

# Towards a Māori Nation

*Hei whakatinanatia te kotahitanga*

## Kaupapa

<b>Can a State formed out of injustice be constitutionally legitimate and can it endure unchanged?</b>	<p><i>Can a State formed out of injustice be constitutionally legitimate</i> i.e. can rule of law be built on a foundation of injustice? <i>Can a nation arising out of broken promises and unjust taking of other people's lands, power and lives endure unchanged?</i></p> <p>The time has finally arrived to conceive, and action change to the institutions of this nation. What those changes might include is the kaupapa of this paper.</p>
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## Background

<b>Crown breaches of Te Tiriti caused the loss of land, power, and resources by ngā hapū.</b>	<p>The parties to Te Tiriti o Waitangi were the independent hapū of "Niu Tīreni" and British Empire. Each recognised the other as having sovereignty over the people, lands, and resources of their respective spheres of control. Despite formally signing Te Tiriti, imperial representatives eventually breached all commitments entered into, resulting in the loss of virtually all hapū lands, resources, and power.</p>
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<b>The democracy in this land stands on a flawed constitutional foundation.</b>	<p>While a distinct constitutional democracy eventually emerged out of these British imperial roots, two important questions about our democracy have never been asked nor answered by New Zealanders; <i>can a State formed out of unceded sovereignty and injustice be constitutionally legitimate</i> and <i>can a nation arising out of broken promises and unjust taking of other people's lands, power and lives endure unchanged forever?</i></p>
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<b>The coalition government has callously reversed decades of reconciliation. Only three scenarios are possible.</b>	<p>Following efforts in recent decades to reconcile and heal historic injustices, the recently elected coalition government has rapidly and callously reversed the trajectory of that reconciliation.</p> <p>In response, only three options are possible for ngāi Māori: to accept the reversal and domination of hapū / iwi by the Crown; to seek a return to a partnership frame of respectful power sharing; or to withdraw consent to participate further in current constitutional arrangements and civil society, choosing instead, to revitalise and recreate a new "polity" representing the interests of ngā hapū / iwi katoa i.e. to exert our collective tino rangatiratanga!</p>
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<b>This paper outlines a new model for a national polity for hapū/iwi. If the Crown is not interested, establishing a Māori nation is recommended.</b>	<p>The right to revitalise and strengthen the operation of hapū / iwi at a local level is entirely the right of each as they see fit, and this paper offers nothing in that regard. Instead, this paper focuses on what a new <b>collective</b> polity of hapū/iwi might look like in 2024 and beyond, <i>but only as far as being a first step in re-engaging with the Crown in pursuit of option two above.</i></p> <p>If the Crown is not interested in seeking a genuine partnership, then this proposal supports the further development of additional institutional arrangements to enable the creation and operation of an <i>independent Māori nation in Aotearoa with associated governing institutions</i> i.e. independent legislature, executive and judiciary.</p>
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## Rationale for Change

<p><b><i>The problem for ngāi Māori is a lack of power...</i></b></p> <p><b><i>...caused by our poverty, our minority status, and relative disunity.</i></b></p>	<p>The key problem facing ngāi Māori is a lack of power to achieve our aspirations. This problem has three root causes:</p> <ol style="list-style-type: none"> <li>1. <b>Poverty</b> – a lack of resources to invest in the achievement of our aspirations.</li> <li>2. <b>Minority</b> – a lack of numbers to control the democratic processes that determine our fate, exacerbated by the constitutional basis of our rights – Te Tiriti – not being entrenched.</li> <li>3. <b>Disunity</b> – a lack of agreement or arrangements between hapū / iwi to enable unified decisions or actions on regular, efficient or effective basis.</li> </ol>
<p><b><i>Achieving unity must be our first priority.</i></b></p>	<p>Disunity is the only one of these three problems entirely in our control to directly address in the short term. <i>It is also the essential precursor to resolving the other two problems, and therefore must be our first priority.</i></p>
<p><b><i>What could that look like?</i></b></p>	<p>The question then is what arrangements might enable ngā hapū / iwi katoa to make unified decisions and actions regularly, efficiently, and effectively on agreed issues. The rest of this paper outlines a proposed response.</p>

## A Federated Model

<p><b><i>Whakapapa is the source of our identity and constitutional legitimacy.</i></b></p>	<p>The foundational polity or political sphere of traditional Māori society was and is the hapū. Iwi and Waka groupings were and remain relevant, with a new and modern grouping being urban roopu. Traditional whakapapa-based, tikanga and kawa governed “polities” are the unalterable source of our identity and constitutional legitimacy and must therefore be the primary basis for any new or contemporary arrangement to unify Māori people. Urban roopu, however, are a contemporary reality and must also be involved.</p>
<p><b><i>Federalism operates at two levels: national and local – a good fit for ngāi Māori</i></b></p>	<p>A model used around the world to unify distinct political entities is <i>federalism</i> – a system in which governance is shared at two levels – <i>an overarching collective body responsible for governance of issues of shared concern</i>, and smaller individual groups (e.g. hapū / iwi) responsible for governance of issues of local concern. This model is a logical fit for the structure of Māori society and is recommended for uniting and enabling an emergent Māori nation.</p>

## Design Principles

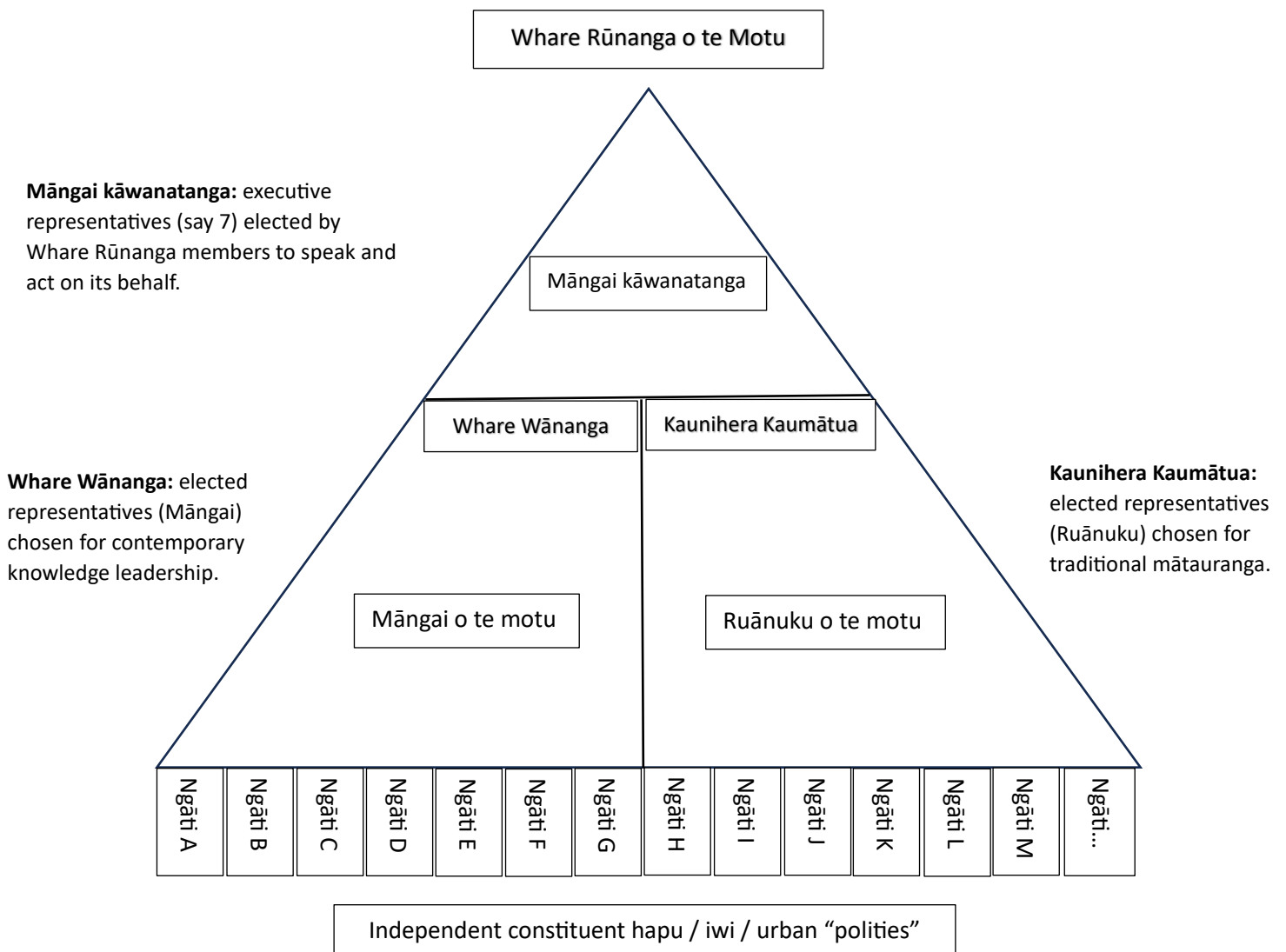
<p><b><i>Matike Mai! provided principles to guide us... ...pakeke and rangatahi suggested a range of traditional concepts that are powerful and logically consistent.</i></b></p>	<p>The authors of “<i>Matike Mai! Māori-led constitutional transformation in Aotearoa/New Zealand</i>” consulted widely on principles relevant to the establishment of institutional arrangements in support of a contemporary Māori nation. The fed-back principles were:</p> <ul style="list-style-type: none"> <li>• Tikanga – traditional values shaping what “ought to be”</li> <li>• Belonging – vital importance of everyone having a place</li> <li>• Fair, open and transparent</li> <li>• Community representation / Conciliatory / consensual</li> <li>• Vital importance of Place / Papatūānuku</li> <li>• Balance rangatiratanga and kāwanatanga</li> </ul> <p>The following priorities were also identified by rangatahi:</p> <ul style="list-style-type: none"> <li>• Ranginui/Papatūānuku</li> <li>• Mana motuhake</li> <li>• Traditional knowledge</li> <li>• Traditional institutions</li> <li>• Peace and mutual respect</li> </ul>
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## Design Elements

<p><b>A Māori federal model should include all constituencies, with traditional form, function and tikanga, plus finite scope and locale.</b></p>	<p>In combination with the guidance provided by Matike Mai, the following design elements of a Māori federal model seem appropriate.</p> <ul style="list-style-type: none"> <li>• Representative of all traditional and contemporary polity groupings</li> <li>• Traditional form, function, and concepts</li> <li>• Pono, tika, rangimarie, mauriora, tikanga-based operation</li> <li>• Dual chamber where to support contemporary and traditional leadership and mātauranga.</li> <li>• Finite scope i.e. agreed kaupapa of shared concern.</li> <li>• Inspiring and empowering location(s).</li> </ul>
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## He Whare Rūnanga

<p><b>The federated model below fits the purpose and design criteria</b></p>	<p>The high-level model outlined below provides for federated representation and governance of an emergent Māori nation that would achieve required purposes and identified design elements. Concepts and language used are examples only and the overall model is provided to stimulate further discussion and consideration towards the end goal of an agreed national governance model for ngāi Māori katoa.</p>
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## Federated Model Operation

<p><b><i>Everyone is represented by both a Māngai and Ruānuku.</i></b></p> <p><b><i>All decisions and actions are taken according to both modern and traditional mātauranga.</i></b></p>	<p>All hapū / iwi / urban polities would select two people (wahine, tāne rānei) to represent them for an agreed term in the Whare Rūnanga. One would be a contemporary knowledge leader and spokesperson (Māngai?) and the second a traditional mātauranga leader and spokesperson (Ruānuku?).</p> <p>The Māngai would convene in the Whare Wānanga, with sittings on a regular or as-required basis, to deliberate and determine nationwide decisions on specific kaupapa e.g. constitution, reo, taiao, etc. When Māngai decisions are formed, they are put to the Kaunihera Kaumātua for further discussion from a mātauranga perspective, to ensure alignment with tikanga before finalisation and handing to the Whare Rūnanga executive (Māngai kawatanga?) to action as required.</p>
<p><b><i>High level thinking only...more detail needed to implement.</i></b></p>	<p>The operating model outlined above is only high level, with many issues needing to be developed further to operate. These would include funding, detailed operational tikanga for the whare and its members, detailed roles and responsibilities, processes for participation and input of other Māori e.g. subject matter experts, checks and balances, accountability mechanisms, etc. These would be developed in due course if the overall model finds favour with the motu.</p>
<p><b><i>Te Mauri o te Kotahitanga</i></b></p>	<p>A further sensitive, though logically connected issue is the relationship of the Kīngitanga established in 1858 to unify our people, to any new arrangements to achieve the same outcome in 2024. Any such discussion rightly belongs to the Kīngitanga and the motu.</p>

## Conclusion

<p><b><i>Returning to a genuine partnership makes sense...a vital first step is agreeing and actioning a new model for unity.</i></b></p>	<p>It is clear following Tūrangawaewae, Ratana and Waitangi hui that none of the Māori community are willing to accept "option 1" or domination of the rangatiratanga by the kawatanga. Option 2 (resumption of a partnered frame) offers the least risk and mutually beneficial upside for Aotearoa/New Zealand. Option 3 (reasserted tino rangatiratanga) is most risky in terms of uncertain outcomes, but potentially has the greatest upside for ngāi Māori. It is therefore recommended that option 2 is pursued first, with option 3 as the fall-back position, with an essential first step being the agreement to establish institutional arrangements to form and operate a new, federated Māori nation.</p>
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