



HE PUAPUA

**REPORT OF THE WORKING GROUP ON A PLAN TO REALISE THE UN DECLARATION
ON THE RIGHTS OF INDIGENOUS PEOPLES IN AOTEAROA/NEW ZEALAND**

1 WHIRINGA-Ā-RANGI 2019

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HE PUAPUA

"He puapua" means "a break", which usually refers to a break in the waves. Here, it refers to the breaking of the usual political and societal norms and approaches. We hope that the breaking of a wave will represent a breakthrough where Aotearoa's constitution is rooted in te Tiriti o Waitangi and the United Nations Declaration on the Rights of Indigenous Peoples.

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Official Information Act

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Kei te rangatira, tēnā koe,

REPORT OF THE WORKING GROUP ON A PLAN TO REALISE THE UNITED NATIONS DECLARATION ON THE RIGHTS OF INDIGENOUS PEOPLES: HE PUAPUA

On behalf of the DWG, the technical working group on the plan to realise the Declaration, it is my pleasure to attach an advance, unedited version of our report and appendices, *He Puapua*. I also attach an executive summary.

The preface to the report is a wero from our rangatahi, which reminds us that our work on a Declaration plan is of the utmost importance to our youth, and that Papatūānuku and her protection is central to te Ao Māori.

The Declaration plan sets out our vision for 2040 in which the Declaration is realised, and a roadmap to achieve that. The roadmap is underpinned by chronologically organised proposals for action set out in tables. The tables include examples of practical immediate initiatives, as well as a line of sight to Vision 2040. It must be noted, however, that given the short time available to us to hui and prepare *He Puapua*, we have not been able to be as comprehensive in our review of existing initiatives as we might have liked. Moreover, our proposals and examples are subject to engagement with and support from Māori especially.

Our advice on engagement is that it be broad and inclusive, and we provide some guidance about how this might be achieved using a staggered approach. We draw on Cabinet-approved guidelines for engagement with Māori for this.

The report as a whole is driven by:

- the government's priorities of well-being, inclusive economy and pride in New Zealand;

- a rangatiratanga-centric approach; and
- our understanding that te Tiriti is New Zealand's constitutional foundation, and central to the realisation of the Declaration.

New Zealand has made some important progress towards Declaration realisation by enabling Māori participation in kāwanatanga Karauna (state governance), even if more can be done. However, New Zealand is comparatively weaker in supporting the realisation of Māori self-determination, which we understand to be Māori control over Māori destinies. Based on evidence, we would expect Māori wellbeing to improve as our authority over our lives increases.

The DWG would appreciate the opportunity to present He Puapua to you and your colleagues kanoahi ki te kanoahi at an appropriate time.

We are hopeful that our report will be published once it has been considered by the Crown, as we think it will contribute positively to the ongoing socialisation of the Declaration.

Finally, we thank you and this government for your commitment to the Declaration, and ambition to improve the wellbeing of all. All members of the DWG are individually and collectively inspired by this kaupapa and strongly support it moving forward.

Nāku noa, nā,

Dr Claire Charters

Chairperson

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ACRONYMS / DEFINITIONS

DWG:	Declaration Working Group: Technical Working Group to develop proposals for a plan articulating New Zealand's commitment to the UN Declaration on the Rights of Indigenous Peoples.
EMRIP: Peoples.	The United Nations Expert Mechanism on the Rights of Indigenous Peoples.
FPIC:	Free, prior and informed consent.
IMM:	The Aotearoa Independent Monitoring Mechanism, monitoring state compliance with the Declaration.
Te Tiriti:	Te Tiriti o Waitangi
The Declaration:	The United Nations Declaration on the Rights of Indigenous Peoples.
UN:	United Nations

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EXECUTIVE SUMMARY

INTRODUCTION

1. The report of the DWG, the technical working group on the Declaration, provides a roadmap to achieve a "Vision 2040". That is, realisation of the Declaration by 2040, the bicentenary of the signing of te Tiriti o Waitangi. We have chosen this date as te Tiriti o Waitangi is central to the DWG's report, and in the Aotearoa context it is inextricably intertwined with the Declaration.
2. Aotearoa is comparatively advanced globally in providing for Māori inclusion in kāwanatanga Karauna (state governance) and cultural rights, although there remains room for improvement. Accordingly, the main contribution of the DWG is to recommend a re-focus on rangatiratanga Māori (self-determination). This focus reflects the central pillar of the Declaration that all other rights rest on: self-determination.
3. The meaning of self-determination and how it is exercised is up to Indigenous peoples to determine. However, it ranges from full independence at one end of the spectrum to participation in state government at the other. In between are self-government arrangements and autonomous authority in agreed areas (e.g. independent indigenous education systems and healthcare services).
4. The context for the creation of a Declaration plan is the long-standing Māori assertion of the right to exercise rangatiratanga and protect our land and territories. This includes, since the 1920s, engagement in international fora for recognition of our rights under te Tiriti o Waitangi. The context also includes New Zealand's support for the Declaration in 2010, commitment to a Declaration plan in 2014, and UN human rights bodies' support for a Declaration plan.
5. We consider Aotearoa has reached a maturity where it is ready to undertake the transformation necessary to restructure governance to realise rangatiratanga Māori. This maturity is reflected in some existing governmental initiatives, laws and policy, the voices of Māori and jurisprudence. In addition, there is extensive literature and empirical evidence that demonstrate the positive outcomes realised when Indigenous peoples make decisions for their own economic, social and cultural development.
6. The scope of the Declaration is broad, and touches upon nearly every aspect of Māori-Crown relations. The DWG has divided up its consideration of the Declaration into the following thematic areas: self-determination/rangatiratanga; participation in kāwanatanga Karauna; lands, territories and resources; culture; and equity and fairness. For each section we set out the key relevant Declaration articles, outline a Vision 2040 for Declaration realisation, comment on the application of the Declaration articles to New Zealand, and provide a roadmap that gives examples of practical and incremental actions towards realising Declaration compliance. For ease of reference we have also included chronologically

designed tables that reflect these suggested steps. These tables are the heart of the DWG's report.

7. Central to the DWG report are the government's priorities of wellbeing, economic inclusivity and pride in Aotearoa, as well as existing work and ongoing related initiatives, such as those related to Te Pae Tawhiti and te reo. The rights and interests of tangata whaikaha (disabled), wāhine Māori (women), kaumātua (the elderly), rangatahi (youth), tamariki Māori (children) and takatāpui (LGBTQI+) communities must also be front and centre of both a Declaration plan and engagement.
8. *He Puapua* only forms the first step towards the creation of a Declaration plan. Any plan must be progressed through engagement and partnership with Māori.
9. New Zealand is the first state to embark on a process for a Declaration plan, and has the capacity to be a world-leader in realising Indigenous peoples' rights, especially if it is ambitious.²

MANDATE OF THE DECLARATION WORKING GROUP (DWG)

10. In 2019 Cabinet established the DWG as an independent body to develop a plan and an engagement process strategy to realise the Declaration. It is comprised of five non-state representatives and four government officials.
11. The DWG has been constrained by time, which has hindered our capacity to review and take into account relevant initiatives, policies and laws including recommendations of advisory and other working groups on related kaupapa.

VISION 2040 FOR DECLARATION REALISATION

12. Our vision is that in 2040 rangatiratanga Māori is realised, Māori and the Crown enjoy a harmonious and constructive relationship and work together to restore and uphold the wellbeing of ngā tangata, Papatūānuku and the natural environment. In this report we set out key elements of Vision 2040 in relation to the following five thematic areas.

