

Constitutional transformation and the work of Matike Mai Aotearoa – Professor Margaret Mutu

Te Tiriti Based Futures and Anti-Racism, March 2022

RINGA HĀPAI: E ngā mana, e ngā reo, e ngā rau rangatira mā tēnā rā koutou, tēnā koutou katoa.

Haere mai te ihi, haere mai te wehi, haere mai te mana, haere mai te tapu. Nau mai haere mai ki tēnei wāhanga. A very warm welcome to everyone who are online today. Ngā uri ahau, Te Tai Tokerau, no Ngāpuhi me Te Rarawa, e kainga noho kei hiko o te ika(?) i tēnei wā. Ko Maria Baker ahau, he ringa hāpai i tēnei wā.

Kia ora koutou and welcome again to everybody that's joined us this afternoon. Unfortunately there's no way that we can see everybody online all at the same time, but we know that there are many of you screening in from all parts of Aotearoa and also through the world, so we give you again a warm welcome three times over.

We would like for you to interact and have a chat through our chat function, and we would also like to inform you about a community code that has been screened on our screen so far, and just really want to ask you to be respectful and to stay on the kaupapa of Te Tiriti-based futures and the anti-racism kaupapa and that we do that together.

We also have a Q&A function at the bottom of the screen where you can pose questions to Whaea Margaret during the period of her presentation, and we will do our best as possible to be able to answer those at the end. Our wonderful moderator today is Jenny Rankine who will be helping send through your questions.

So it's my pleasure to introduce Professor Margaret Mutu. Ngā uri o Ngāti Kahu, me Te Rarawa, me Ngāti Whātua. Professor Margaret Mutu is a professor with Māori studies at the University of Auckland and has specialised in a number of areas, but particularly has a dedication in Māori rights which you will find, if you have not already, have been drawn on her -- on the kōrero of her tūpuna.

These rights are definitely recognised across a number of milestones, particularly based in Tikanga Māori. And also take into account He Whakaputanga o te Rangatiratanga o Nu Tireni, Te Tiriti o Waitangi and of course the UN Declaration on the Rights of Indigenous Peoples.

For me as a wahine Māori also resident in the far north, Whaea Margaret is well-known to her people. She is a strong, articulate leader who speaks straight to the issues and solutions to address racism and the inequalities of our people. Professor Margaret is the Chair for the Ngāti Kahu iwi nation in the Runanga-a-Iwi o Ngāti Kahu. She has been the chief negotiator for the Waitangi Tribunal claims on behalf of her people, and a key member of the National Iwi Chairs Forum in Te Tai Tokerau representing Ngāti Kahu.

Professor Margaret is the Chair of Matike Mai Aotearoa, the independent working group on constitutional transformation. And today we have the opportunity to hear from Whaea Margaret of the work of Matike Mai Aotearoa, its impact and the discussions its report has generated among Māori and non-Māori, both here and Aotearoa and internationally.

So it's my pleasure to welcome Professor Margaret Mutu, nau mai haere mai whaea. Tena koe.

>>PROF MUTU: (Te reo Māori). My thanks to all of you. I was asked to come and talk to you today about the work of Matike Mai Aotearoa that was started back in 2010. Very, very happy to do that, and I have a presentation for you that I'll now share for you on screen. Maria, is that the right way around?

>>RINGA HĀPAI: Āe.

>>PROF MUTU: So at the beginning, just to start out, many of you are probably familiar with the report of Matike Mai Aotearoa and you'll know that on the front cover of it there is this logo. It's a beautiful logo that we had our rangatahi design for us in the very early stages of the life of Matike Mai Aotearoa. And we asked them to design us a logo that would reflect what our country would look like once constitutional transformation had taken place. This is their logo and it's about everything being put back in balance. And so the day and the night would be in balance, the sun, the moon, the stars, the daytime, our mountains, our rivers, our seas, everything that is around us, all of us, people included, who are the descendants and the uri of Papatūānuku would all be in balance and living in harmony, and that includes all of our manuhiri who are here as well.

So that is the logo. We don't have in the report a description of this logo and I always feel that we should acknowledge the work of our rangatahi. They were rangatahi then, I'm not so sure that they're still rangatahi, they've all got children of their own most of them now.

Just so everybody is aware of what it is I'm talking about in the first place, it is the report of Matike Mai Aotearoa. Its primary author was Dr Moana Jackson. We published it in 2016. Yeah, sure my name is on the report, but Moana did most of the work.

Its title, "He whakaaro here whakaumu mo Aotearoa: the report of Matike Mai Aotearoa - the independent working group on constitutional transformation", and that is the webpage you can see it on, although you just have to Google "Matike Mai Aotearoa" or "constitutional transformation" and you'll come up with that.

