

MAPPING THE MOVEMENT

Wānanga | 26 – 27 October 2022 | Te Puna Rangahau o te Wai Ariki | University of Auckland



KARAKIA TOHUTOHU

*Amohia e hika tō kete
Ki te tūāhu o te wānanga
Ki reira horomia tō kai
Kia heke, heke rawa, tau atu
Ki te kōpū nui ki te ngākau roa
Kia tīaho ki roto, kia mārama ki waho
Ka tīhei te mauri ora
Ki te whēiao ki te ao marama*

Tihei, Mauri Ora

He whakamārama: Swallow your teachings to the pit of the stomach – do not hold them in your head alone lest they become caught in debate between your mind and tongue. Instead absorb them carefully into your being so the lessons may come forth as actions through your hands.

Nā Papa Chaz Doherty

MAPPING THE MOVEMENT OF CONSTITUTIONAL TRANSFORMATION

The Mapping the Movement wānanga was a space for people working across different projects to meet and share the whakapapa, opportunities, and barriers with their mahi in the movement and seek ways to tautoko and collaborate with each other for constitutional transformation.

The karakia above, shared with us by papa Chaz Doherty, held the essence of our wānanga – that as we wānanga on the diverse theories and work-plans for change, we also nourish our faith and embody it in our actions: “kia tīaho ki roto, kia mārama ki waho.” Constitutional transformation is a cultural shift before it can be a legal or political one. Starting with ourselves reveals the direction of the movement.

The following pages capture more from the wānanga, as set out in three sections:

- 1. Acknowledgments:** to those who contributed to the mahi of this wānanga
- 2. Kaupapa Kōrero:** themes and core kōrero raised in the wānanga:
 - a. Two Sides to the Movement: Decolonisation and Reconnection*
 - b. Incrementalism & Assertion of Tino Rangatiratanga*
 - c. Accountability with the Movement*
 - d. Tikanga Māori & Settler Colonial Law*
 - e. Indigenous Futurism*

We acknowledge with deep aroha all the work that has come before, and all the work to come.

Ka whawhai tonu mātou mō ake ake ake!

Ngā manaakitanga,

Claire Charters & Erin Matariki Carr

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Present: (Left to right, top down) Kassie Hartendorp and Edwina Hughes (on screen), Max Harris, Brooke Stanley Pao, Pania Newton, Anna Cusack, India Logan Riley, Erin Matariki Carr, Julia Whaipooti, Georgia Heta, Jane Kelsey, Claire Charters, Charm Skinner, Veronica Tawhai, Metiria Stanton-Turei, Wiremu Tipuna, Lisa Woods and Annette Sykes – Next picture: papa Chaz Doherty, Te Wharekōtua Doherty, Haimona Waititi.

Not pictured: Litia Tuiburelevu, Mike Smith, Holly Reynolds, Kingi Snelgar

Special shout out to: Prof Margaret Mutu, Coco Solid, Natalie Coates, Arama Rata, Rikirangi Gage and Kerensa Johston for their contributions to the kaupapa!

KAUPAPA KŌRERO

The two days of wānanga brought forward a number of discussions. Below are some of the core kaupapa korero, or themes, that emerged and later informed the actions and timeline to take forward:



➤ Two Sides of the Movement: Decolonisation & Restoration:

Decolonisation is work within the Kāwanantanga Sphere – the urgent and ongoing work of limiting the harm caused by the current constitutional arrangements by working within and decolonising existing colonial systems of power. This work is essential and typically incremental in nature because it exists within, and is therefore limited by, the existing political system. (E.g.: *Improving the criminal justice system, prison abolition, Royal Commission of Inquiry into Abuse in State Care, AAAP advocacy at WINZ, Māori seats, petitions, protest, submissions etc*).

Restoration or Resurgence is the work within the Tino Rangatiratanga Sphere, this is the healing work for Māori of reconnecting with the whenua, with our identities, recentring our worldview, having space to imagine and action the conditions in which we want to live and the social relations that we wish to have with each other and the land. (E.g.: *strengthening marae/ hapū structures, creating occasions to bring whānau back to the marae, learning te reo, waiata, pūrakau and tikanga, recentring our own philosophies, reconnection with whenua through maara kai, planting native trees, wānanga on our histories, laws, constitutional values, operating iwi checkpoints, declaring rāhui, seeing ourselves and holding difficult conversations about how colonised our daily practices may be etc*).

Those working in the decolonisation side of the movement, the risk of feeling burn-out or hopelessness can run high. There is a need for those in the movement, particularly for Māori, to keep connected to the reconnection side of this work to fill our cups with the worldview and practices of our tīpuna so that we remain well, courageous, hopeful and accountable to our communities.