<p>1. <i>Rangatiratanga</i></p>	<ul style="list-style-type: none"> • Māori will be exercising authority over Māori matters as agreed by Māori, and including exclusive and/or shared jurisdiction over their lands, territories and resources and over matters to do with taonga tuku iho and culture. • Iwi and hapū will have agreed and established their governance structures, with their authority recognised. • Tikanga Māori will be functioning and applicable across Aotearoa under Māori (national, iwi, hapū, whānau) authority and also, where
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² New Zealand is not the first state to take action to incorporate the Declaration into legislation. A Declaration bill was tabled in British Columbia's legislature on 24 October 2019.

	appropriate, under Crown/kāwanatanga authority.
<i>2. Participation in kāwanatanga Karauna</i>	<ul style="list-style-type: none"> • Māori participation in central and local government will be strong and secure. • Māori will have a meaningful, and sometimes dominant voice in resource management decisions. • The kāwanatanga Karauna sphere will be bicultural. • There will be strong protection for te Tiriti o Waitangi and human rights in state law and policy. • Māori will be providing for Māori.
<i>3. Lands, Territories and Resources</i>	<ul style="list-style-type: none"> • The nation will know and appreciate iwi tribal boundaries, where the practice of mana whakahaere is evident. • There will be an enlarged iwi/hapū/whānau estate, supported by significantly increased return of Crown lands and waters, including takutai moana, to Māori ownership (in addition to Treaty of Waitangi settlements). • Law, policy and processes will support flourishing iwi territories, including where iwi/hapū/whānau can positively contribute towards the control of, access to, and management of all lands and resources within their rohe, in accordance with tikanga and mātauranga Māori. • There will be greater relinquishment of Crown-assumed exclusive kāwanatanga authority over land, resources and taonga. • Law, policy, processes and entities will support a successful bicultural joint sphere of governance and management of resources, taonga and Crown lands.
<i>4. Culture</i>	<ul style="list-style-type: none"> • Iwi, hapū and whānau will be exercising authority over all aspects of their culture, including the ability to control, protect and develop their cultural and natural heritage - ngā taonga tuku iho. • Te reo Māori will be flourishing, its use will be widespread, and its integrity will be protected - te reo kia tika, te reo kia rere, te reo kia Māori. • All Māori will have the opportunity to access, practise and develop their culture and reo, connect with their whakapapa, and be confident in their Indigenous identity. • All New Zealanders will embrace and respect Māori culture as an integral part of national identity, and this will also be reflected in a bicultural, mātauranga-informed state service/kāwanatanga Karauna.
<i>5. Equity</i>	<ul style="list-style-type: none"> • Aotearoa will be a nation where Māori will be thriving and prosperous in all aspects of life, including across generations. • There will be equity between peoples, which means that rangatiratanga and Māori authority is recognised and respected. • There will be genuine partnership bodies in the relational sphere. • All Māori will enjoy equity in opportunity and outcomes. • New Zealand's understanding of wellbeing will incorporate a holistic te Ao Māori and mātauranga Māori perspective.³

TE TIRITI / RANGATIRATANGA FRAMEWORK

³ This extends beyond people to include te mauri o te taiao (the environment).

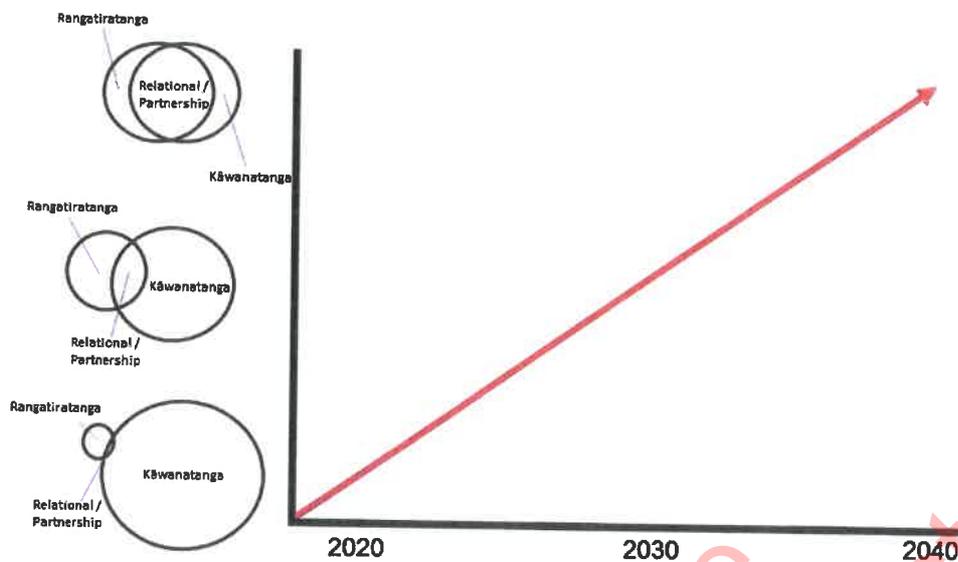
- Drawing on the report of Matike Mai Aotearoa, the DWG has adopted a Tiriti model based around 'spheres of authority'.

Diagram 1: Rangatiratanga/Joint/Kāwanatanga Spheres



- The rangatiratanga sphere reflects Māori governance over people and places. The kāwanatanga sphere represents Crown governance. There is a large 'joint sphere', in which Māori and the Crown share governance over issues of mutual concern.
- If they choose, Māori must be able to participate in Crown governance. This is reinforced by Article 3 of te Tiriti, which confirms Māori equity and equality. There is much room for improvement in the kāwanatanga sphere, as Māori remain a minority with their rights vulnerable to the majority and face disproportionate socio-economic disparities.
- The spheres, as they currently operate, do not reflect te Tiriti. The suggested roadmap, to be developed into a Declaration plan, has incremental step-changes that go towards rebalancing the spheres and giving greater space for the operation of rangatiratanga over time. This is represented in the figure below.

Diagram 2: Declaration consistency 2020-2040



17. The relational sphere reflecting co-governance might entail a joint governance structure, or it might involve mechanisms for the respective governance entities to coordinate to make law and policy. There may be a need for a Tiriti body or court to regulate jurisdictional boundaries.
18. Shared authority and jurisdictional arrangements are not novel. New Zealand can learn from other jurisdictions, such as Canada, which is currently in the process of implementing shared jurisdiction arrangements created by modern treaties and self-government agreements between First Nations and the Crown.

ENGAGEMENT

19. The approach the DWG has taken to engagement with Māori is informed by Cabinet-approved engagement guidelines. We consider a Declaration plan dealing with Māori rights sits at the 'significant' end of the engagement spectrum and as such requires partnership and/or co-design approaches.
20. We have suggested a phased approach to engagement with Māori. This includes initial targeted engagement with key Māori organisations and groups, followed by wide and open engagement, then targeted thematic engagement.
21. We stress that engagement should not prevent the Crown from simultaneously commencing "Declaration-friendly activities" while engagement on the further development of the Declaration plan takes place.
22. The Declaration plan will need to evolve over time to respond to future developments, such as the impacts of climate change. It must be substantively revisited through ongoing, iterative engagements between Māori and the Crown, especially in the rangatiratanga-building and design phases.

23. Public engagement and a strong public education campaign will be necessary to reach Vision 2040.

THE ROADMAP TO DECLARATION CONSISTENCY

24. The DWG's report and tables provide options and examples for the staggered and progressive realisation of Declaration consistency between now and 2040 across the 5 Declaration themes.
25. Action is needed across all themes. Declaration realisation will not be achieved if the Crown concentrates on certain thematic areas (e.g. culture) to the exclusion of others (e.g. self-determination). At any point in time we recommend multiple simultaneous initiatives related to the substance of the Declaration plan and engagement.
26. In suggesting steps, we have sought to find a balance between providing concrete examples while not pre-determining matters that should be informed by a participatory engagement process, and/or are best determined by Māori through the exercise of rangatiratanga.
27. Our starting point is that government takes seriously its responsibilities under te Tiriti. This is evidenced by recent decisions to establish the Office for Māori Crown Relations: Te Arawhiti; proposed State Services Act reform (which includes improving public service responsiveness to the needs and aspirations of Māori); and the commitment to reflect te ao Māori perspectives within the new Living Standards Framework. Current government priorities such as climate change, housing and trade negotiations are also relevant to meeting the objectives of the Declaration. These can all be built on.
28. We expect the journey to Declaration consistency to unfold over several years. We provide below an indicative outline of what that journey to 2040 might look like, including actions that can be taken immediately.

