

# ORANGA MOKOPUNA

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## A tāngata whenua rights-based approach to health and wellbeing

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### Abstract

Rights-based approaches to health in Aotearoa New Zealand have increased in recent years. However, dominant Westernised conceptualisations of rights have been criticised for their ties to colonialism and individualistic focus. This paper presents Oranga Mokopuna as an alternative which disrupts Western notions of rights that are assumed to have universal application. Based in Te Ao Māori, Oranga Mokopuna provides a conceptual frame of reference for the realisation of tāngata whenua rights to health and wellbeing. Inherent tāngata whenua rights derive from and are nurtured by whakapapa from beyond the origins of the universe, and are grounded in tikanga Māori and affirmed by the two internationally recognised instruments he Wakaputanga o te Rangatiratanga o Nu Tireni and te Tiriti o Waitangi. International human rights instruments such as the United Nations Convention on the Rights of the Child and the Declaration on the Rights of Indigenous Peoples further develop and support tāngata whenua rights. Our vision is for mokopuna to thrive and flourish as our rangatira of today, through the full realisation of their tāngata whenua rights to health and wellbeing.

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## Keywords

rights, Māori, children, youth, health, wellbeing

### Introduction

In Aotearoa New Zealand, the significant health inequities for Māori compared with Pākehā are well documented (Ministry of Health, 2015; Robson & Harris, 2007). Pēpē, tamariki and rangatahi Māori compared with Pākehā babies, children and young people bear the inequitable impacts of the socio-political and economic environments that drive adverse health and social outcomes in Aotearoa (Simpson, Adams, Oben, Wicken, & Duncanson, 2016). The link between colonisation and stark health inequities for Indigenous peoples compared with non-Indigenous peoples is described both internationally (Czyzewski, 2011; Paradies, 2016) and in Aotearoa (Lawson-Te Aho & Liu, 2010; Robson & Harris, 2007). Health inequities experienced by pēpē, tamariki and rangatahi Māori compared with Pākehā are manifest symptomatology of colonisation, coloniality (Grosfoguel, 2002, 2011) and racism (Harris et al., 2012). Colonisation includes:

a range of practices, predominantly historical: war, displacement, forced labour, removal of children, relocation, ecological destruction, massacres, genocide, slavery, (un)intentional spread of deadly diseases, banning of indigenous languages, regulation of marriage, assimilation and eradication of social, cultural and spiritual practices. (Paradies, 2016, p. 83)

Coloniality refers to the “continuity of colonial forms of domination after the end of colonial administrations” (Grosfoguel, 2002, p. 205), thereby encompassing an understanding of the ways in which colonial mind-sets and conditions endure beyond what is recognised as the formal colonial period (Grosfoguel, 2002,

2011). Colonisation and coloniality involve the dehumanisation of an Indigenous peoples, most often by an imperialistic acquisitive “settler society”, a society in which the “settlers”—in the case of Aotearoa, Europeans—have retained political dominance and produced a society stratified along ethnic, “classist” or “racial” lines (Churchill, 1996; Stasiulis & Yuval-Davis, 1995). Dehumanisation occurs “on a spectrum from genocide to neglect, from paternalism to romanticism” (Reid & Robson, 2007, p. 4). The structural “(mis)appropriation and transfer of power and resources from indigenous peoples to the newcomers” (Reid & Robson, 2007, p. 5) is further enabled by systems established on racist values that perpetuate mind-sets around who is “civilised” or “primitive”, and who is “worthy” or “unworthy” (Reid & Robson, 2007).

Though current health inequities identify pēpē, tamariki and rangatahi as having significant unmet health need, we align with others who contend that purely needs-based arguments for Māori are flawed (Reid & Robson, 2007). Such arguments do not acknowledge the treasured status of pēpē, tamariki and rangatahi in society evidenced by mātauranga Māori such as pūrākau, whakataukī and oriori (Cameron, Pihama, Leatherby, & Cameron, 2013; Jenkins & Mountain Harte, 2011; Pere, 1997). Nor do they recognise tamariki and rangatahi as our leaders of today as opposed to the distant future (Tawhai, 2016). Lastly, needs-based arguments do not acknowledge Māori rights to health and wellbeing as tāngata whenua of Aotearoa (Reid & Robson, 2007).