“On the immediate front, we are so pulled to these criminal justice spaces because we can see the immediate need and we want to do something about that now so that whānau can have choices... On the iwi or hapū front, we want to rebuild ourselves in our own ways of doing things and understanding the world. This needs to have some strong and up-front conversations. And that is for Māori to sort out.” Participant

“Constitutional transformation is something that you don’t just learn, you feel - and I think that is really powerful for us as rangatahi to realise... Recently we have been holding wānanga with wāhine and tāne to karanga and whai kōrero - so cool to see those that are ahi kā and those that have been disconnected - and at the end of that, the feeling of whakapapa, whanaungatanga, safety in belonging - that is transformation in itself.” Participant

“I am particularly interested in talking about the tino rangatiratanga sphere from a hapū and marae perspective - and wanting to focus on building the capacity and capability of our whānau through conscientisation - to strengthening our marae and hapū structures more on a base level.” Participant

- **Incrementalism / Assertion of Tino Rangatiratanga:** There is always the question in how to achieve transformation of the current systems of power – whether through incremental change within the existing system, or through direct assertion of tino rangatiratanga/“just doing it”. Arguably, we do have both and we need both to achieve transformation by 2040, holding in mind Pā Moana Jackson warned us to be wary of when “incrementalism becomes stasis, the consolidation of an injustice.”

And so the question is: What does constitutional transformation to honour kawa and tikanga, He Whakaputanga o Te Rangatiratanga, Te Tiriti o Waitangi and UNDRIP look like on the ground?

There are structural considerations (how do we check Kāwana power given they have the force of military and police? Will Māori have the sovereign ability to regulate their own jurisdictions and tax? What sphere of influence do Pasifika, Tauwiwi, and other non-Māori fit in?). There are cultural considerations that focus less on structure, and more on who we are being, what we are doing on the ground today (mass conscientisation to shift our expectations for how our lives may be, Māori empowered to be Māori, our own education systems, having our tamariki home from Oranga Tamariki, the ability to decide for ourselves in different scenarios, Tauwiwi finding belonging, Pākehā understanding privilege).



Looking at what “utopia” could be, a senior participant places Papatūānuku at the centre of our constitution, setting out: “it is simple - how we relate to our space, and how we invite others into our space to share. First with the taiao, we are just part of it. We live with it. It centres us. It ensures the sustainability of life for future generations. And those relationships should be sustained not on exploitation, but on recognition that she is our mother. Then

that sets up the nature of the relationships on constitutional terms for those that share that space with you. The He Whakaputanga vision is to come together as a nation of nations as Māori to develop a relationship that forges the whakapapa that we have inherited. Then the Tiriti comes and says, ok now we have these people arriving - so how will we govern with them. How should we make laws with them – they had an idea of coming together 4 times a year to make laws. Then the kawana came along and ignored and breached all of those constitutional arrangements. Like [she] said - we need to build the blocks. So first of all - what is our relationship to Papa? Then how are we looking after the water, the land? Then what is the dynamic in our community that develops in relation to her in that space? So that becomes the base.”

Practical example as shared by a senior participant: “a couple of my whānau have been leading out this rāhui movement where they have been making declarations of rangatiratanga in that they are not going to the Government to ask for compensation for the fact that their kaimoana beds have been smashed, they are not asking the Crown to regulate or do anything specifically about that – instead they are going to the communities and saying, “what is up with this situation with our kai moana? We as Māori are declaring rāhui.” We do not need to go to the courts to do that, we don’t need to formulate laws to do that, but we just need to go down the beach and agree amongst ourselves. And interestingly, they have been to see their Pākehā neighbours in their communities who agree with them. So that is it - we are declaring rāhui over this kai, and that is all there is to it. Interestingly enough, the Minister of Fisheries has followed through and gazetted those rāhui - and so that they are now made enforceable. For me, that is almost an example of rangatiratanga in action and Te Tiriti o Waitangi in action - and that Māori through our own customs - we declare these things. And the government as the administrative arm of the people ratifies those things.”

➤ Accountability within the Movement

There were a number of ways that the kaupapa of accountability was raised in our wānanga, particularly across the intergenerational nature of the movement, how we bring people along, and our principles for relating to each other.

