

SPURRING ON TRANSFORMATION



In the introduction to the report of [Matike Mai Aotearoa – the Independent Working Group on Constitutional Transformation](#), [Moana Jackson](#) wrote, “What some might see as an ‘unrealistic’ discourse, [is] in fact an expression of a deeply-held understanding about what was promised in Te Tiriti o Waitangi.”

For [te rangatiratanga](#) of [Te Tiriti o Waitangi](#), the reality that is being lived now is therefore never seen as a straitjacket that inhibits discussion. Rather it is a spur to imagine and work towards something different.

Yes, we know that any constitutional change of the magnitude we envisage will require time, but we also know that seeking [constitutional transformation](#) is simply the [tika](#) thing to do, and so we will do it.

[Matike Mai Aotearoa’s](#) report was released on 5th February, less than four weeks ago. Since then we have been provided with more spurs to not only ‘imagine something different’ in the constitutional arrangements between us and [te kāwanatanga](#), but to also do it.

For example, in 2013 [te kāwanatanga](#) changed its law regards burials at sea, putting that activity under the consenting authority of the [Environmental Protection Agency](#) [EPA]. At the time [Ngāti Kahu](#) reissued its consistent [statement](#) to the EPA and all other government agencies that no-one other than the hapū have authority to issue any consents for any activities in their territories without their express consent, and that anyone seeking to action such a consent will be dealt with directly by the hapū.

Because it generally takes a little time for these [kāwanatanga](#) laws to be actioned, we have to fast forward two years. This particular law is now being rolled out under the [Exclusive Economic Zone and Continental Shelf \(Environmental Effects—Burial at Sea\) Regulations 2015](#).

Yesterday (Monday 29th February 2016) we were alerted by a [Radio New Zealand](#) reporter that under those regulations, one of the five places the EPA will give consents for burials at sea to take place is an area [38 kms northeast of Rakaumangamanga \(Cape Brett\)](#). That was news to [Ngāti Kahu](#).

How did we not know before yesterday what the EPA was up to? It didn’t consult us, that’s how. Instead it consulted with a group called [Te Hiku Fisheries Forum](#) which, according to the EPA, represents [Ngāti Kuri](#), [Te Aupōuri](#), [Ngāi Takoto](#), [Te Rarawa](#) and [Ngāti Kahu](#). That was also news to us. We are not a member of that forum and our hapu never authorised it to represent us. Additionally, we had already notified the EPA of our position.

We know none of our whanaunga from the other iwi consented to this, because the area 38kms northeast of Rakaumangamanga is not in any of their hapu rohe, it is in ours.

So why has this [kāwanatanga](#) agency chosen that area without consulting us? We can only surmise that it is either not yet capable of imagining and doing something different in its relationship with [te rangatiratanga](#), or that it has chosen to deliberately thumb its nose at that relationship.

Either way, it is spurring on transformation.