Timeframes	Steps
<i>Now to Dec 2020</i>	<ul style="list-style-type: none"> • Public announcement of the receipt of <i>He Puapua</i> with an outline of next steps. • <i>He Puapua</i> and its recommendations considered by Cabinet with decisions about how to further implement a Declaration plan. • Continued socialisation of the Declaration by DWG members in their everyday mahi, and Te Puni Kōkiri and Te Arawhiti within government. • Announcement of the government's commitment to a Declaration plan at a significant event domestically (e.g. at Waitangi in February 2020), or internationally (e.g. at the next hui of the Expert Mechanism on Indigenous Rights in June 2020). This announcement might include an

Timeframes	Steps
	<p>outline of immediate and long-term goals.</p> <ul style="list-style-type: none"> • Commencement of the first targeted phase of engagement. • Establishment of a governance rūpū and secretariat, responsible for guiding realisation of the Declaration plan into the future (including accountability process such as monitoring, reviewing and taking remedial action). • Commencement of the wide and inclusive second phase of engagement. • Finalisation of the Declaration plan and strategies for implementation from 2020 and beyond.
<i>To 2021</i>	<ul style="list-style-type: none"> • Starting the journey towards Declaration consistency. • The government will have undertaken engagement, and established ways in which progress will be measured. It will have a reasonable mandate from Māori around the content and direction of the work that needs to be undertaken to achieve Declaration consistency by 2040. • The Crown will have initiated additional pieces of work designed to further lay the groundwork for Declaration consistency. • The government will have initiated a public education campaign to give all New Zealanders the tools to have informed discussions about our constitutional arrangements, and set up a process for the Crown to determine how it should partner with Māori in a Tiriti-based constitution.
<i>To 2025</i>	<ul style="list-style-type: none"> • Continuing the journey towards Declaration realisation. • Monitoring: shows positive progress towards Vision 2040; identifies areas for improvement; and highlights whether further engagement is needed to address these areas. • The government will have made significant progress on the initial work established and begun further pieces of work designed to further advance the plan. • The government will have held a constitutional convention on the Crown's role as Treaty partner in a future constitution. • The government will have continued the public education campaign and encouraged the Human Rights Commission to partner with NGOs to build alliances and shape the public conversation about

Timeframes	Steps
	<p>constitutional arrangements.</p>
<p><i>To 2030</i></p>	<ul style="list-style-type: none"> • Reaching the mid-point of our journey to Declaration realisation. • Monitoring: shows continued positive progress towards Vision 2040; identifies any areas for improvement; and highlights whether further engagement is needed to address these areas. The government will have continued to make significant progress on the initial work established and will have identified areas where work can be improved, and further work will have been initiated to advance the plan. • The government will have designed and initiated a multi-stage process of constitutional transformation, with three streams reflecting different interests: the Rangatiratanga stream (for Māori), the Kāwanatanga stream (for the Crown) and the Rite Tahi stream (for all New Zealanders). A process for joint deliberation will also have been established.
<p><i>To 2035</i></p>	<ul style="list-style-type: none"> • Nearing the end of the journey, with the destination of Declaration realisation in sight. • Monitoring: shows continued positive progress towards Vision 2040; identifies any areas for improvement; and highlights whether further engagement is needed to address these areas. • The government will have implemented the actions identified to achieve Declaration consistency, and enabled Māori governance and/or participation in the design and delivery of public services. • The government will have concluded a wide-ranging programme of engagement on constitutional transformation and will have established a final constitutional convention bringing together the three streams (Rangatiratanga, Kāwanatanga and Rite Tahi) to identify the instruments and processes needed to form a Tiriti-based constitution.
<p><i>To 2040</i></p>	<ul style="list-style-type: none"> • Arriving at our destination: realising the Declaration. • The government will have implemented the actions identified to achieve Declaration consistency, and enabled Māori governance and/or participation in the design and delivery of public services. • The government will have implemented the relevant instruments to share power more fairly with Māori in our constitutional arrangements.

IMMEDIATE STEPS: A GOVERNANCE RŌPŪ

29. As an immediate action, we recommend the establishment of a high-level co-governance body comprised of equal numbers of government ministers and Māori representatives, with responsibility to:
 - (a) approve the final engagement strategy on the Declaration plan;
 - (b) direct the development of and sign-off on the final Declaration plan
 - (c) provide high-level leadership to the realisation of the Declaration between now and 2040 (and possibly beyond); and
 - (d) oversee the accountability process including monitoring, review and remedial action.
30. Given the significant overlap and synergy between the development of a Declaration plan and Te Pae Tawhiti (the work to organise and deliver a whole-of-government response to Wai 262), we consider the Ministerial Oversight Group associated with Wai 262 might be amalgamated with a governance rōpū. Māori should appoint their own representatives to a governance rōpū.
31. The governance rōpū could be supported by a secretariat comprised of iwi appointees, independent advisors and State officials, and should be independent of the existing governmental bureaucracy. It might be led by an Indigenous Rights Commissioner or Treaty Relations Commissioner.

ACCOUNTABILITY

32. There needs to be a robust mechanism established that can identify whether Declaration rights are being realised as well as, in the interim, the effectiveness of the steps in that direction. This might include:
 - (a) Monitoring: data and information on what is happening relevant to the Declaration plan.
 - (b) Review: checking that those with responsibilities under the plan are achieving the plan's objectives.
 - (c) Remedy: taking steps to remedy shortcomings exposed by the review.

THE WERO FROM OUR RANGATAHI

33. Our rangatahi remind us that our work on a Declaration plan is of utmost important to our youth, and that Papatūānuku and her protection is central to te Ao Māori. As we were challenged, *He Puapua* aims to provide a framework for change that enables Māori to thrive as Māori in an environment that supports our aspirations to do so. We encourage the government to be ambitious in living up to the challenge.

ROADMAP TO DECLARATION CONSISTENCY

The indicative tables we provide in each section, organised thematically and chronologically, are intended as a preliminary selection of ideas to illustrate our road map approach. Table formats differ slightly across themes, as we have structured them to suit the substance of each section.

These tables present a snapshot of potential actions that can be taken towards reaching 2040 objectives. We note that in the limited time available, we have not been able to fully research and explore these ideas. We include these as indicative options that need to be further developed and built upon.

RANGATIRATANGA: POTENTIAL ACTIONS - EXAMPLE - INDICATIVE OPTIONS ONLY

2019 - 2020

MORE OPPORTUNITIES FOR MĀORI TO EXERCISE RANGATIRATANGA ARE IDENTIFIED THROUGH THE DEVELOPMENT OF A DECLARATION ACTION PLAN. THE CROWN IDENTIFIES WAYS TO SUPPORT RANGATIRATANGA AND BUILDS ITS OWN CAPABILITY. THE GROUNDWORK FOR CONSTITUTIONAL CHANGE IS LAID.

	Rangatiratanga sphere	Partnership (relational) sphere	Kāwanatanga sphere
Current status and potential opportunities	<p>Expressions of rangatiratanga</p> <ul style="list-style-type: none"> A range of pan-iwi/Māori representative bodies exist, e.g. Iwi Chairs Forum, NZ Māori Council, National Urban Māori Authority, Federation of Māori Authorities, Māori Women's Welfare League Iwi and hapū exercise rangatiratanga through specific mechanisms, some of which are Western-style bodies, e.g. governance bodies, post-settlement governance entities (e.g. Te Whakakitenga o Waikato and Te Rūnanga o Ngāi Tahu), trusts and incorporations, iwi management plans Tikanga prevails in a marae setting Rangatiratanga responsibilities able to be exercised in some instances (e.g. Te Kawerau ā Maki rāhui in response to Kauri dieback disease in the Waitakere ranges) <p>Groundwork for constitutional change</p> <ul style="list-style-type: none"> Matike Mai Aotearoa process 	<p>Working in partnership to enhance rangatiratanga</p> <ul style="list-style-type: none"> Declaration Working Group provide advice on the form and content of a Declaration action plan. Engagement on the plan with Māori is expected from 2020 Te Pae Tawhiti whole-of-government approach to dealing with the issues regarding taonga and mātauranga raised in Wai 262 has been initiated with engagement taking place from mid-2020 Increased opportunities for partnership between Māori and the Crown, e.g. via the establishment of an Interim Rōpū (and subsequently an Enduring Form Rōpū) for the Joint Venture to eliminate Family and Sexual Violence; Maihi Māori, Maihi Karauna strategies for te reo Māori revitalisation Co-governance and co-management opportunities established via Treaty settlements, e.g. for Te Urewera and for the Waikato and Whanganui rivers 	<p>Support for rangatiratanga</p> <ul style="list-style-type: none"> Ongoing support for Māori development. Initiatives that help support rangatiratanga include: the Oranga Māori programme that provides whānau and hapū support, advice and investment for marae, e.g. by building projects and activities to revitalise cultural knowledge; Whānau Ora Cabinet portfolio of Māori-Crown relations has been established with a dedicated agency to support it (Te Arawhiti) <p>Groundwork for constitutional change</p> <ul style="list-style-type: none"> Announcement that NZ history will be taught compulsorily in schools The Crown is developing a response to NZ Bill of Rights Act declarations of inconsistency