Accountability to the whakapapa of the movement: We have so much to learn from the whakapapa of the movement for mana motuhake in Aotearoa and internationally, from our tīpuna, from pakeke still here today and from rangatahi. We want to put effort to greater mentoring between generations, gathering of resources from across past efforts, and the sharing of stories – both of failures and of successes, challenges and ideas:

“Matike Mai is the current expression as to the constitutional transformation efforts of our whānau - so we link it to all the things before that, be it Māori Parliaments, warfare, what happened in Parihaka, Kingitanga - that those are all different expressions of the same thing which is about the rebalancing of power so that we might have the conditions within which - not just that tino rangatiratanga is exercised but that the point of that [is achieved];... to be able to live and be as Māori and our state of wellbeing is determined by us... It is not that we are trying to start momentum but there is this really, really strong foundation there - that we must connect to that wisdom.” Participant

“What is really important for us is not trying to re-invent the wheel but there is so much wisdom that we can draw on Indigenous voices from across the world, to amplify those voices and be in solidarity with that.” Participant

Accountability to whānau and hāpori: More often than not, the kōrero around constitutional transformation can be kept between those involved in law, academics or politics. We have a duty to ensure the kōrero is decoded and travels far and wide to whānau and communities across Aotearoa. Whaea Annette reminded all, “When we come to these hui - I want to remember that it is not just the flash people that make this group - it is those that have sacrificed everything. Their lives. And continue to sacrifice their lives for their dreams of mana Māori motuhake.”

“What about our own whānau? There are thousands of whānau sitting out there really languishing... we need to bring them along on the journey.” Participant

Accountability in the Tino Rangatiratanga sphere: We need to reinvigorate our own laws and practice these within our own leadership and institutions (e.g. PSGEs and national forums) – for Māori to start with ourselves. Even if Settlements are considered “full and final” in terms of where Kawanatanga meets Te Ao Māori, they are not within Te Ao Māori. Te Tiriti is a moment in time, it does not define us, it just affirms us. So we have to reclaim that space that we were occupying at the moment of Te Tiriti: define our own sphere and empower as much of our own sphere/ organisations/ communities as we can, spiritually, economically and politically, and that is what we take forward to 2040.



Accountability in improving our own conflict resolution: Constitutional transformation is about relationships, power/powerlessness, and our value systems and politics. It can be highly contentious and emotionally taxing. There is particular urgency online where rangatahi engaging in this work can be “cancelled” or “shamed” with little protection. We recognised that we must develop kawa to guide and protect how we can relate to each other, even when there is disagreement, while maintaining kotahitanga within the movement.

“...really important to have this conversation about conflict because it can get brutal on social media... it can lead to depression and suicide. When we are doing story-telling, we need to also understand what are the issues that drove people apart and how do we hold ourselves together - who are our space holders, mediators, facilitators? Because our ability to vision and imagine these huge transformations... especially with big activism/campaigns [depends on that conflict resolution]. So how do we role model a non-punitive society within our movement?”

Participant

Accountability to Matike Mai Aotearoa: There is a risk that Matike Mai Aotearoa can be co-opted and used in ways that distort or undermine its transformational agenda, or to attract funding for projects that are not aligned. We noted the need for an independent “house” for Matike Mai and identified TEIA (the Transformative Education Institute Aotearoa) Charitable Trust as an appropriate option. The role of this house will need to be developed with Prof. Margaret Mutu and other leaders.

The role of Tangata Tiriti: We identified several questions/ discussion points relating to the role of Tangata Tiriti Tauwi of colour, which we include in actions below for future wānanga.

The role of Pākehā: The role of active Pākehā involvement is crucial for the movement of constitutional transformation. One participant described the question for Pākehā is, “not so much about how to connect well with Māori, but more what does it mean to be a good Pākehā in Aotearoa today - as a first step.” This framing necessarily requires greater self-reflection and understanding of colonial history and intergenerational privilege within our society – which are difficult conversations to hold, and best led by Pākehā for Pākehā. On this, we also recognised we are at the beginning of the biggest transfer of intergenerational wealth as baby boomers pass away leaving inheritance to the millennial generation. Conversations about land back or transfer of resources – whether that is wealth, time, skill-sets, networks or market access – are all ideas to be explored within the role of Pākehā. For Māori, we need a critical, decolonial spaces to refer Pākehā to go to for their own learning – places like Kotare Trust, Tauwi Mō Matike Mai Aotearoa, the Human Rights Commission or Peace Action Aotearoa.

