

National Issues — Constitutional change

Kevin McBride

Kevin McBride is the national co-ordinator of Pax Christi Aotearoa-New Zealand and occupant of the Bicultural Desk at the Auckland Catholic Diocese. He has been involved in Treaty education since the mid 1990s.

Kevin noted first of all that in his keynote address on the panel earlier, Hone Harawira had referred to constitutional change as being of prime importance to the country, placing the Treaty of Waitangi as the point around which everything else in a New Zealand constitution should revolve. It would take us beyond the Treaty settlements, which is something that many people cannot get past at present.

The need to ask questions 'further back' to determine the essential issues for a constitution was explored, with two essential questions derived from the Anglican Church's prior deliberations having been formulated by Network Waitangi: 'Is the Treaty contrary to democracy?' and 'Is democracy contrary to the Treaty?' At present the concept of democracy is being used to disempower people, as with Auckland's super-city debate, and an inadequate understanding of the relationship of the Treaty to democracy is an obstacle to constitutional change. Another deep-level question about constitutional change has to do with whether we want to retain the Queen as our Head of State. All these matters need to be explored and discussed before worthwhile debate about a Treaty-based constitution can take place. Before even that happens, you need to prepare to engage in the debate. Participants in the Anglican Church debate had ranged from very conservative to much more open-minded, so the Church's experience in preparing for such discussions could be worth noting or drawing on.

What can be done now? Resources and networking. Kevin mentioned that organisations can do their best to include the Treaty of Waitangi in a practical way in their own constitutions, and seek to live it out. If enough organisations can trial and work with this approach it will give some useful background to discussing a national constitution. The Quaker Statement on Constitutional Change is one item, and Ingrid Huygens' thesis analysing six organisations developing their own constitutions along Treaty lines is another helpful resource. He also said that in one organisation he is involved with they are finding it quite difficult to implement even at committee level.

While taking notes from Matthew Palmer's book *The Treaty of Waitangi in New Zealand's Law and Constitution* was seen as another possible starting point, it was also noted that this book only looks at how the Crown deals with Māori. It does not cover the essential matters of Māori ways of doing things which are equally as valuable.

The prior need to teach the Treaty of Waitangi at primary schools *now* was also emphasised, with the observation that things seem to have gone backwards here rather than forwards. Tamsin Hanly is developing a kit to teach the teachers, and teaching about the Treaty at university level is also needed. Professor Russell Bishop of the University of Waikato has also developed resources for this.

In addition there needs to be a greater level of Treaty awareness at parliamentary level, with a list being made of those MPs who are familiar with the Treaty, and those who are not. Catherine Delahunty of the Green Party may be willing to assist us with such a list, and with briefing MPs in the House. Human Rights staff also could do with improved Treaty understandings and networking between offices in this respect.

Looking at the broader question of how the constitution is enacted, Belinda Borrell is a social science researcher who has looked at high-level government papers for material on decisions about the Treaty in legislation and policies. Some of this may be useful to us.

Our own networking is also very important, with Network Waitangi, Peace Movement Aotearoa and Tamaki Treaty Workers sharing resources and material each has developed with the whole group.

Notes by Peggy Haworth