Work to be established

Expressions of rangatiratanga

- Establish the tangata whenua side of the Declaration governance rōpū
- Ensure that people are supported to connect with their whakapapa e.g. tāngata whaikaha, rangatahi, adoptees, people who have been in state care, and generally those people who have lost connection
- Identify areas in which iwi/ hapū/ whānau wish to exercise jurisdiction, including personal or territorial jurisdiction

Groundwork for constitutional change

- Continue to build on the recommendations of *Matike Mai*, including holding formal and informal constitutional discussions, and discussing constitutional matters annually at national Māori organisation hui

Working in partnership to enhance rangatiratanga

- Engage Māori on the Declaration action plan through a wide and inclusive process, and establish a Declaration Governance Rōpū (perhaps via the oversight groups established for Wai 262)
- Identify opportunities for partnership in realising government priorities, including the Child and Youth Wellbeing Strategy and Justice Sector reform
- Support from Crown and local government for Māori exercising their rangatiratanga responsibilities, such as through rāhui
- Scope ways in which Whānau Ora could help build whānau and regional rangatiratanga, together with Māori
- Scope the establishment of an Indigenous Rights and/or Te Tiriti Commissioner(s) within the Human Rights Commission
- Continue Treaty settlements with those who wish to settle and continue to reorient those relationships from negotiation to identifying and building on partnership opportunities

Support for rangatiratanga

- Establish a ministerial oversight group (as for Wai 262 work), as the Crown side of the Declaration Governance Rōpū
- Resource the Māori side of the Declaration Governance Rōpū
- Continue to fund and improve programmes that support Māori aspirations, such as Oranga Mārae and Whānau Ora
- Initiate training across the public sector around the Declaration
- Review legislation with a view to removing any current constraints on Māori self-determination in relation to their internal affairs or decisions relating to their land, e.g. removing regulations that unduly restrict Māori decision-making about marae; building on Māori land
- Scope the establishment of dedicated financial support for rangatira/iwi/hapū to help individuals and whānau reconnect to their whakapapa, especially where disconnection has been caused by Crown action (e.g. where Māori have been put into state care)
- Scope the establishment of dedicated funding for Māori governance development
- Scope the elevation of Te Arawhiti to a central government agency such as the State Services Commission, Treasury and DPMC

Groundwork for constitutional change

- Work to develop the New Zealand history curriculum in schools continues
- Scope a public education programme to inform the wider public about constitutional matters, including: Te Tiriti relationships, civics, human rights (including the Declaration), and Te Tiriti partnerships in action
- Establish a Crown working group with terms of reference related to Crown responsibilities and obligations under Te Tiriti, including in respect to delegated authority, as a

TO 2025

MĀORI ARE ABLE TO EXERCISE RANGATIRATANGA IN MORE WAYS, WITH GREATER RECOGNITION AND SUPPORT FROM THE CROWN. THE CROWN CONTINUES TO BUILD ITS CAPABILITY. AN INCLUSIVE PROCESS FOR CONSTITUTIONAL CHANGE IS ESTABLISHED.

	Rangatiratanga sphere	Partnership (relational) sphere	Kāwanatanga sphere
Further actions for enhancing rangatiratanga and laying the groundwork for constitutional change	<p>Expression of rangatiratanga</p> <ul style="list-style-type: none"> Continue the process of reconnection for individuals and whānau Exercise rangatiratanga in the areas identified, e.g. in personal or territorial jurisdiction Develop tikanga Māori for separate jurisdiction <p>Groundwork for constitutional change</p> <ul style="list-style-type: none"> Hold a Māori constitutional convention as per <i>Matike Ma's</i> recommendation in 2021 to further the discussion as to how Māori wish to exercise rangatiratanga at the constitutional level, and develop an engagement strategy Appoint a further constitutional working group to start considering relevant structural and procedural issues for Māori 	<p>Working in partnership to enhance rangatiratanga</p> <ul style="list-style-type: none"> Establish an Indigenous Rights and/or Te Tiriti Commissioner(s) within the Human Rights Commission Negotiate rangatiratanga jurisdiction, with the Crown responsive to Māori wishes Consider ways of expanding current practices that enable issues to be determined within Māori processes and tikanga, such as arbitration Ensure that strong references to tikanga are made in relation to any area of law that affects Māori Explore and fund ways to provide mana-enhancing financing to support rangatiratanga Expand Whānau Ora to further support whānau and regional rangatiratanga <p>Groundwork for constitutional change</p> <ul style="list-style-type: none"> Provide Crown financial support for delegates to attend the 2021 Matike Mai Aotearoa constitutional convention Establish an avenue for constitutional dialogue between te Tiriti partners, e.g. via a joint deliberative forum to consider a range of constitutional matters, including new governance institutions (e.g. Upper House, Māori parliaments) Initiate dialogue with other communities in the regions and nationally about constitutional change, possibly led by an 	<p>Support for rangatiratanga</p> <ul style="list-style-type: none"> Establish a fund or funds available to rangatira/iwi/hapū to support reconnecting individuals and whānau with their whakapapa through wānanga, whānau reunions, etc. Establish dedicated funding for Māori governance development Continue training across the public sector around the Declaration Transform Te Atawhiri into a central government agency Encourage the Māori Trustee to scope how it could transfer the lands and funds it holds back to Māori landowners Remove identified legislative constraints on Māori self-determination in relation to their internal affairs or decisions relating to their land <p>Groundwork for constitutional change</p> <ul style="list-style-type: none"> Roll out the compulsory teaching of NZ history in schools Initiate the public education campaign on constitutional matters, possibly led by the Indigenous Rights Commissioner and/or Te Tiriti Commissioner(s) Building on the initial Crown working group, further develop the Crown's understanding of itself as a Tiriti partner, including where it might pull back authority (in agreement with Māori) e.g. winding back Crown oversight of Māori trust boards, Māori appointments to working

Indigenous Rights and/or Te Tiriti Commissioner(s)

groups, etc. are determined by Māori

- By 2025, the Crown holds its own equivalent to a constitutional convention to solidify its thinking about kāwanatanga and responsibilities in respect of rangatiratanga.

TO 2030

MĀORI ARE FURTHER ABLE TO EXERCISE RANGATIRATANGA IN THE WAYS THEY WISH, THE CROWN IS SUPPORTIVE OF THIS, AND HARMONIOUS RELATIONSHIPS BETWEEN THE TWO TE TIRITI PARTNERS CONTINUE TO DEVELOP. AN INCLUSIVE PROCESS FOR CONSTITUTIONAL CHANGE IS ESTABLISHED.

	Rangatiratanga sphere	Partnership (relational) sphere	Kāwanatanga sphere
Further actions for enhancing rangatiratanga and establishing a process for constitutional change	<ul style="list-style-type: none"> • Scope and establish an inclusive rangatiratanga space for iwi, hapū, whanau. Māori to agree on what the exercise of rangatiratanga will look like at the constitutional level, and how public power could be shared with the Crown, including constraints on the exercise of that power 	<ul style="list-style-type: none"> • Scope and establish an inclusive Rite Tahī space for the wider New Zealand public to engage on constitutional matters - this includes continuing and developing the public education campaign, and starting to frame the narrative and process for constitutional change with the wider public • Continue regular meetings of the joint deliberative forum to ensure continued dialogue about constitutional change 	<ul style="list-style-type: none"> • Scope and establish a kāwanatanga space for the Crown to agree to what its responsibilities are as the Crown in partnership with Māori, and how it can share the exercise of public power with Māori

TO 2035

MĀORI EXERCISE RANGATIRATANGA IN THE WAYS THEY WISH, THE CROWN IS SUPPORTIVE OF THIS, AND HARMONIOUS RELATIONSHIPS BETWEEN THE TWO TE TIRITI PARTNERS CONTINUE TO DEVELOP. AN INCLUSIVE PROCESS FOR CONSTITUTIONAL CHANGE TAKES PLACE.

