

RESPECTFUL RELATIONSHIP¹

Ever since 1840 Māori have sought a respectful and equal constitutional relationship with the Crown as promised in [Te Tiriti o Waitangi](#). That has not occurred, as the history and consequence of colonisation too clearly show.

Yet Māori have never abandoned the treaty promise. Whether it was the establishment of [Kotahitanga](#) or the [Kingitanga](#), or the discussions prior to the first sitting of the [Māori Parliament](#) at Waipatu in 1892, or even the establishment of [Māori Congress](#) nearly a century later, the kaupapa of constitutionalism has always been present.

When the [Iwi Chairs' Forum](#) was established at a National hui held at Takahanga Marae in Kaikoura in 2005, it was the latest step in that history of revitalising tino rangatiratanga and seeking a proper treaty-based relationship with the Crown.

Shortly after its establishment, the Forum established a process of meeting Ministers and officials of the Crown. But by 2010 it was concerned about the lack of progress being made on key issues such as water use management, the environment, housing, education, welfare, and treaty settlement policy.

In some cases, any options offered by Māori were simply ignored or subordinated to Crown policy imperatives, and a sense developed that the lack of progress was not just due to Crown disinterest or to a disconnect between the policy aspirations of the Crown and Māori. Rather the cause was a fundamental imbalance between the Crown's exercise of constitutional authority and the constitutional powerlessness of Māori.

That realisation was not new. Forum members were all well-acquainted with the Crown's exercise of unilateral power ever since the signing of Te Tiriti o Waitangi. Indeed the very notion of Crown breaches of Te Tiriti is, at its core, a question of constitutionalism and the use, or misuse, of the power taken by the Crown in 1840.

Therefore the Forum sought advice on a number of constitutional issues. At its August 2009 hui at Hopuhopu, [Judge Caren Fox](#) presented a paper, "Change, Past and Present", noting that, historically, tūpuna Māori were familiar with the notion of political autonomy and had long developed a fluid and dynamic constitutionalism that provided a natural "rhythm" and order to Māori society.

At the Forum's next hui at Haruru in February 2010, reference was made to another paper, "Constitutional Transformation", written by lawyer [Moana Jackson](#) in which the concepts of Māori constitutionalism were further explained.

After more discussion, a constitutional plan of action was proposed, including the formation of Matike Mai Aotearoa, the Independent Working Group on Constitutional Transformation. Membership of the Working Group consisted of iwi and other representatives chosen for their tikanga or constitutional expertise. Extra members were co-opted from time to time, and kaumātua and kuia were approached for advice and guidance.

In spite of funding restraints, they eventually held 252 hui between 2012 and 2015, and their report was officially released in February 2016. Its findings strengthen the quest for the respectful and equal relationship promised in Te Tiriti.



¹ Edited extract (pp. 12 – 13) of He Whakaaro Here Whakaumu Mo Aotearoa, the Report of Maite Mai Aotearoa – The Independent Working Group on Constitutional Transformation.