Now, for Matike Mai Aotearoa and its background, we were established in 2010 as the independent working group on constitutional transformation, and it was established by National Iwi Chairs Forum. Now for those who don't know National Iwi Chairs Forum, that was established in 2005. Today there are 73 members. So the Chairs of 73 elected bodies representing -- most of them represent iwi but some do represent hapū. So there's 73 of us Chairs and we, between us, have set up 13 what we call Iwi Leaders Groups. Now these Iwi Leaders Groups deal with specific issues that are impacting on our whānau, hapū and iwi across the country. And when issues arise, one of the Chairs will bring it before the forum and ask that we set up an Iwi Leaders Group to try and deal with the issue.

Now these 13 Iwi Leaders Groups are organised under five pou and the pou that deals with Matike Mai Aotearoa is pou tikanga and I chair pou tikanga. The main -- the biggest piece of work that we've had in pou tikanga is Matike Mai Aotearoa and dealing with constitutional transformation. But out of that have come other Iwi Leaders Groups. But they do all arise out of Matike Mai Aotearoa.

The first is the Aotearoa Independent Monitoring Mechanism. This was set up in 2015 and it provides annual reports to the United Nations Expert Mechanism on the Rights of Indigenous People. And we set up the Aotearoa Independent Monitoring Mechanism to monitor the New Zealand Government's compliance with the United Nations Declaration on the Rights of Indigenous People. And you will see how that comes out of the constitutional transformation work when I get further down.

So Aotearoa Independent Monitoring Mechanism has provided seven annual reports to the United Nations expert mechanism. And they have been very helpful to us in other work that we have done as well that I will explain later on. And in particular, where the expert mechanism helped us was making progress on the national plan of action to implement the United Nations Declaration on the Rights of Indigenous People. So this is a piece of work that is being done with the government, whereas most of the work of Matike Mai Aotearoa has been done with our people, this piece of work is done with the Government.

And the other piece of work that we did was to set up a Tiriti framework with the Government so that we would say very clearly that this is how the relationship should be between the Crown and hapū and iwi throughout the country, and having done that we then

set about coming to agreement over a statement of engagement; so how the government would talk with Māori to make sure that the way the engagement took place was consistent with the Tiriti framework. And the Tiriti framework was based very clearly on the fact that the parent document to Te Tiriti is He Whakaputanga o te Rangatiratanga o Nu Tireni, the 1835 declaration of independence or sovereignty.

Then another area we have worked in is the Treaty claims settlement process, which is a gross violation of both our human rights and our Treaty rights. We haven't -- although we've done a lot of work in this area, we haven't made as much progress in this area, as I would have liked anyway.

Now Matike Mai Aotearoa and the reason it was set up. When National Iwi Chairs Forum was set up in 2005, we were trying to deal with those issues that were impacting on our people throughout the country and we picked up several issues. The setting up of National Iwi Chairs Forum was prompted by the foreshore and seabed debacle and the confiscation of the foreshore and seabed, or the legislative confiscation of the foreshore and seabed from hapū around the country.

We immediately identified several other issues, including freshwater and the ownership of freshwater. And I don't want to get into them all because I'll spend the whole hour talking about it. But what each of those groups that were established found was that even though we did a huge amount of work, we tried to be constructive, tried to show how things could be improved, the current constitutional arrangements left us completely powerless constitutionally. So we would think that we were reaching an agreement with the government on how to proceed more fairly and more equitably on, for example, the foreshore and seabed, only to hit a brick wall where the constitutional power of the government meant that everything we had agreed to, they just vetoed. So we were constitutionally powerless, it was very, very frustrating and continues to be frustrating.

Because what that effectively did was it prevented us from addressing basic issues such as racism, injustices, inequities, denial of rights, land confiscation and so on. We just could not get them dealt with, and it became very clear that constitutional transformation was required, and we were very careful to talk about constitutional transformation rather than constitutional change or constitutional reform. Because what was clear to us, and had been clear to our tūpuna before us, we had this discussion in the 1990s at the Hirangi hui, was that the constitutional arrangements you have in this country now are not set up for us, and therefore fiddling with the current constitutional arrangements, which is constitutional reform

or constitutional change, would not address the issue. You had to go back and do something very fundamental and start again, and that would be constitutional transformation.

So that was required to reinstate the balance between Mana Māori Motuhake, which was what was confirmed in He Whakaputanga o te Rangatiratanga o Nu Tireni in 1835, that we are the ultimate and paramount power and authority in this country derived from the gods, and that was confirmed in Te Tiriti o Waitangi that it would remain as such. So you needed the balance between that and British kāwanatanga, and that was the governance over British and other immigrants that was devolved to Queen Victoria in the 1840 Te Tiriti o Waitangi. So that had all got completely out of balance, and that balance had to be restored so that Mana Māori Motuhake continued and British kāwanatanga also continued as envisaged and as guaranteed in Te Tiriti o Waitangi.

Now, we did that at the February meeting of 2010. For my sins I was hosting that National Iwi Chairs Forum hui at Haruru Falls outside Paihia and we formalised the independent constitutional transformation working group and we asked Dr Moana Jackson to convene it and to facilitate the work that was being done at it, and as I say, for my sins of having chaired that hui, I was told I was to Chair the constitutional transformation working group.