	Rangatiratanga sphere	Partnership (relational) sphere	Kāwanatanga sphere
Further actions for enhancing rangatiratanga and establishing a process for constitutional change	<ul style="list-style-type: none"> • Rangatiratanga process takes place 	<ul style="list-style-type: none"> • Joint deliberative process to agree how power will be shared between Te Tiriti partners, including constraints on that power, avenues for separate and shared authority, funding, and other matters takes place 	<ul style="list-style-type: none"> • Kāwanatanga (for the Crown) and Rite Tahī processes (for all New Zealanders) take place

2040

MĀORI EXERCISE RANGATIRATANGA IN THE WAYS THEY WISH AND ENJOY HARMONIOUS RELATIONSHIPS WITH THE CROWN TO ADVANCE AGREED, SHARED GOALS. THE CROWN RESILES SOME OF ITS POWER TO MAKE SPACE FOR THE EXERCISE OF MĀORI RANGATIRATANGA IN AOTEAROA'S NEW CONSTITUTIONAL ARRANGEMENTS.

Rangatiratanga sphere

- Māori exercise rangatiratanga in the ways they wish including, potentially, jurisdictionally and personally
- Individuals and whānau are connected to their whakapapa and able to participate in the exercise of rangatiratanga in the ways they wish

Partnership (relational) sphere

- Constitutional processes for decision-making in rangatiratanga, kāwanatanga and partnership spheres identified through mutual agreement, and instruments to implement those agreements given effect

Kāwanatanga sphere

- The Crown resiles some of its power in agreed areas to make space for rangatiratanga
- The public service is bicultural and understands the ways in which it must support rangatiratanga

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KĀWANATANGA: POTENTIAL ACTIONS - EXAMPLE - INDICATIVE OPTIONS ONLY

2019-2020

GREATER OPPORTUNITIES FOR MĀORI TO PARTNER WITH THE CROWN ARE IDENTIFIED THROUGH THE DEVELOPMENT OF A DECLARATION ACTION PLAN. THE PUBLIC SERVICE BECOMES MORE BICULTURAL. THE GROUNDWORK FOR GREATER RECOGNITION OF TE TIRITI IN THE KĀWANATANGA SPHERE IS LAID.

	Rangatiratanga sphere	Partnership (relational) sphere	Kāwanatanga sphere
Current status and potential opportunities	<ul style="list-style-type: none"> Māori participation in the kāwanatanga sphere is ad hoc, and not always consistent with the provision of FPIC Some tikanga is incorporated into legislation 	<ul style="list-style-type: none"> A Crown-appointed working group is established to provide advice on the form and content of a Declaration action plan. Engagement on the plan with Māori is expected from 2020 A whole-of-government approach to dealing with the issues regarding taonga and mātauranga raised in Wai 262 has been initiated with engagement taking place to mid-2020 The Waitangi Tribunal's kaupapa inquiry programme identifies ways in which the Crown could improve on its kāwanatanga responsibilities and strengthen te Tiriti Relationship agreements made as part of Treaty settlements Increased opportunities for partnership between Māori and the Crown e.g. via the establishment of an interim rūpū (and subsequently an enduring form rūpū) for the Joint Venture to eliminate Family and Sexual Violence; Maihi Māori, Maihi Karauna strategies for te reo Māori revitalisation Māori contract with the Crown to deliver several government services 	<ul style="list-style-type: none"> Cabinet portfolio of Māori-Crown relations has been established with a dedicated agency to support it (Te Arawhiti). Te Arawhiti has been engaged in work on several fronts to build a more bicultural public service e.g. developing engagement guidance, te Tiriti guidance and delivering training The government has committed to a wellbeing approach, e.g. through the Child and Youth Wellbeing Strategy and via the Living Standards Framework State sector reform that, among other things, centres Crown Tiriti obligations and relationships with Māori, has been initiated Department of Prime Minister and Cabinet Policy Project launched with te Tiriti identified as one of the public service foundations, and policy is required to provide a Tiriti / te ao Māori analysis Agencies have ongoing regulatory stewardship responsibilities for the legislation they administer Local bodies exercise local and regional decision-making powers, and participation of Māori in these processes is varied
Work to be established	<ul style="list-style-type: none"> Māori decide whether and how they wish to participate in the kāwanatanga sphere and on what matters Māori determine whether and how tikanga might appropriately be included in legislation 	<ul style="list-style-type: none"> Identify other opportunities arising in Treaty settlements to practically build relationships to advance shared goals Identify ways in which delivery of services can better reflect rangatiratanga, e.g. through co-governance and/or co-design Continue to develop, and take measures to ensure the interpretation of te Tiriti and relevant legislation is consistent with the rights in the Declaration, in particular article 37 (to have treaties honoured) Establish measures to ensure that new legislation conforms to the rights in the Declaration and te Tiriti and makes explicit reference to Declaration and Tiriti 	<ul style="list-style-type: none"> Pass new State Sector legislation with clear Tiriti responsibilities and obligations for public servants, which will require different ways of working Continue to build public sector capability Amend the Living Standards Framework to recognise the role of te Tiriti and the importance of self-determination to enhancing wellbeing Ensure the Legislation Guidelines reference and reflect te Tiriti and the Declaration Require agencies to ensure their ongoing regulatory stewardship work aligns with new Tiriti responsibilities under the State sector legislation, e.g. as legislation, policies and strategies come up for review they are

		<p>rights</p> <ul style="list-style-type: none"> Identify ways in which FPIC could be strengthened, e.g. in fishing regulations, in the RMA and other environmental legislation Scope amendments to the Electoral Act to provide protections for Māori seats/the Māori Electoral Option Scope amendments to the Local Electoral Act to provide better mechanisms for Māori representation at the local level, and for enhanced capability within local government (similar to current State Sector reform) Scope the feasibility of establishing a convention setting out Crown agreement to shared decision-making where partnership bodies are established 	<p>reviewed for Tiriti/Declaration consistency</p> <ul style="list-style-type: none"> Identify and implement changes to other levers to improve Crown processes, e.g. Regulatory Impact Assessments, Cabinet guidance Scope ways in which to strengthen legal recognition of te Tiriti, e.g. by consistent use of stronger Tiriti clauses and/or by putting te Tiriti itself into legislation (possibly via a Law Commission reference) Scope enhancing the role of the Waitangi Tribunal, e.g. by binding rather than recommendatory decisions, the power to assess policies against te Tiriti, and the provision of additional human and financial resources. Build on the recommendations in each of the Waitangi Tribunal's kaupapa inquiries to improve Crown practice Scope and establish funding of Māori participation in kaupapa inquiries Scope ways to strengthen te Tiriti and provide for Crown accountability, e.g. with reference to BORA interpretive tools and accountability mechanisms, a Māori-Crown relations select committee and/or a human rights select committee
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TO 2025

MĀORI AND THE CROWN PARTNER OR TAKE THE LEAD ON AGREED GOALS AND IN AGREED AREAS. THE PUBLIC SERVICE CONTINUES TO BECOME MORE BICULTURAL. WAYS IN WHICH TO STRENGTHEN TE TIRITI IN THE KĀWANATANGA SPHERE ARE IDENTIFIED.