In any articulation of rights, however, whether they be tāngata whenua or Indigenous or human rights, it is important to be cautious regarding potential implications of discourses used. Monture-Angus (1995) states:

In searching for meaning and for language that expresses our experience, we must be careful of the words we choose to embrace our experience. What is also important to understand is that it is not the word that is the problem, but the process by which and by whom it is given meaning. (p. 39)

Tensions are intrinsic around discourses on human rights and their relationship, if any, with *tāngata whenua* rights. In addition, Mikaere (2007) points out that the idea of a paternalistic yet benevolent body in the form of the United Nations (UN) having authority to bestow human rights upon Indigenous peoples is particularly problematic. After all, many of the member states making up this body are themselves colonisers of Indigenous peoples.

This relationship between coloniality and prevailing Westernised notions of human rights has been considered in terms of the potential limitations of human rights-based approaches for Indigenous peoples as a response to colonisation (Maldonado-Torres, 2017). As Maldonado-Torres (2017) discusses, human rights discourses bring into question ideas about what constitutes being “human” in the first instance, noting that coloniality is embedded in the “notion of the human in the hegemonic concept of human rights” (p. 131).

While acknowledging the particular form of human rights that has become dominant, including in Aotearoa, we also see the potential for a decolonisation of rights narratives, through a disruption of Westernised hegemonic notions of human rights that are assumed to have universal application (Maldonado-Torres, 2017). We propose that only once *tāngata whenua* rights for Māori are realised can international human rights instruments be usefully applied (Mikaere, 2007, 2011). It is in this context that international human rights instruments will further affirm and support the development of *tāngata whenua* rights. By way of this approach, the true nature of the relationship

between Western human rights concepts and Māori *tāngata whenua* rights is elucidated.

Māori as *tāngata whenua* are a collective encompassing many unique and autonomous nations with diverse cosmogonies, genealogies, histories and lived realities and experiences. In this paper, “Māori” is used as a construct describing Indigenous peoples of Aotearoa, and the concept of *mokopuna* is chosen to position *pēpē*, *tamariki* and *rangatahi* Māori within Te Ao Māori as the sacred reflection of our ancestors and blueprint for future generations. Pere (1997) translates *mokopuna* “as the blueprint of the spring of water” (p. 10) and *tīpuna/tūpuna* as “the spring of water that is continuously being established” (p. 10). Cameron et al. (2013) highlight how “we are all *mokopuna* and we are all *tupuna* . . . *mokopuna* will in future generations take the place of the *tūpuna*. All grandchildren in time become grandparents . . . we are a reflection and continuance of our ancestral lines” (p. 4). Additionally, the concept of *whānau* can be interpreted in many ways—for example, as “to be born”—and is more complex than the oft-used translation “extended family”. Our interpretation is based on the work of Walker (2013), who describes the multifaceted concept as grounded in both a Te Ao Māori and a tribal worldview, *whakapapa*-based, multidimensional, and interconnected with the living and the dead. *Whānau* occurs “on a continuum that is both horizontal and vertical” (p. 96).

In this paper, we describe *Oranga Mokopuna*, a *tāngata whenua* rights-based approach to health and wellbeing that builds upon *mātauranga Māori* approaches that foreground the treasured status of *mokopuna* within Māori society (Jenkins & Mountain Harte, 2011; Pere, 1997; Pihama et al., 2015). *Oranga Mokopuna* is also situated within the broader body of research, policy and practices informed by *mātauranga Māori* that intend to contribute positively to the health and wellbeing of Māori in Aotearoa (Durie, 1994, 2004; Elder, 2013; Henare, 1988; Kingi, 2002; Matua Raki, 2012;

Ministry of Education, 1996, 2017; Pitama, Huria, & Lacey, 2014; Rangihuna, Kopua, & Tipene-Leach, 2018; Taskforce on Whānau Centred Initiatives, 2010).