“And the role of the Pākehā in that process is to facilitate the empowerment of Māori to talk truth to the Crown’s power.” Participant





➤ Tikanga Māori & Settler Colonial Law

We are in a new era of law, where the settler colonial legal system is recognising tikanga Māori as law (not just as lore), and our education, policy and practical application of law is evolving accordingly. We discussed different ways we are seeing this come through, as well as the inherent risks and opportunities presenting:

- **Tikanga Māori in the courts:** through cases like *Trans-Tasman* (2021) and *Ellis* (2022). Here the Supreme Court is recognising tikanga as a legal system in and of itself. We still have predominantly Pākehā judiciary making the final call within the common law. And the courts are not going so far as to question the legitimacy of the Crown to make decisions based on tikanga Māori.
- **Evolutions in government policy:** Te Mana o Te Wai, and the concept of Mana Whakahaere, which transfers resources and decision making to people most intimate with the place and waterway in question is an exciting development in government policy. The transfer of government funding to Māori communities during the COVID relief efforts was an important example of high-trust funding that enhanced the ability of Māori to provide for Māori in accordance with our own methods. These steps can be seen as incremental, but they are also creating space for Māori to make decisions and take action in accordance with tikanga Māori.
- **Indigenising the LLB:** Work is already underway to “indigenise” the law degrees across all six of Aotearoa’s law schools. As Metiria Stanton-Turei pointed out, this effort isn’t about making all law students experts in tikanga (impossible and undesirable), but rather that by 2025 law graduates will have an understanding of mātauranga Māori so they will “... know there is a legal system, a social system, a belief system that exists from the country on which they stand and that they must engage with it on a credible basis - as a start.”
- **Academia:** Universities and academia can play an important role in developing research that supports constitutional transformation by providing evidence and arguments to challenge the legitimacy of the Crown’s claim to sovereignty and upholding tikanga Māori. Academics can carry these topics into the public domain persuasively, simply by virtue of their academic credentials which are held in high regard within mainstream settler society. Within the movement, where academic writing is inaccessible, it should be translated creatively to ensure the kōrero reaches and is held by the wider community. Universities should be places that support intellectual, political, cultural and social movements in the interests of social justice in the longer term.
- **Legislative innovations: Te Urewera rainforest legal personhood:** The same week we held our wānanga, the decommissioning of the huts within Te Urewera rainforest was a hot topic in the news. Te Urewera Act 2014 established the rainforest as a “legal person”, meaning that she is no longer “property” as a national park owned by DOC, but can be herself, part of Papatūānuku, “ancient and enduring” and owned by herself. Te Urewera Board was established, and now has 6 Tūhoe representatives and 3 Crown representatives. In 2017, the Board published Te Kawa o Te Urewera, an enforceable management plan that acts as a constitution for the territory of the rainforest. Te Kawa rejects “resource management” in favour of “human management for the benefit of the land” aligning to tikanga Tūhoe which recognises Te Urewera as a mother, not a commodity or resource, and humans as her children, not her owners or managers. Though Te Urewera holds the land, she does not own the 50+ huts or other structures upon her landscape – these remained in the ownership of DOC after settlement with Tūhoe. Te Urewera Board decided it was best to decommission these huts because: they had not been cared for over the decades and some had become dangerous (e.g. unkept fire boxes and rooves), they required significant financial investment, they were in places chosen by the Crown with no input from Tūhoe as mana whenua regarding wāhi tapu etc, and so long as the huts were there, DOC insisted on exercising authority within Te Urewera because of their responsibility to manuhiri under health and safety regulations. Removing the huts ushers a new era within Te Urewera, where Tūhoe can build villages to live in and welcome manuhiri to stay. However, in October an injunction was filed in the High Court stopping the removal of the huts. A hearing has been set mid-2023 – where a question of mana may arise: what jurisdiction do the courts have to decide over actions within Te Urewera, a land that owns herself under Te Kawa o Te Urewera which stems from tikanga Tūhoe?

➤ Indigenous Futurism:

It felt important to remind ourselves that constitutional transformation is a process, not a destination. We do not need to get caught thinking about Indigenous lives only in relation to our colonisation. This is where the kaupapa of Indigenous Futurism arose in our conversation. One participant shared some of her work between law and art and her reflections, asking, “what will it be to be Māori in 100 years, in 500 years? What does our whakapapa look like in a radically changing world?... I want to be Māori in a Māori universe – the power and authority that we exercise from here and out there, will be always from within te ao Māori.”

“I don’t think we do enough projecting the best-case scenario forward - maybe in 50 years, 100 years, 200 years. Optimism about the future is what helps give me optimism about the now. Of course, there are a lot of things going on that can challenge that - but this is one of my techniques.”