I was rather reluctant to do it because I had no background in constitutional matters as such. Although it didn't take me long to work out that if you had a background in tikanga, and you knew the values that underpinned what we do in Te Ao Māori, then in fact you did know quite a bit about constitutional matters, and Moana was absolutely key to ensuring that we did realise that we knew a lot about constitutions and how to do the work that was required in there.

Now the name Matike Mai Aotearoa; when we first convened the group we asked for a name and it was given to us by Dr Huirangi Waikerepuru of Taranaki as a name that simply called on the country to arise and sort matters out. And it is being questioned by my Tai Tokerau whanaunga on this, because at home it's not Matike, it's Matika, but in Taranaki dialect it's Matike Mai Aotearoa and that's the name we chose.

And our membership of Matike Mai Aotearoa was our best constitutional and tikanga brains that we had. And we asked our Iwi Chairs to please go and find those people for us. And initially we were a bit worried, they sent us a whole lot of lawyers. And we said that means that you know about western constitutionalism and we actually need people who know our forms of constitutionalism. And so we went back and said no, please can you send us your tikanga brains as well; and they did.

But we were very careful to ensure that groups that are normally marginalised, particularly in National Iwi Chairs Forum, were included in Matike Mai Aotearoa. So we included the urban Māori authorities from the outset. I mean it's very, very logical; most of our people live in the cities these days. But it was also, we wanted to make sure that we included other marginalised people. So rangatahi was absolutely key, and you'll see that soon, that we gave them a formal place. LGBTQI+ communities, we made sure we reached out to them, the disabled communities, we reached out to them, but we reached out to wherever we could to make sure that everybody was involved. But the membership, as I say, came from the best constitutional and tikanga brains, which included our urban Māori authorities.

Now, our terms of reference, fairly straightforward, but a huge job of course; to develop and implement a model for an inclusive constitution for Aotearoa. And that word "inclusive" is hugely important. Because the constitutional arrangements you have in this country at the moment exclude large portions of the community, large portions of the people who live here in this country. It's not just Māori who are excluded. It's anyone who is non-white, it is anyone who is anything different from the white and often male model that has been implemented in this country.

And so we wanted to make sure that the constitution that we came up with included everybody. And it was to be for the whole country and it had to be based on tikanga and kawa. Where I come from it's tikanga, our law, the law that preceded -- the first law of this country that preceded the British law that came here. Elsewhere in the country it's known as kawa.

And then He Whakaputanga o te Rangatiratanga o Nu Tireni of 1835, which was a statement that all, well, "sovereignty" is a word that was used, lay with the rangatira of the hapū, but mana is -- and I prefer to use this term -- it is the ultimate and paramount power and authority derived from the gods. And that was to remain with the rangatira of the hapū and it would never, ever be devolved to anyone else, and that they would meet at Waitangi each year in the autumn to make laws and to make sure that peace was maintained in the country.

And the Whakaputanga also thanked the King of England at the time for acknowledging the flag that we had been forced to use to stop our ships being arrested when they went to Australia, it was crazy. So that was our He Whakaputanga; very much about where power and authority lies in this country and would continue to lie.

And then, of course, Te Tiriti o Waitangi which invited the subjects of Queen Victoria to come and reside in the country, provided she took control of their lawlessness and made sure that it did not continue. So that was the purpose of Te Tiriti o Waitangi, was to allow British immigration, subject to the Queen of England ensuring that her subjects stop their lawlessness that they were carrying on at the time, and abided by the tikanga of the country.

We were also to base our model on other indigenous human rights instruments which include a wide range, a wide degree of international recognition and that in particular was the United Nations Declaration on the Rights of Indigenous People.

Now it was important that we established at the beginning what we had not been asked to do. We were not asked how might the Treaty fit into the current Westminster constitutional system, or how might Māori representation be adequately addressed in the existing parliamentary framework, that was not our remit. But instead, our group was asked to seek advice on the different type, a different type of constitutionalism that is based on He Whakaputanga and Te Tiriti, because it was really clear, and had been for over 100 years, that the Westminster constitutional system, as implemented since 1840, does not and cannot give effect to Te Tiriti o Waitangi.

Now we were also given instructions to ensure that whānau and hapū participated in our consultation that we undertook. So in the development of the model, the working party had to report on our engagement and progress at each National Iwi Chairs Forum hui.

Our final report came in in 2016, it was meant to come in in 2013, but Moana was very clear that as long as we continued to be asked to go and talk to the groups anywhere, then we would continue to talk and we would not report until we had heard from everybody. That did mean that we went around some places twice, sometimes three times.

We had to ensure that whānau and hapū were fully informed and participated in the development of the model. At each hui we'd do a brief introduction to the topic and then work on a questionnaire in groups. And that questionnaire was based on the one fundamental question, which was; if tomorrow you could make your own decision about your own lives, what would that look like? And in particular, what values would that be based on. Then we had a series of questions that came out of that.

