Appendix A

Written Response to Tribunal question

Question: "What do you think are the remedies we should be looking at? What are the solutions, not merely for the Crown to provide, for some of the difficult and longstanding issues for wāhine Māori?"

We, Rukuwai Allen, Arohanui Allen and Heeni Te Mate Kōiwi, say:

1. We acknowledge that the remedies that will result from this inquiry will be significant for wāhine Māori and their whānau and will develop as the evidence is heard and tested beyond this first pou. We consider important components of that process will be the ability for the Claimants in the inquiry to come together to wānanga over the relief we consider will go toward remedying the harm and prejudice caused by the Crown, as will be the ability to test the willingness and likelihood of the Crown implementing those remedies and relinquishing power as will be necessary.

2. We also acknowledge that Claimants are currently deliberating the overall approach to remedies including holding remedies wānanga and potential remedies hearings. We support those discussions continuing on a Claimant wide basis and provide in this response, our initial thinking on remedies. We anticipate our thinking regarding remedies will develop throughout the inquiry.

3. As a starting point, we support in broad terms the remedies/relief framework sought by the Wai 381 claimants (Wai 2700, #1.1.10(c), at [118]).

4. In particular, we agree with the need for any relief to remedy prejudice suffered by wāhine Maori to:

   (a) Affirm the need for constitutional transformation;

   (b) restore mana wāhine;

   (c) strengthen wāhine Māori leadership, decision-making and participation in the design, development, and implementation of all policies, structures, and processes affecting wāhine Māori and whānau;

   (d) protect mātauranga Māori;

   (e) adequately resource wāhine-led initiatives and efforts to address inequities suffered by wāhine Māori and reclaim wāhine based knowledge;

   (f) restore tikanga Māori; and

RECEIVED
Waitangi Tribunal
5 Aug 26
Ministry of Justice
WELLINGTON

(g) remove structural barriers created through Crown systems, laws and policies including through constitutional transformation that restores te Tiriti promises and the balance of wāhine and tāne Māori and upholds the rangatiratanga of wāhine Māori.

5. We consider it essential to ensure that any remedies resulting from the inquiry provides for:

(a) **Recognition of mātauranga wāhine** as a distinct taonga requiring active protection under article 2 of te Tiriti o Waitangi; wāhine knowledge relating to īkura, whare tangata, atua wāhine, reproductive health, whakapapa, birthing traditions and tikanga has been marginalised through colonial education systems, Western science and institutional practice. We believe these are not simply health issues; they are taonga that sit at the heart of Māori identity and whakapapa that requires specific protection and resourcing.

(b) **Restoration of authority to wāhine Māori:** Colonisation removed authority from wāhine and replaced tikanga with patriarchal structures. Restoration requires more than increasing representation. It requires restoring the ability of wāhine Māori to determine:

(i) what knowledge is protected;

(ii) who carries that knowledge;

(iii) how it is transmitted;

(iv) who speaks for wāhine within our own communities.

These decisions, roles and responsibilities should therefore sit with wāhine Māori, hapū and iwi rather than Crown agencies. Devolution of Crown roles, responsibilities, and decision-making powers to hapū and iwi that are representative of, and accountable to, wāhine Māori should be considered and prioritised in findings of the Tribunal.

(c) **The reform of how expertise is recognised:** In our experience, one of the strongest examples is the continued privileging of Western qualifications over mātauranga Māori and male over wāhine expertise across all levels of governance, policy and law within the kāwanatanga sphere. This occurs across:

(i) local government;

(ii) governance appointments;

(iii) research funding;

(iv) advisory groups;

(v) education;

(vi) public sector appointments.

Knowledge held through whakapapa, tikanga, lived experience and community recognition should be treated as expertise in its own right. Government appointment and selection processes should recognise cultural authority, collective leadership, lived experience, community accountability and mātauranga Māori alongside academic qualifications.

(d) Education reform: Future generations should not have to rediscover wāhine knowledge that previous generations were prevented from receiving. We seek that the Tribunal recommend that:

(i) mātauranga wāhine is appropriately incorporated into education including the education curriculum;

(ii) teachers receive professional learning in tikanga relating to wāhine Māori;

(iii) accurate histories of wāhine Māori leadership are taught;

(iv) educational resources are developed by wāhine Māori.

(e) Te Tiriti capability: Te Tiriti competence needs to be a baseline expectation in the public sector by;

(i) Making te Tiriti training mandatory;

(ii) Implementing te Tiriti capability within performance reviews and reappointment processes to encourage compliance and accountability.

(f) Te ao Māori and cultural capability: Incorporate and implement requirements to improve te ao Māori cultural capability within the public sector, including knowledge of te reo Māori and tikanga Māori. This includes developing and resourcing cultural competency programmes for public servants with mandatory expectations to participate and appropriate performance review mechanisms to enforce cultural competency standards. Benefits include providing cultural safety to staff and cultural appropriate support to wāhine Māori and Māori generally.

(g) Genuine Crown accountability: The Crown should not simply announce initiatives. It should monitor and invest in data in respect of wāhine Māori and regularly report on measurable outcomes including:

(i) wāhine Māori representation in governance;

(ii) investment in wāhine-led research;

(iii) investment in wāhine-led kaupapa;

(iv) recognition of mātauranga Māori expertise;

(v) improvements identified by wāhine Māori themselves.

Success should be measured by wāhine Māori, not solely by government agencies. The Crown should enable equity of data sovereignty for wāhine Māori through commitment and adequate investment in increasing data capacity and infrastructure that enables wāhine Māori rangatiratanga over data.

Immediate Remedies

6. We consider there are remedies that the Crown could and should as Treaty partner implement immediately, during this inquiry, including (but not limited to):

(a) Improved resourcing to wāhine-led kāhui, wānanga and initiatives so that we have the capacity to heal our own including by holding wānanga karanga, wānanga tikanga and wānanga about atua wāhine and mātauranga wahine;

(b) Support and resource wāhine-developed and led educational resources, tools and books;

(c) Increased investment in wāhine Māori led research;

(d) Improved investment to Māori organisations and kāhui, hapū and iwi in wāhine Māori intergenerational transmission programmes and kaupapa; and

(e) Improved investment in wāhine governance and leadership programmes to Māori organisations and kāhui, hapū and iwi.

7. **Wānanga whakaora / remedies wānanga:** An important part of sustainable solutions and remedies is creating a process in which Claimants and wāhine Māori can come together to discuss, deliberate, reflect and share knowledge, ideas and solutions that can go towards remedying the harm wāhine Māori experience. That is why we support the holding of wānanga whakaora and offer our whakaaro on the process of reaching durable solution.

8. At a baseline, we believe any wānanga whakaora in this inquiry should be;

(a) Tikanga led and ideally, held on marae. This may include developing a tikanga framework for these wānanga;

(b) Wāhine developed and led, and collectively supported including by the Tribunal and the Crown;

(c) Crown funded and resourced;

(d) Facilitated by wāhine Māori and/or pou tikanga with expertise in tikanga Māori and te reo Māori.