Participant

“On a very personal level; how do each of us uphold the colonial powers and values in ourselves? Working on the front lines with people and community, what are the stories we tell ourselves? About who we are and where we can go together?” Participant

Papa Chaz Doherty shared stories grounded in te ao Tūhoe, to help us anchor our imaginations back towards an Indigenous worldview rather than from a western viewpoint looking in. He reminded us that the whenua is our past and our future:

“Mana whenua has to do with acknowledging that the land has mana and fulfilling your obligation and your kinship relationship with the land for what it is. Not as ownership or property relationship. It is you saying, “I think I look like the land.” And that my language and my poetry and literature, and my cuisine and how I live, all comes from the land. I am an expression of the land. And without it, I become blank. And the further I am from my land, the land of my kinships and of my caring and connections - the smaller I become. The land is my future. And I must keep my connection.” Participant

Finally, when we look to our tamariki and mokopuna, our future – papa Chaz shared a korero with us from Tamati Kruger about the need for us all to have a daily dose of ihi, wehi and wana. With these kōrero we can dream forward to 2040.

Our tamariki must have shared in their daily lives, doses of ihi, wehi and wana, “ihi is the feeling and the rapture and euphoria of being alive, Wehi is the appreciation, awe and wonder about being alive, Wana is thrill and the excitement and joy about being alive and too many of our children grow up without these building blocks of a decent human being and it is our moral duty as schools as families as communities as neighbourhoods to provide together genuine experiences of these things. Doesn’t matter if you’re 7 years old or 79 years old we all need regular doses of ihi, wehi and wana to make us feel alive to make us feel belonging and make us feel well, for without it we are lesser of a person, we feel less good, less well. These things deter and repel despair, drudgery, sorrow, the feeling of being enslaved. It discards and lifts the blindfold, it gives connection between me as a person finding purpose and meaning and have a good life. It battles the urge to concede to guilt shame and failure with these things. This is the voice of the Warrior, not the hostage. Fate whispered to the Warrior, “beware, a great storm approaches,” and the Warrior replies, “I am the Storm!” – Korero a-waha nā Tamati Kruger ki a Chaz Doherty



Questions for future Wānanga:

- What are our tikanga/ kawa/ principles for strengthening and maintaining kotahitanga within the movement across difference and conflict, both in person and online? How do we practice these tikanga? Dispute resolution practices? Participant: *"We can only afford to be the activists that we can be a-hinengaro, a-wairua, a-tinana. Never to be critical of others where their lines are, their boundaries. Mapping the movement is essential so that we can awahi each other and be accountable to each other at the same time."*
- Where are the wins where Māori have tried new ways of organising ourselves/ governance/ new economic models in ways that adhere to their rule, not pakeha rule?
- For Pasefika, Tauīwi of colour, LGBTQI+ and groups marginalised by current constitutional arrangements – what does constitutional transformation look like on the ground?
- So how to really paint a picture of a compelling vision of the Aotearoa that we are ultimately all fighting for? Knowing that we each have different kind of paint brushes that we are all using – legal, artist, activist paint brushes? What do we want to say yes to, not what we are saying no to all the time to just keep our heads above water?
- Colonisation has this ability to silo us and divide us, so we cannot dream collectively – but rather just edge towards some direction that we can see. So We have to be really conscious that whether you are a 10aiako, mahi maara, whatever the mahi – that we are all working towards mana Māori motuhake. Otherwise we are just making the system a little bit less shit. This becomes the transformation – how do we do it?
- Every day there are whānau in the court who need advocacy, legal advice, community organisations – we need strategic coordination that we can do with strong relationships – what does that organisation look like?
- How do we govern by the values that come from the Matike Mai rangatahi space? How do we embody values that honour those belief systems and what does it look like in practice?
- How do we centre Papatūānuku in the constitution? How does that inform us in how we should relate and share space with others?
- Where are our sites of power? How do we make these stronger?
- Is it a revolutionary systemic change movement? Or is it one that is seeking just to position itself and maybe the elites, a certain amount of elites? To give them increased leverage and create a new class of Māori? Has it really changed in a meaningful way, the robbing of our people at large? Well one would suggest if we look at the demographics and homelessness and inflation and the prices of rents some people are hungry, mountains of people in the streets – you would say, "no" – that it hasn't affected change like that.
- Structure conversation: What CT is going to look like? On the ground? Dismantling the state entirely? Multiple spheres of kawatanga and TR? What areas would kawatanga regulate? Just settler peoples – or is it over particular spaces, like in Canada with reservations? Or is it people?
- What is the state to us? We are talking about nation building – what do we think the state needs to be for us?
- How do we hold these seemingly national level conversations about constitutional transformation at a hapū level?
- How do we avoid Māori capitalism model: Where are the conversations happening where ultimately if our constitution is about protecting Papa, how does that sit alongside the accumulation of capital in the long run?
- What is the right process for transforming the kawatanga sphere?
- Where is the line between the spheres? And how is that line drawn?