And then we took the responses and analysed those to build a model, and the model would form the basis of the constitution for the country, but we would not discuss those models -- as it turned out it was more than one model -- with the government until Māori were satisfied that we had got -- that we'd understood it properly.

And what we aimed to do was to create a future environment where Māori are fully recognised and respected, where tikanga, matauranga Māori, He Whakaputanga and Te Tiriti were part of the natural order of this country. So tikanga, as the first law of this country, the law that Māori have always lived under and continue to do so to this day; Matauranga Māori our knowledge systems, and He Whakaputanga and Te Tiriti. They'd be part of the natural order of this country and nobody would think twice about the fact that they were.

That hapū and iwi could exercise their own mana, make their own decisions about their own lives and their own resources. That all people would have a respected constitutional place. That the constitution would be a constitution for good, just and participatory government for all and by all people and is consistent with agreed values and benefits everyone. It turned out that making sure that those values were agreed was the biggest part of the conversation that we had. That all New Zealanders would prosper and celebrate our heritage. And that Māori would contribute positively to the growing international activity around constitutional transformation for indigenous peoples throughout the world.

So the work we have done to date, up until 2016 we had 252 hui around the country. Now Moana attended every single one of those hui. I attended about 50 or 60 of them. But we also had a group of rangatahi that we convened very early on in the piece and they came together and ran a number of 70 hui that they ran amongst rangatahi.

Moana asked Veronica Tawhai to convene that group. There was a very simple reason behind that; it was not my generation, or Moana's generation, or the generation in those 252 hui, by and large, who were going to see that this constitutional transformation took place, it was rangatahi who were going to have to carry this. So we had to make sure that they not only knew the kaupapa really well, but led it. And so the 70 rangatahi hui were fundamentally important.

Then we interviewed individual experts as well. Our report was drafted with ongoing input from those experts, it was adopted by the National Iwi Chairs Forum in February 2016 and also at Waitangi on 6 February 2016.

Since then, and I must say I lose count, there have been at least 60 further hui, conference presentations around the country, and overseas as well, to take the report back to the people. It is now a required text in several university courses. Out of it came the report He Puapua, that you may have heard about, which was a report on realising the United Nations Declaration on the Rights of Indigenous People, and it was commissioned by, the minister at the time was Nanaia Mahuta, and it was based on the report of Matike Mai Aotearoa.

We also set up a Vision 2020 Aotearoa in order to have a vision statement for the country. Because it seemed that if you wanted to do constitutional transformation you needed to know where you were heading and therefore capture that in a simple vision statement for the country. Over a couple of years that statement has worked out to be at the moment; all whānau will achieve their potential.

Then we ran Māori constitutional conventions. We were supposed to have just one in February 2021, it ended up having to go online, because of Covid, and then we had another one in this February 2022, and we've decided we'll just keep going on having these conventions. They bring together what everybody's thinking is and it's been very, very helpful.

And then of course the work on the national plan of action to implement the United Nations Declaration on the Rights of Indigenous People.

Now, in the next few slides I just want to go through what the report itself actually says. So it is a report that was written through our people, it was written for those who contributed to those 252 hui that we had and the 70 rangatahi hui; and hopefully it would help others to begin their conversation about constitutional transformation.

There are five parts to the report. First of all the nature of constitutions, then the constitutional foundations, the constitutional values and, as I said, this took up the bulk of the time in our 252 hui, and then the recommendations that we came up with.

So in terms of the nature of constitutions, constitutions, although people often felt that they really didn't know much about constitutions, when Moana just explained it's about making decisions, and a constitution is simply an agreed set of rules as to how we will make decisions, and then the government is the process people choose to regulate their affairs.

And a constitution is a code or a set of rules to describe how a government will function, and who will make the rules and how to abide by them and live together amicably. And constitutions are based on two things: The concept of power and the site of power.

The concept of power is the philosophy of constitutional authority and values that underpin it. So the constitutional -- sorry, the philosophy of constitutional authority and the values that underpin it. And again, this word "values" keeps coming up and it is fundamentally important.

Then the site of power. So this is the institution or the place where society decides power is exercised and the limits that are placed on it.

Now what we need to be very, very careful about is that a constitution is a cultural creation. And I want to have a look at the western concept and site of power and compare that with the Māori concept and site of power.

So a western concept and site of power is hierarchical, and in that western concept you have sovereignty, which is the most high and perpetual power over the citizens, that's the nature of sovereignty. That's why I don't like using sovereignty as a word to translate mana, because mana is not that. So mana is about power and authority, but it's not about the most high and perpetual power over citizens. That is what sovereignty is.

Now the site in a western concept of power is the monarch in parliament, it has absolute authority and dominion over the land and the people, and that is what our current parliament works under.