	Rangatiratanga sphere	Partnership (relational) sphere	Kāwanatanga sphere
<p>Further actions for enhancing participation and strengthening te Tiriti</p>	<ul style="list-style-type: none"> Māori decide whether and how they wish to participate in the kāwanatanga sphere and on what matters Māori determine whether and how tikanga might appropriately be included in legislation 	<ul style="list-style-type: none"> Continue to build on opportunities arising in Treaty settlements to practically build relationships to advance shared goals Implement ways in which delivery of services can be co-governed and/or co-designed Implement ways to strengthen FPIC, e.g. in fishing regulations, in the RMA and other environmental legislation Amend the Electoral Act to protect Māori seats Amend the Local Electoral Act to provide better mechanisms for Māori representation at the local level, and for enhanced capability within local government Establish a convention setting out Crown agreement to shared decision-making where partnership bodies are established Monitor and review how greater legislative protection for te Tiriti is working, and whether it needs further 	<ul style="list-style-type: none"> Continue to build public sector capability, including the provision of training on revised materials and processes that reflect Te Tiriti obligations Monitor how the revised Living Standards Framework is implemented Monitor how agencies are using the revised Legislation Guidelines Implement means of strengthening legal recognition of te Tiriti, e.g. by consistent use of stronger te Tiriti clauses and/or by putting te Tiriti itself into legislation (possibly via a Law Commission reference) Provide the Waitangi Tribunal with enhanced powers Continue to build on the recommendations in each of the Waitangi Tribunal's kaupapa inquiries to improve Crown practice Continue to fund Māori participation in kaupapa inquiries

		<ul style="list-style-type: none"> protection Monitor new State Sector legislation to see how well the te Tiriti obligations are working, including in agencies' regulatory stewardship work. 	<ul style="list-style-type: none"> Implement ways to strengthen te Tiriti and provide for Crown accountability
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TO 2030
MĀORI AND THE CROWN CONTINUE TO PARTNER OR TAKE THE LEAD ON AGREED GOALS AND IN AGREED AREAS. THE PUBLIC SERVICE CONTINUES TO BECOME MORE BICULTURAL. WAYS IN WHICH TO STRENGTHEN TE TIRITI IN THE KĀWANATANGA SPHERE ARE IMPLEMENTED.

	Rangatiratanga sphere	Partnership (relational) sphere	Kāwanatanga sphere
Further actions for enhancing participation and strengthening te Tiriti	<ul style="list-style-type: none"> Māori decide whether and how they wish to participate in the kāwanatanga sphere and on what matters Māori determine whether and how tikanga might appropriately be included in legislation 	<ul style="list-style-type: none"> Continue to strengthen relationships to advance shared goals Continue to roll out delivery of services with co-governance and/or co-design Continue to strengthen processes for FPIC Review State Sector legislation to ensure it is working well to ensure public service is meeting its te Tiriti obligations Monitor means of strengthening legal recognition of te Tiriti to ensure it is working well Monitor the work of a Waitangi Tribunal with enhanced powers 	<ul style="list-style-type: none"> Continue to build public sector capability Review all relevant regulatory levers, frameworks and processes designed to ensure te Tiriti obligations are met are working well Continue to build on the recommendations in each of the Waitangi Tribunal's kaupapa inquiries to improve Crown practice Continue to fund Māori participation in kaupapa inquiries

TO 2035
MĀORI AND THE CROWN CONTINUE PARTNER OR TAKE THE LEAD ON AGREED GOALS. THE PUBLIC SERVICE CONTINUES TO BECOME MORE BICULTURAL. TE TIRITI HAS A STRONG, CONSISTENT ROLE IN REGULATING THE KĀWANATANGA SPHERE.

	Rangatiratanga sphere	Partnership (relational) sphere	Kāwanatanga sphere
Further actions for enhancing participation and strengthening te Tiriti	<ul style="list-style-type: none"> Māori decide whether and how they wish to participate in the kāwanatanga sphere and on what matters Māori determine whether and how tikanga might appropriately be included in legislation 	<ul style="list-style-type: none"> Continue to strengthen relationships to advance shared goals Continue to roll out delivery of services with co-governance and/or co-design Continue to strengthen processes for FPIC Continue to monitor and review various mechanisms to strengthen te Tiriti in the kāwanatanga sphere 	<ul style="list-style-type: none"> Continue to build public sector capability Implement recommendations from review processes for various te Tiriti mechanisms and processes established

2040

MĀORI AND THE CROWN WORK HARMONIOUSLY AND IN AGREED WAYS ON SHARED MATTERS. THE PUBLIC SERVICE IS BICULTURAL. TE TIRITI IS EMBEDDED IN THE KĀWANATANGA SPHERE.

	Rangatiratanga sphere	Partnership (relational) sphere	Kāwanatanga sphere
	<ul style="list-style-type: none">• Māori decide whether and how they wish to participate in the kāwanatanga sphere and are able to participate freely in matters which affect them• Tikanga is incorporated into legislation to the extent agreed by Māori	<ul style="list-style-type: none">• Māori-Crown relationships are harmonious and mutually beneficial• Māori co-govern and/or co-design delivery of services• Māori participation in all matters that affect them to seek their free, prior and informed consent is 'business as usual'• Te Tiriti has strong legal recognition and protection• Institutions to ensure te Tiriti accountability are firmly established	<ul style="list-style-type: none">• The public sector is bicultural• Māori are providing for Māori

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LANDS, TERRITORIES & RESOURCES: POTENTIAL ACTIONS - EXAMPLE - INDICATIVE OPTIONS ONLY

	Immediate Actions (2020-2022)	Mid-point Actions (2023-2035)	Vision (By 2040)
Climate Change	<ul style="list-style-type: none"> Climate change impacts: Scope and analyse data on disproportionate effects of climate change on Māori Zero Carbon Act: Ensure Tiriti and Declaration compliance, potentially through independent review Climate Commission: Ensure adequate Māori representation 	<ul style="list-style-type: none"> At-risk Māori sites: prioritise resources for Māori to identify Māori lands and sites of significance (urupā, wāhi tapu, marae) at risk with mitigation and adaptation plans developed and well-resourced 	<p><i>Iwi rohe/takiwā, lands, territories and resources</i></p> <ul style="list-style-type: none"> A nation will know and appreciate iwi tribal boundaries, where the practice of mana whakahaere is evident
Territories	<ul style="list-style-type: none"> Development of iwi/hapū strategic plans: iwi and hapū are well supported to further develop goals, plans and long-term visions in relation to their lands, territories and resources - in terms of accessing funding this could be an extension of Whānau Ora 	<ul style="list-style-type: none"> Iwi/hapū strategic plans: now have new enhanced statutory weighting and effect in law Increased Māori authority: significantly increased transfer of government powers to iwi/hapū across resource management spectrum (RMA, conservation, fisheries etc.) Visibility: resources available for Māori-led representation in territories Kaitiaki responsibilities: strengthen kaitiaki roles and responsibilities in law to care for territories Access: prioritising policy and processes that ensure iwi/hapū/whānau can easily access their culturally significant lands and sites on their own land or on Crown lands 	<ul style="list-style-type: none"> There will be an enlarged iwi/hapū/whānau estate, supported by significantly increased return of Crown lands and waters, including takutai moana, to Māori ownership (in addition to Treaty of Waitangi settlements) Law, policy and processes will support flourishing iwi territories, including where iwi/hapū/whānau can positively contribute towards the control of, access to, and management of all lands and resources within their rohe in accordance with tikanga and mātauranga Māori
Lands	<p>Public conservation lands:</p> <ul style="list-style-type: none"> Undertake partial review with Māori leadership of Conservation General Policy and General Policy for National Parks to better reflect section 4 of the Conservation Act 1987 Investigate options for delivering greater co-governance and co-management, independent of Treaty settlements, including for hapū Advance discussions on Ngā Aitanga ā Nuku agreements, an approach (since 2016) that enables iwi/hapū/whānau to make decisions over access to cultural materials <p>Other suggestions:</p> <ul style="list-style-type: none"> Public Works Act: review with a particular focus on returning of all Crown lands gifted by Māori not being used for the purpose of the original gift 	<p>Crown land:</p> <ul style="list-style-type: none"> Implement policy/legislation to return appropriate public conservation land to iwi/hapū Amend relevant legislation to remove the financial impediments stopping the return of Crown land to Māori <p>Conservation land:</p> <ul style="list-style-type: none"> Develop a new form of kaitiaki land title for public conservation lands Entrench joint decision-making with respect to all lands and waters <p>Other suggestions:</p> <ul style="list-style-type: none"> RMA: reforms made that are consistent with Māori and Waitangi Tribunal recommendations Whenua acquisition plan: establish a fund for the acquisition of private land of significance for Māori from 	<p><i>Crown lands, territories and resources</i></p> <ul style="list-style-type: none"> There will be greater relinquishment of Crown assumed exclusive kawanatanga authority over land, resources and taonga Law, policy, processes and entities will support a successful bicultural joint sphere of governance and management of resources, taonga and Crown lands

	Immediate Actions (2020-2022)	Mid-point Actions (2023-2035)	Vision (By 2040)
	<ul style="list-style-type: none"> RMA: Māori voice is prioritised in the review, consistent with Waitangi Tribunal recommendations Rating: policy review with the aim to standardise rating practices across New Zealand, including looking at options to put a moratorium on rating of all Māori land 	<p>willing sellers</p>	
Resources	<ul style="list-style-type: none"> Freshwater: implement freshwater policy reform to give effect to te Mana o te Wai NZ Biodiversity Strategy and National Policy Statement - Indigenous Biodiversity: ensure Māori concerns are heard and actioned Marine Protected Areas reform: further explore options to make it easier for customary tools/tikanga to be used as part of a suite of marine protection tools and in decision-making 	<ul style="list-style-type: none"> Rights: recognise and resolve iwi/hapū customary title and rights in resources including water and minerals by 2025 to iwi/hapū satisfaction, including the implications in practice of this recognition Commission: create a Mana o te Wai Commission with Māori co-governance Bioprospecting: regime in place that protects mātauranga and provides for benefit sharing Trade: increased Māori decision-making in trade negotiations to protect resources and associated mātauranga Māori 	

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CULTURE: POTENTIAL ACTIONS - EXAMPLE - INDICATIVE OPTIONS ONLY

The potential actions below are indicative examples provided as a basis for further discussion and development.

