

## LEGITIMATE OUTCOME — by Anahera Herbert-Graves

As sovereign nations seeking constitutionally legitimate outcomes that protect our human rights, including the right to govern ourselves, Tangata Whenua regularly reflect on the constitutional foundation, philosophies and values of our own sovereignty.

For the record, our sovereignty derives from pre-European rangatiratanga and can be traced from *He Wakaputanga o Te Rangatiratanga 1835* through to *Te Tiriti o Waitangi 1840*, then on to current international instruments like the *Declaration on the Rights of Indigenous Peoples*. These documents all enshrine our authority to govern ourselves, and to relate to Tangata Tiriti in a way that is right and just. That foundation has never changed.

Our philosophies also remain largely unchanged. In February 1840, the treaty offer of kāwanatanga to the Crown was enough to reassure our tūpuna Rangatira that their sovereignty remained intact and that the treaty was predicated on three main grounds.

First, the immediate and pressing need for some authority to be exercised over the [unruly Pākehā](#) who were arriving in increasing numbers, particularly in the north. Second, [the power and authority](#) of the Rangatira to engage in treaty-making with the Chief of another sovereign people. Third, the [practical belief](#) that, just as Iwi and Hapū were free to exercise their own sovereignty, so too should the Pākehā tribe be free to do the same.

That remarkable offer is a reflection of an overarching philosophy that may be called the [whakapapa ethic](#). That is, the expectancy that all the different people living here will manage our own affairs in a way that is consistent with fostering the good relationships essential to any whakapapa.

When it comes to political entities like the Crown and Iwi or Hapū who already have a treaty, Tangata Whenua view the whakapapa ethic as the underpinning philosophy of any constitutional relationship. We also view several core values that must be incorporated in any constitution.

The first is the value of tikanga – the core ideals or the “ought to be” of living in Aotearoa. Second is the value of community – fair representation and good relationships between all people. Third is the value of belonging – fostering a sense of belonging for everyone in the country. Fourth is the value of place – upholding relationships with, and the protection of, Papātūānuku.

Fifth is the value of balance – ensuring respect for the authority of rangatiratanga and kāwanatanga within their various spheres of influence. Sixth is the value of conciliation – providing an underlying jurisdictional means of resolution. And seventh is the value of structure – establishing structural conventions that promote basic democratic ideals.

Although the Crown tries to either deny its ongoing treaty breaches, or dismiss them on the ground that they are sovereign over us and some of our claims are settled, we simply note that their view remains at odds with our own; moving on. Tangata Whenua don't need Crown recognition of our sovereignty, we require its protection of all our human rights. To that end, constitutional transformation is a legitimate outcome.