A Māori concept and site of power is a concept of mana, and mana is absolute power and authority derived from the gods, as I've said before. The site of power is the ariki or the rangatira, for us in the north it's rangatira. Power is bestowed by the people to be exercised in a way that is tika, in a way that is correct. It makes decisions by consensus that cares for the people, that keeps the people together, and that there is independence for the hapū and the iwi, that they will exercise their power and authority independently while they interact with other hapū and iwi around them. So that's the nature of constitutions.

The constitutional foundations are, as I've said before, tikanga, He Whakaputanga o te Rangatiratanga o Nu Tirenī of 1835, Te Tiriti o Waitangi of 1840, and various international precedents. So we were looking at the Kari Oca declaration of 1992 which spoke to inalienable rights to lands and territories, resources and waters. The Mataatua declaration of 1993, which dealt with cultural and intellectual property rights, the United Nations Declaration of the Rights of Indigenous Peoples of 2007, but of course New Zealand opposed until 2010, but New Zealand has signed up to it in 2010, which is why we were so insistent that something be done about New Zealand implementing this declaration.

Now all of these international precedents are framed within the right to self-determination. And then we had a look at those indigenous peoples who have been able to establish their own constitutional foundations. Such as the Sami people of Scandinavia, Bolivian people, Native American nations were the main ones we looked at, but others we had a look at those as well.

Now the constitutional values and, as I keep repeating, there was a great deal of discussion about this, and there were seven, we were able to filter them out from the huge, the thousands of questionnaires that we analysed, that there were seven of them.

The first one was the value of tikanga. And that is to relate to or incorporate the core ideals or the ought to be of living in Aotearoa. So this is that ultimate ideal of, regardless of what you've got now, if you could have an ideal situation in this country, what would that be like? And a lot of our people when we were in our hui were saying "you've got to get real, that's never ever going to happen." Moana would just very gently say "just leave that to a side for a moment and think about what it would be like if we didn't have all the restrictions we have now. What would it be like?" And that's the ought to be, what we ought to have when we live in this country. And our people were actually very, very forthcoming about what the country should look like and the ought to be.

The value of community. To facilitate the fair representation and good relationships between all peoples.

The value of belonging. To foster a sense of belonging for everyone in the community.

The value of place, and this one actually featured very, very highly. That was to promote relationships with and ensure the protection of Papatūānuku. This in particular came out of our discussions around the Bolivian constitution where the first consideration in that constitution is the well-being of Pachamama who is the equivalent of Papatūānuku, our earth mother. So without her, of course, we don't exist.

The next one was the value of balance. To ensure respect for the authority of rangatiratanga and kāwanatanga within the different and the relational spheres of influence. I'll talk to you about those spheres of influence when we get to the models. But we needed to have that balance between the authority, between rangatiratanga and kāwanatanga.

The value of conciliation. To have an underlying jurisdictional base and means of resolution to guarantee a conciliatory and consensual democracy. So that's where you reach decisions through conciliation, and you come to agreements by consensus rather than an adversarial and majoritarian one that we have at the moment, where the sheer fact that it's adversarial means that you must have winners and losers. And it is something that my kaumātua had never understood as to why you would have a government and an opposition, where the opposition would spend its time being adversarial, and why instead couldn't you have a system where those who were the leaders, who were to lead the country, would work together for the betterment of the country; and that where a majority could not simply dismiss everybody else in the country as irrelevant. So conciliatory and consensual democracy is absolutely essential.

And while I'm on that word "democracy", it has, for many of our people, developed a meaning of one person, one vote and therefore has disenfranchised our people hugely. Moana would take us back to the real meaning of democracy, and the real meaning of democracy is that the people decide. It is for the people to decide what goes on and what decisions are made. That's the true meaning of democracy. And I remember seeing a quote once where an Englishman was saying that the Māori way of decision-making was the ultimate in democracy, where no decision was made unless everybody had had their say and everybody's view had been considered and everybody agreed on what was to be the ultimate in democracy.

And the last value is the value of structure; to have structural conventions that promote basic democratic ideals of fair representation, openness and transparency. So as I say, those values are the things that were fundamentally important to our whole discussion that we had around constitutional transformation. And it's those that we keep coming back to when we have our constitutional convention hui that we've had, our Zooms, we keep coming back to have we got the values right. And that certainly has been confirmed in the hui we have. We spent so many years working on these values to make sure that we had them right.

Now in terms of the models that we came up with, we were supposed to come up with one but oh yeah well, we ended up coming up with considerably more than one; there was actually six or seven.

So the first, this was our constitutional vision of what the models would look like. And the first was possible tricameral models. So this was where you had three parts to the power and authority as it was exercised in the country. And while we were doing this work, the Waitangi Tribunal in its work amongst the north, Te Paparahi o te Raki, issued its report on He Whakaputanga and Te Tiriti and in it they talked about the spheres of influence that are there. First of all the Māori sphere of influence and then the Crown sphere of influence. And they made their -- in their recommendations the notion that there are two quite distinct spheres of Māori authority and Crown authority, and that those still exist to this day. The Māori authority used to be over the entire country and was there for quite some time but got usurped by the Crown one, and that was never the intention of He Whakaputanga or Te Tiriti.

