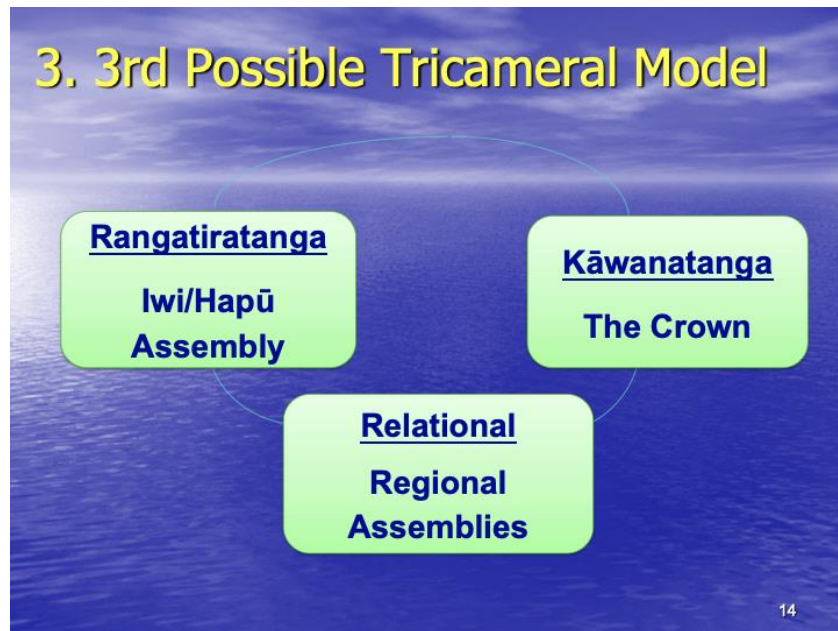
Six different models for a new constitutional arrangement have been identified.



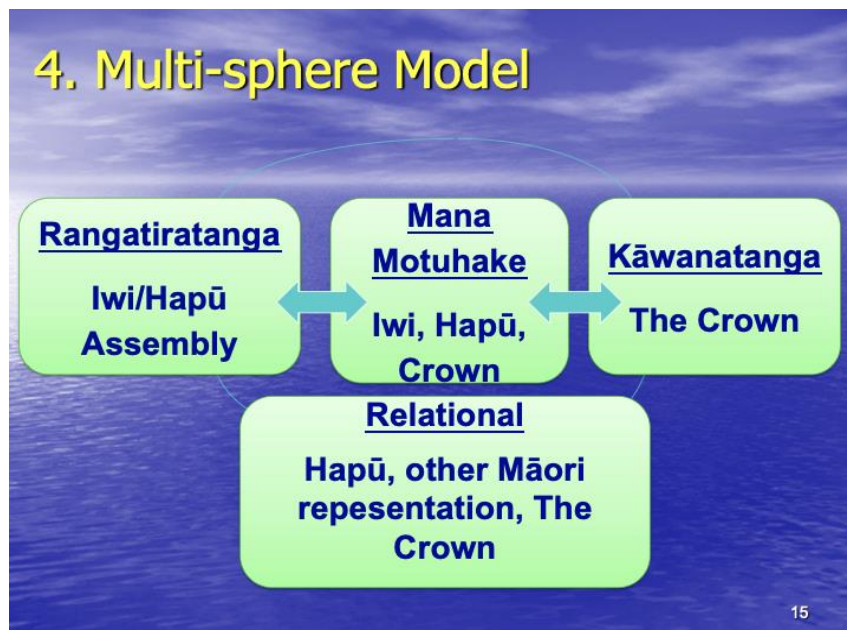
1. A tricameral or three sphere model consisting of an Iwi/Hapū assembly (the rangatiratanga sphere), the Crown in Parliament (the kāwanatanga sphere) and a joint deliberative body (the relational sphere).



2. A different three sphere model consisting of an assembly made up of Iwi, Hapū and other representation including Urban Māori Authorities (the rangatiratanga sphere), the Crown in Parliament (the kāwanatanga sphere), and a joint deliberative body (the relational sphere).



3. A further three sphere model consisting of an Iwi/Hapū assembly (the rangatiratanga sphere), the Crown in Parliament (the kāwanatanga sphere), and regional assemblies made up of Iwi, Hapū and Crown representatives (the relational sphere).



4. A multi-sphere model consisting of an assembly of Iwi/Hapū and other Māori representation (the rangatiratanga sphere) and the Crown in Parliament (the kāwanatanga sphere). It also includes a relational sphere which would have two parts – a constitutionally mandated set of direct Iwi/Hapū/Crown relationships to enable direct Iwi/Hapū-Crown decision-making plus a unitary perhaps annual assembly of broader Māori and Crown representation.

5. Unicameral model

The Relational sphere
Iwi/Hapū, The Crown
(One body making decisions together)

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5. A unicameral or one sphere model consisting of Iwi/Hapū and the Crown making decisions together in a constitutionally mandated assembly. This model does not have rangatiratanga or kāwanatanga spheres. It only has the relational sphere.

6. A Possible Bicameral model

The
Rangatiratanga
sphere

The
Kāwanatanga
sphere

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6. A Bicameral Model made up of an Iwi/Hapū assembly and the Crown in Parliament. This model has distinct rangatiratanga and kāwanatanga spheres but has no provision for a relational sphere.

OPEN PLENARY SESSION: NEXT STEPS

The plenary session will focus on actions that draw on the next steps recommended in Matike Mai.

They are:

1. Commit to promoting ongoing discussions among Māori
2. Include discussions on agenda of Māori organisations hui
3. Establish a further working group (Steering Committee)
4. Initiate dialogue with other communities
5. Initiate dialogue with the Crown and local authorities
6. Begin dialogue with the Crown to organise a Tiriti Convention

To participate in this session, we will be applying a speaker's list. We want all speakers in this session to speak to a recommendation that will help us move forward. There is a time limit of 3 minutes for each speaker.

To get your name on the speaker's list, fill out the following form and hand it in to the desk:

Name:

Email:

Organisation:

I wish to speak to the following recommendation or action: