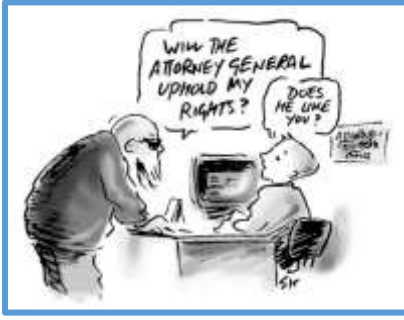


CARING CONSTITUTIONALISM – by Anahera Herbert-Graves



Leading up to the 176th anniversary of the signing of Te Tiriti o Waitangi, the governing of this country has never seemed more corrupt and divisive nor less accountable and transparent. Neither has it ever been so unrepentantly arrogant, nasty and uncaring about the human rights of its citizens.

Three months ago, 88 year old Selwyn Clark's Veterans' Pension was suspended over his involvement in a peaceful land repossession. Apparently in 2013, government politicians changed the law to make WINZ part of the judicial and penal systems.

That same year politicians also polled as the least trusted profession in New Zealand, and they have remained close to the winning post in a race to the bottom ever since. The government's record shows why. It routinely ignores referenda and submissions, accepts indecent pay rises, changes laws with disdain, attacks and punishes those who challenge it. The list goes on. How does it get away with such consistently rotten behaviour?

A large part of the reason is down to poor Civics education in this country. Instead of educating our tamariki to become participatory or questioning citizens, we educate them to keep the rules as defined by governments. But mostly, the reason we allow governments to run roughshod over us is because we have few avenues to stop them doing so.

There is no legal document in this country that enshrines, protects, and upholds our human rights against government breaches. We have no written Constitution to sit above the politicians in government who make the laws, and to make sure they keep those laws.

Without such a Constitution, not only have the indigenous people of New Zealand never had any guaranteed protection against government lawlessness, but the rights of all other peoples in Aotearoa New Zealand have also been, and remain, unguaranteed.

The fact that it maintains any human rights at all is more down to political expediency and will on the part of the government, and not to any constitutional requirement for it to do what is right. As the growing number of New Zealanders who have fallen foul of government know, our claim to human rights in this country is very fragile indeed.

On Friday 5th February, this Thursday, the long-awaited report of the *Independent Constitutional Transformation Working Group, Matike Mai Aotearoa*, will be officially released in Waitangi. Copies can be obtained now from Te Runanga-a-Iwi o Ngati Kahu or read online at

https://attachment.fbsbx.com/file_download.php?id=503197089851661&eid=ASvQOUYvJCaJep_3FfplSug0TnqHTZjg_Zl_LWgdxM22JihcK3BwwlOrnHcznzYkVDdg&inline=1&ext=1454281764&hash=ASsF1J6mavL2KCpB

This report comes from and belongs to those who have long dreamed of an inclusive and caring constitutionalism in this country; one that is vastly different from what we have now. There is still a long way to go, but we're getting there. Meanwhile we celebrate the victories along the way, including the return of Selwyn Clark's Veterans' Pension which will resume on Tuesday 9th February.

Under a caring and inclusive Constitution, he would never have lost it in the first place. Now we just have to ensure it's backdated.