	Immediate Actions (2020- 2022)	Mid-point Actions (2023-2035)	Vision (By 2040)
Māori authority to control, protect and develop culture	<p>Te Pae Tawhiti</p> <ul style="list-style-type: none"> Initiate process to strengthen intellectual property laws and develop new standards for the protection of mātauranga Māori The Crown and Māori develop partnership models/joint governance bodies in relation to cultural rights and issues Expand, refine and better resource processes to support the return of cultural objects from private ownership Initiate review of relevant heritage legislation to ensure Māori heritage and wāhi tapu are protected from development, and to strengthen recognition of mana whenua authority 	<ul style="list-style-type: none"> Parliament adopts, through bipartisan agreement, a practice of endorsing decisions made by Māori over their cultural rights 	<ul style="list-style-type: none"> Iwi, hapū and whānau will be exercising authority over all aspects of their culture, including the ability to control, protect and develop their cultural and natural heritage - ngā taonga tuku iho
Te reo Māori, culture and identity	<p>Te Pae Tawhiti – Maihi Māori – Maihi Karauna</p> <ul style="list-style-type: none"> Strengthen support for kaupapa Māori education Increase investment in teacher training, and incentives for te reo teachers Through the review of Te Ture mō te Reo Māori, progressively extend the contexts in which people have the right to speak Māori (i.e. beyond legal proceedings, s7 -. Through 	<ul style="list-style-type: none"> Te reo Māori is made a compulsory curriculum subject in primary education The right to speak Māori is progressively extended across government agencies, including in justice, education, and health settings 	<ul style="list-style-type: none"> Te reo Māori will be flourishing, its use will be widespread, and its quality and integrity will be protected - kia tika, kia reu, kia Māori All Māori will have the opportunity to access, practise and develop their culture and reo, connect with their whakapapa, and be confident in their indigenous identity.

Te ao Māori embraced and respected

A mātauranga- informed Aotearoa and bicultural kāwanatanga

Te Pae Tawhiti – Maihi Māori – Maihi Karauna

- Collate and implement existing expert recommendations, especially those which are Māori-led
 - Train and educate the public sector about the Declaration, Te Tiriti, reo, tikanga and delivery of culturally appropriate services; and develop related accountability mechanisms, (e.g. KPIs, reporting tied to government funding)
 - Develop partnership/joint governance bodies across government agencies
 - Increase funding for mātauranga Māori research
 - Ensure New Zealand's history curriculum reflects diversity of Māori history, and are developed with iwi and hapū
- Progressively bring all legislation, policy and initiatives in line with te Tiriti and the Declaration
 - Monitor the implications of new technologies (such as artificial intelligence and digitisation of taonga) and take appropriate protective measures

- All New Zealanders will embrace and respect Māori as an integral part of national identity, and this will also be reflected in a bicultural, mātauranga-informed state service/kāwanatanga Karauna

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EQUITY: POTENTIAL ACTIONS - EXAMPLE - INDICATIVE OPTIONS ONLY

	Immediate Actions (2020- 2022)	Mid-point Actions (2023-2035)	Vision (By 2040)
<p>Equity Generally</p>	<p style="text-align: center;">Implement existing expert recommendations </p> <ul style="list-style-type: none"> • Collate and begin to implement existing expert recommendations, especially those which are Māori-led • Increase support for kaupapa Māori initiatives, e.g. Whānau Ora • Māori decide whether and how they want to exercise rangatiratanga and authority to work towards equity, e.g. what services they want to take over • The Crown and Māori identify opportunities to co-design and co-govern initiatives to achieve equity, and lay the foundations for such initiatives • The Crown and Māori work in partnership to identify opportunities to devolve services • The Crown dedicates additional resources to Māori initiatives and organisations across all sectors in a “mana-enhancing” way, e.g. Whānau Ora, papakāinga housing and associated infrastructure • The Crown addresses structural racism through: <ul style="list-style-type: none"> ○ Public education programmes across all sectors, including conscious and unconscious bias training and school programmes ○ Māori targeted recruitment ○ Media campaigns • The Crown creates joint Ministers and Associate Ministers that focus on the Māori dimension of the relevant Ministry • The Crown monitors progress towards achieving equity by: <ul style="list-style-type: none"> ○ Establishing specific measures in relation to areas of equity ○ Establishing an independent Māori monitoring agency to measure progress in equity areas 	<ul style="list-style-type: none"> • The Crown and Māori implement co-designed and co-governed initiatives to achieve equity • Progressively bring all legislation, policy and initiatives in line with te Tiriti and the Declaration. Relevant legislation should reflect te Ao Māori and tikanga, and include goals to achieve equitable outcomes for Māori <p style="text-align: center;"></p> <p style="text-align: center;"></p>	<ul style="list-style-type: none"> • A nation where Māori will be thriving and prosperous in all aspects of life including across generations • There will be equity between peoples, which means that rangatiratanga and Māori authority is recognised and respected • There will be genuine partnership bodies in the relational sphere • All Māori will enjoy equity in opportunity and outcomes • New Zealand’s understanding of wellbeing will incorporate a holistic te Ao Māori and mātauranga Māori perspective

	<ul style="list-style-type: none"> ○ Include measurable outcomes in KPIs for leaders of relevant Crown entities • The Crown ensures relevant data is collected, captured and prioritised by: <ul style="list-style-type: none"> ○ Involving Māori in the governance of data repositories ○ Safeguarding and protecting data for and about Māori ○ Requiring the quality and integrity of Māori data and its collection • Supporting Māori to have their own data infrastructure and security systems. 		
Health	<ul style="list-style-type: none"> • Implement existing expert recommendations, e.g. in: <ul style="list-style-type: none"> ○ Waitangi Tribunal report Hauora: Report on Stage One of the Health Services and Outcomes Kaupapa Inquiry ○ Waitangi Tribunal report Ko Aotearoa Tēnei (Wai 262), for example the recommendations in relation to rongoā Māori ○ Whāia Te Ao Marama 2018 to 2022: the Māori Disability Action Plan • Build on and support existing Māori-led initiatives such as Whānau Ora, Tūhoe Hauora and Hokianga Hauora • Increase Māori involvement in policy/planning and the delivery of services • Include equitable outcomes for Māori as a legislative goal in s 3(1)(b) of the New Zealand Public Health and Disability Act 2000 • Require compulsory te Ao Māori education for health professionals 		<ul style="list-style-type: none"> • Māori are healthy and have culturally appropriate access to health services • Existence of a national, Māori-controlled agency, organisation or collective with oversight and control of Māori health-related spending and policy • The ability to choose and have access to Māori rongoā treatments
Housing	<ul style="list-style-type: none"> • Implement existing recommendations in Independent Māori Statutory Board Kāinga Strategic Action Plan: a plan to improve housing outcomes for Māori in Tāmaki Makaurau • Increase funding for papakāinga housing • Build on and support existing Māori-led initiatives such as the Kāinga Tuatahi Ngāti Whātua Ōrakei papakāinga development and Te Paea marae response to vulnerable whānau seeking emergency housing • Strengthen te Tiriti obligations in the Kāinga Ora-Home and Communities Act 2019 and provide for strong partnerships and equity goals in the second Bill/Act which will set out the powers of the new agency. For example, Kāinga Ora should take over and 		<ul style="list-style-type: none"> • Māori are housed well • Papakāinga housing is thriving and there is culturally appropriate housing available to Māori • Tangata whāikaha are supported to live with whānau where possible and whakapapa connections are maintained