And so in the model we drew on those spheres of influence and we called the Māori sphere of influence the tino rangatiratanga sphere, but it's also known as the mana motuhake sphere. That is where, in this first model, you would have an iwi or hapū assembly and in that assembly Māori would make decisions for Māori to be carried out by Māori.

And then in their own sphere of influence quite separately, the Crown, who look after Te Tiriti, the people who Te Tiriti allowed to come into this country, where the Crown would make its decisions in its kāwanatanga sphere.

Now these two, under a tricameral model, these two bodies would need to come together in order to make joint decisions where those were needed. And that was called the relational sphere in the Waitangi Tribunal's report. And so that was your joint deliberative body. So under this tricameral system you've got three distinct bodies that you would set up. So that was the first possible model.

The second possible model of the tricameral one was that in the rangatiratanga sphere you would have not just iwi and hapū assembly, you would also include urban representation, and I couldn't fit it on this slide, but it would also be other groups such as LGBT -- your gay community, LBT -- I get it right sometimes -- you'd have them represented, you'd have your disabled represented, you'd have your rangatahi represented and so on and so forth. LGBTQI+, aroha mai koutou. They would be included in your representation.

Kāwanatanga, our people didn't have a great deal to say about how the Crown would organise itself, they just assumed it would stay as it was, minus any responsibility for anything Māori. And you'd still have a relationship joint deliberative body.

The next one was where you would have the same arrangement in here for the rangatiratanga or mana motuhake sphere, the same kāwanatanga sphere but the relational sphere would be done on a regional basis, and therefore amongst waka perhaps or -- but anyway, it would be regional rather than national. So those were the three possible tricameral models.

The fourth model that we recommended was one that's a multi-sphere model, and this was to preserve the relationships that have already been set up between Crown and various iwi around the country. So you'd still have the rangatiratanga sphere with its representation in there, the kāwanatanga sphere, but here, in a mana motuhake sphere which we gave there, this is where iwi, hapū and the Crown and the relationships they already have and wish to preserve could be preserved. And then in the relational sphere hapū and other Māori representation and the Crown would still be in there. So that was the fourth one and -- sorry, there are only five.

The unicameral model. Now this is where you have only one sphere and it is the relational sphere, where the iwi, the hapū and the Crown are there together, so one body making decisions together and -- sorry, there was the sixth one, a possible bicameral model where you just have the rangatiratanga sphere making its decisions for the people by itself, for

Māori in here, and the kāwanatanga sphere making decisions for its people in its own sphere, and then how they talk to each other, well, they'd have to sort that out between themselves as to how they would talk to each other.

Okay, so those are -- and it's six, six models that we came up with. Our recommendations were, that from 2016 onwards up until 2021, there would be discussion amongst Māori. There has been a huge amount of discussion amongst Māori, to the point that many of them are just getting on and doing what was talked about in all of the hui on constitutional transformation.

That it would be an annual agenda item at national hui of lead Māori organisations. Well, for National Iwi Chairs Forum, which is just one of those bodies, we discuss it and we have, since 2016, every hui we have, and that we meet quarterly, so we discuss it four times a year; that we would hold the Māori constitutional convention in 2021, which we did, and then repeated it in 2022, as I've already told you. And the numbers who turned up to those hui was very, very gratifying. We had a technical problem with our 2022 one where we couldn't get enough people in. We should have run it as a webinar, but never mind, we'll get it right when we run the next one.

To establish a working group to work out structural and procedural issues for Māori as to how you were going to structure and run the rangatiratanga sphere or the mana motuhake sphere. We haven't formally established that group yet, but there's a huge amount of work going on in that area.

That Māori initiate dialogue with other communities. Well, it wasn't us who initiated it, other communities came to us when we were doing the work and asked to be included. And the first ones who came to us were our whanaungas from Te Moananui-a-Kiwa, our Pasifika whanaunga asking to be included, and of course we couldn't say no to that and we never would anyway. But it was also the Chinese community, the Indian community, non-white communities came to us, and then other marginalised communities came to us as well.

That iwi, hapū and lead Māori organisations initiate dialogue with the Crown. Well, up until 2017 we just hit a brick wall with that. But in 2017 I spoke to Nanaia Mahuta about this, because the way to engage the Crown in this and to start their journey on constitutional transformation, is to have them implement the United Nations Declaration on the Rights of Indigenous People, and that is the start of their constitutional transformation journey.

So I asked Nanaia Mahuta whether she would have an appetite for ensuring that, and she jumped at the opportunity. And the progress we have made with her when she was the

Minister of Māori Development, and then subsequently with Willie Jackson, has been quite significant. But I have to say that we had the help of the United Nations Expert Mechanism on the Rights of Indigenous People to bring the government to the table.

Then in 2021 we start organising a Tiriti convention for the country about constitutional transformation. That is starting in the country with the work on implementing the United Nations Declaration on the Rights of Indigenous People. And all of those recommendations were approved by National Iwi Chairs Forum on 5 February 2016, and Moana's goal for constitutional transformation is 2040; that we should have it by then and by then everybody will wonder why we didn't do it beforehand.

Now just to conclude, there are some comments on discussion that's had to date. First of all, people were very quick to tell us that they did not want the unicameral model. So that's the model where you just have one, Crown-Māori organisation, because essentially that's what you've got sort of now, and it certainly does not work.

The main discussion points to date have been that each Māori group, hapū, iwi, will choose its own method of determining representation, and whether that's by direct voting or electoral college, their own ways of determining, that was up to each of those groups to decide.

There is fairly clear opposition to political parties in a Māori body, and that was given to us particularly, not only from our people, but also from the Sami, where in their Sami parliament they have allowed the political parties to have a role in their parliament and it has severely undermined the work that they have done. And that is because when you appoint a representative at the moment, when they go into parliament now you represent -- you elect them to represent yourself, but when they go into parliament, they then become part of a political body and a political party and no longer represent you, they represent the political party; so you've effectively lost your representative.

So for us that was -- for our people that was really clear, and so we did not want political parties in the Māori body so that you did not lose your representative to a political party. There is fairly substantial support for an iwi, hapū urban and other groups that I just couldn't fit on the slide, those other groups in there as well.

There's considerable debate from which consensus has emerged that tikanga must underpin the Māori and Crown relationship. And particularly given that tikanga is the first law of this country, and the changes that are now taking place in the teaching of law in this country whereby tikanga is now required. So tikanga must underpin that Māori-Crown relationship. There have been increasing calls -- and I've put calls but in fact it's

demands -- for constitutional transformation coming from Māori and particularly from rangatahi. They have been quite unequivocal that this must happen and they're getting on and doing it. And a lot of those rangatahi were involved in the rangatahi group that were convened by Veronica Tawhai.

Now there is growing support from some non-Māori groups, especially from non-whites, but there is significant resistance coming in from white supremacists, and of course the country got to see what those people were like in the protests outside parliament. Although they never did it to any of the hui and presentations and conferences I attended, Moana did come up against some of them in the presentations he was asked to do.

Although what he found was that our young people were attending those and they dealt fairly firmly with those white supremacists. And the others who dealt with them were a number of very, very supportive Pākehā, and there are an increasing number of Pākehā. I was quite taken aback when our report was delivered in 2016, the number of Pākehā who came on board and said "please, you must talk about this", and there is a huge need for it. And that wasn't necessarily from what you would call left wing or liberal Pākehā either. It was also from, for example, businessmen who didn't consider that the way things were done in this country at the moment were the fair or right way to do things.

So heoi ano tātou ma, koinga nei ngā kōrero. As you will have heard in this, the bulk of the work was the work of Moana Jackson, although I have been there along the way every step of the way. Nō reira, ngā mihi atu ki a tātou katoa, very happy to answer any questions and I'm sorry for not leaving much time, Maria.

>>RINGA HĀPAI: Tēnā koe te rangatira, te mareikura Professor Margaret Mutu mō tēnei koha kōrero i tēnei wā, tēnā koe tēnā rā koutou. There are so many things from Matike Mai that resonate with numbers of us that are on the screen, and just want to go back to your recognition of the rangatahi who gifted the tohu at the beginning and really the kōrero around Matike Mai and is about rising up.

And we've heard the kōrero in terms of the journey and the inspiration of the whakaaro around constitutional transformation, not change, not tinkering around the edges, but constitutional transformation. And most importantly, and the beautiful kōrero about bringing people on with the kōrero and listening and really taking on, especially the whakaaro around a values-based constitution, is thinking about the future of our mokopuna.

So I really want to say thank you, thank you Professor Margaret Mutu, also to Dr Moana Jackson, Veronica Tawhai, Mereana Pittman and many, many, many others that have

made this possible to bring about Matike Mai o Aotearoa. It's definitely stimulated the kōrero and the whakaaro to progress the ideas.

Yes, we're working from a space in terms of taha Māori around redressing the colonisation and the issues, but it is also about, you know, reaching other areas about self-determination, about having a values-based constitution. There is a really beautiful -- in many of the kōrero across your slides whaea, if anything if I really loved to hear was a future environment where Māori are fully recognised and respected, that there is tikanga matauranga Māori and all the number of different things that are as part of our natural order, that there is mana and each person and hapū and iwi exercise that, and that everybody, I think it is you said all peoples have a respected constitutional place here in Aotearoa, and that a constitution will be created for good, just government for and by the people, based on our agreed values and benefits for all.