	<p>reform Kāinga Whenua</p> <ul style="list-style-type: none"> • Amend legislation to allow for the application of papakāinga provisions to all land (not just Māori freehold land) and align planning rules to allow for culturally appropriate kāinga • Establish navigators/brokers and train skilled professionals to have expertise in facilitating and supporting Māori to achieve their housing needs • Design and build more Māori-friendly state housing • Assist and support the creation of tailored housing and finance products that meet the needs of Māori whānau, for example, shared equity/equity pool; progressive ownership models; lending entity; low income housing tax credit programme • Sell or transfer state houses to iwi providers or other Māori entities • Provide more council and Crown land for kāinga and affordable housing opportunities 		
<p>Criminal and Family Justice</p>	<ul style="list-style-type: none"> • Implement expert recommendations, including in: <ul style="list-style-type: none"> ◦ Waitangi Tribunal report Tū Mai te Rangī! ◦ He Waka Roimata report from Te Uepū Hāpai i te Ora (an independent government established advisory group), and the yet to be publicly released recommendations ◦ Ināia Tonu Nei report from Hui Māori ◦ Te Korowai Ture ā-Whānau: The final report of the Independent Panel examining the 2014 family justice reforms • Initiate review of the Sentencing Act 2002, Bail Act 2000, Criminal Procedure Act 2011 and all legislation relating to care and protection to ensure they reflect te Tiriti • Review s 27 of the Sentencing Act 2002 with a view to expand the use of cultural reports beyond sentencing, allow Judges to direct the provision of reports and increase funding • Give all prisoners the right to vote in general elections • Allow for a greater role of whānau and community 	<ul style="list-style-type: none"> • Establish more therapeutic and specialist courts and normalise these approaches in the mainstream court process • Transfer services from Oranga Tamariki to whānau, hapū and iwi to provide care and protection services with and for whānau in their own communities • Decarceration process 	<ul style="list-style-type: none"> • Existence of a Māori court system based on tikanga Māori • Prisons do not exist • All tamariki Māori are cared for by their whānau

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ROADMAP TO DECLARATION CONSISTENCY

The indicative tables we provide in each section, organised thematically and chronologically, are intended as a preliminary selection of ideas to illustrate our road map approach. Table formats differ slightly across themes, as we have structured them to suit the substance of each section.

These tables present a snapshot of potential actions that can be taken towards reaching 2040 objectives. We note that in the limited time available, we have not been able to fully research and explore these ideas. We include these as indicative options that need to be further developed and built upon.

RANGATIRATANGA: POTENTIAL ACTIONS - EXAMPLE - INDICATIVE OPTIONS ONLY

2019 - 2020

MORE OPPORTUNITIES FOR MĀORI TO EXERCISE RANGATIRATANGA ARE IDENTIFIED THROUGH THE DEVELOPMENT OF A DECLARATION ACTION PLAN. THE CROWN IDENTIFIES WAYS TO SUPPORT RANGATIRATANGA AND BUILDS ITS OWN CAPABILITY. THE GROUNDWORK FOR CONSTITUTIONAL CHANGE IS LAID.

	Rangatiratanga sphere	Partnership (relational) sphere	Kāwanatanga sphere
Current status and potential opportunities	<p>Expressions of rangatiratanga</p> <ul style="list-style-type: none"> A range of pan-iwi/Māori representative bodies exist, e.g. Iwi Chairs Forum, NZ Māori Council, National Urban Māori Authority, Federation of Māori Authorities, Māori Women's Welfare League Iwi and hapū exercise rangatiratanga through specific mechanisms, some of which are Western-style bodies, e.g. governance bodies, post-settlement governance entities (e.g. Te Whakakitenga o Waikato and Te Rūnanga o Ngāi Tahu), trusts and incorporations, iwi management plans Tikanga prevails in a marae setting Rangatiratanga responsibilities able to be exercised in some instances (e.g. Te Kawerau ā Maki rāhui in response to Kauri dieback disease in the Waitakere ranges) <p>Groundwork for constitutional change</p> <ul style="list-style-type: none"> Matike Mai Aotearoa process 	<p>Working in partnership to enhance rangatiratanga</p> <ul style="list-style-type: none"> Declaration Working Group provide advice on the form and content of a Declaration action plan. Engagement on the plan with Māori is expected from 2020 Te Pae Tawhiti whole-of-government approach to dealing with the issues regarding taonga and mātauranga raised in Wai 262 has been initiated with engagement taking place from mid-2020 Increased opportunities for partnership between Māori and the Crown, e.g. via the establishment of an Interim Rōpū (and subsequently an Enduring Form Rōpū) for the Joint Venture to eliminate Family and Sexual Violence; Maihi Māori, Maihi Karauna strategies for te reo Māori revitalisation Co-governance and co-management opportunities established via Treaty settlements, e.g. for Te Urewera and for the Waikato and Whanganui rivers 	<p>Support for rangatiratanga</p> <ul style="list-style-type: none"> Ongoing support for Māori development initiatives that help support rangatiratanga include the Oranga Marae programme that provides whānau and hapū support, advice and investment for marae, e.g. by building projects and activities to revitalise cultural knowledge, Whānau Ora Cabinet portfolio of Māori-Crown relations has been established with a dedicated agency to support it (Te Arawhiti) <p>Groundwork for constitutional change</p> <ul style="list-style-type: none"> Announcement that NZ history will be taught compulsorily in schools The Crown is developing a response to NZ Bill of Rights Act declarations of inconsistency

Work to be established

Expressions of rangatiratanga

- Establish the tangata whenua side of the Declaration governance rōpū
- Ensure that people are supported to connect with their whakapapa e.g. tāngata whaikaha, rangatahi, adoptees, people who have been in state care, and generally those people who have lost connection
- Identify areas in which iwi/ hapū/ whānau wish to exercise jurisdiction, including personal or territorial jurisdiction

Groundwork for constitutional change

- Continue to build on the recommendations of *Matike Mai*, including holding formal and informal constitutional discussions, and discussing constitutional matters annually at national Māori organisation hui

Working in partnership to enhance rangatiratanga

- Engage Māori on the Declaration action plan through a wide and inclusive process, and establish a Declaration Governance Rōpū (perhaps via the oversight groups established for Wai 262)
- Identify opportunities for partnership in realising government priorities, including the Child and Youth Wellbeing Strategy and Justice Sector reform
- Support from Crown and local government for Māori exercising their rangatiratanga responsibilities, such as through rāhui
- Scope ways in which Whānau Ora could help build whānau and regional rangatiratanga, together with Māori
- Scope the establishment of an Indigenous Rights and/or Te Tiriti Commissioner(s) within the Human Rights Commission
- Continue Treaty settlements with those who wish to settle and continue to reorient those relationships from negotiation to identifying and building on partnership opportunities

Support for rangatiratanga

- Establish a ministerial oversight group (as for Wai 262 work), as the Crown side of the Declaration Governance Rōpū
- Resource the Māori side of the Declaration Governance Rōpū
- Continue to fund and improve programmes that support Māori aspirations, such as Oranga Mārae and Whānau Ora
- Initiate training across the public sector around the Declaration
- Review legislation with a view to removing any current constraints on Māori self-determination in relation to their internal affairs or decisions relating to their land, e.g. removing regulations that unduly restrict Māori decision-making about marae, building on Māori land
- Scope the establishment of dedicated financial support for rangatira/iwi/hapū to help individuals and whānau reconnect to their whakapapa, especially where disconnection has been caused by Crown action (e.g. where Māori have been put into state care)
- Scope the establishment of dedicated funding for Māori governance development
- Scope the elevation of Te Arawhiti to a central government agency such as the State Services Commission, Treasury and DPMC

Groundwork for constitutional change

- Work to develop the New Zealand history curriculum in schools continues
- Scope a public education programme to inform the wider public about constitutional matters, including: Te Tiriti relationships, civics, human rights (including the Declaration), and Te Tiriti partnerships in action
- Establish a Crown working group with terms of reference related to Crown responsibilities and obligations under Te Tiriti, including in respect to delegated authority, as a