And of course that all of us in Aotearoa will be able to prosper and celebrate, and most importantly that Māori, as the people of this land, would be able to contribute positively to our activities here around constitutional transformation within indigenous space and internationally. And I just really want to say thank you and celebrate the kōrero and the energy in which has really been inspiring.

I think too knowing some of the kōrero that has been said, is that very much about this is the vision of our old people. And I'm mindful that the kōrero around mana motuhake is very much from our space, but I also see there's a lot of kōrero online from our non-Māori and our tangata Tiriti and our whānau that have been working beside this kaupapa, and just really want to acknowledge the many that have also put forward numbers of different questions. And certainly are not going to be able to get around to them, but there is perhaps if you'd like to answer a couple of questions, whaea, I'll just pick out the many. We've had about 27-odd questions, pānui, there's been rolling kōrero through it.

So here we go. Here's one question. "Were there any barriers created through any immediate discourse or any government agency actions through this work, were there any challenges from Crown or from any other kind of groups where Matike Mai was kind of evolving and then to the report, can you make any comment on that?"

>>PROF MUTU: Yes, so we were very careful to make sure that at the beginning and right the way through our 252 hui that we did, that they were for our people. There were attempts by various government people to come in and influence the work that we were doing. But Moana was really very clear, he wanted to hear our people.

And that is because this country -- at the end of the day, responsibility for this country lies with us as the tangata whenua. When things aren't going right, when Papatūānuku is being desecrated as she is, the ultimate responsibility lies with us. And Moana wanted to make sure that not only did we have the confidence to say yes, we know we have that responsibility, but to do it, and therefore to have also the confidence to say to Crown officials who came amongst us saying "oh you can't talk about these things it's not right", and there were, there were. To say no, we will talk this talk and we're going to.

Now of course the fact that we had the rangatahi there meant that they couldn't access us quite as easily. They can get to some of our older ones quite easily because they know them. But our rangatahi, they were free spirits who could do what they wanted, and the government officials and some ministers, who did not like what we were doing, just couldn't get to our rangatahi, away they went. They were wonderful.

But now they are the leaders. There are a number of them now who are leaders in their own right, yeah.

>>RINGA HĀPAI: Tika kōrero whaea. Perhaps one more question and then unfortunately we're going to have to close for the afternoon. Some of the whānau that are coming across they're kind of curious about what is it that they could do. So what could communities, be they Māori, non-Māori, what can they do to encourage the progress on Matike Mai and the recommendations, what are your thoughts?

>>PROF MUTU: Okay, so there's multiple parts to this. But the main thing goes back to the fact that every single whānau, every single hapū has the right to make their own decisions about their own lives, and to think hard about what does that look like in my own whānau. I know that for, especially in my younger days, I used to wonder about I know what we do in my family, but then I have to learn all these rules that are there that are somebody else's rules and they're not ours. And we used to spend our time getting headaches trying to figure out why we had to do this.

But what our kaumātua used to say to us was "no, no, no, you're back here on your own land here, now you make your own decisions for yourselves and don't worry about the Maungani County Council and the Far North District Council, just make your decisions for yourselves." That in itself is very empowering and you think to yourself oh we can't do that, we don't know how.

Well, excuse me people, we do know how. We know how to conduct hui on marae, we know how to make our own decisions and that's what Moana kept going back to. Don't look to somebody else for your rules about how to do things; you've got them already in your

own whānau, in your own hapū, on your own marae how you make decisions, and just walk the talk of that.

I can tell you, people, it's a lot simpler than trying to figure out all those other rules that are trying to be imposed on you that never work anyway. So just bring back that confidence and clarity of your thinking about what the tikanga is that was handed down to you from your ancestors and how to walk the talk of it, and you'll find your life is so much easier if you can do that.

>>RINGA HĀPAI: Beautifully articulated, whaea, and I'm sure that everybody is taking note of the inspiration that you are providing all of us, and also perhaps reminding us of trusting in ourselves and the tikanga and the things that have been left by our tūpuna, and the continual things that we need to do now in going forward for our tamariki and our mokopuna, thank you whaea.

On that note, to the -- just some final words for the whānau that have joined us this afternoon to listen in to Professor Margaret Mutu no Ngāti Kahu, me Te Rarawa mo Ngāti Whātua, this fabulous presentation will be available on YouTube, so please check in later.

Unfortunately we don't have the time to answer all your questions, so we will do our best to pull those together for whaea and present them to her to see if we can at least put that up on the Facebook, or the group Facebook that's available to give you a response.

But more importantly, please read Matike Mai Aotearoa, the report, we put it in the chat. And just a big shout out to all the volunteers and the partners who've helped this event and bring it to life, and also for the back-end volunteer crew that have also put together these webinars for you all, and we all wish you an awesome day for the rest of Saturday, and hopefully that we'll connect with you again on the remainder of Te Tiriti-Based Futures and Anti-racism or Decol 2022. So ngā mihi mahana ki a koutou, kia ora rā.

>>PROF MUTU: Kia ora.