Oranga Mokopuna provides the conceptual frame of reference based in Te Ao Māori for the full realisation of tāngata whenua rights to health and wellbeing for mokopuna Māori. We position Oranga Mokopuna as a counter-narrative to coloniality and an alternative to prevailing Westernised rights-based models, and thereby a means for the resistance, transformation and decolonisation of mokopuna Māori within Aotearoa.

## Methods

The development of Oranga Mokopuna sits within the context of a broader PhD research study using multiple qualitative methods of data collection and analysis. The underpinning epistemological viewpoint is that of Kaupapa Māori (KM) theory where Māori aspirations and needs are privileged and the research is “underpinned by Māori philosophies of the world” (Pihama, 2011, p. 49). Developed during phase one of the research, Oranga Mokopuna is based on examination of archival texts, whakataukī and oriori, and specifically informed by pūrākau as utilised in the clinical therapeutic approach Te Mahi a Atua (Rangihuna et al., 2018). Lee (2009) describes pūrākau as “a traditional form of Māori narrative contain[ing] philosophical thought, epistemological constructs, cultural codes and worldviews” (p. 1). Rangihuna et al. (2018) describe Te Mahi a Atua as a therapeutic approach that utilises pūrākau featuring ngā atua. Pūrākau are shared with whaiora and whānau, followed by wānanga contextualising the challenges faced by ngā atua within the whaiora’s own lived experiences. Here the transformational power of pūrākau is through the privileging of Māori voices. Consistent with a KM theoretical and methodological focus on politicised, culturally responsive and

transformative research (Curtis, 2016; Pihama, 2001, 2010, 2011), pūrākau and Te Mahi a Atua provide the ultimate paradigm for the conceptualisation of tāngata whenua rights for mokopuna in Aotearoa.

## Results: Oranga Mokopuna

Oranga Mokopuna (see Figure 1) is based on the fan-shaped harakeke plant. A taonga in Aotearoa, as a symbol it foregrounds the centrality of whānau and relationships and is used in mātauranga Māori practices of child-rearing (Jenkins & Mountain Harte, 2011; Pere, 1997; Pihama et al., 2015). Many harakeke varieties are grown for a number of purposes, with specific cultural protocols and practices around harvesting and use. One cannot cut the rito of the plant, or the protective shoots that embrace the rito either side, because otherwise the harakeke will not survive, nor will the ecosystem that the harakeke sustains (McRae-Tarei, 2013; Taituha, 2014; Te Ratana, 2012). When harvesting the outer leaves, one must only harvest “what you need and not what you want” (Te Kanawa, as quoted in McRae-Tarei, 2013, p. 28), replacing all that is leftover near the base of the plant in order to contribute nutrients back into the soil. From the layering of nutrients within the soil over time, new life emerges (McRae-Tarei, 2013; Taituha, 2014; Te Ratana, 2012).

The fan-shaped harakeke centralises the rito/pēpē as highly prized and pivotal to the sustenance of future generations emerging from, nurtured by and protected by the awhi rito/ngā mātua (Pihama et al., 2015). Through “ensuring the rito and mātua are left unplucked . . . the sustainability of the harakeke plant [is warranted] . . . a valued reminder to protect and nurture our children, the future generation” (McRae-Tarei, 2013, p. 8). Without this nurturing protective mechanism, future generations will not be sustained. Whakataukī, oriori and pūrākau highlight that mokopuna were always:

favoured as gifts from the atua . . . from the tipuna . . . and preceded those unborn . . . because of their intrinsic relationship to these spiritual worlds, the children inherited their mana . . . they were treated with loving care and indulgence. (Jenkins & Mountain Harte, 2011, p. x)

Integral to Te Ao Māori are the cosmogonies and cosmologies of the universe, and the existence of Māori within as articulated by whakapapa. Relationships with the universe are said to be:

traced through a series of ordered genealogical webs that go back hundreds of generations to the beginning . . . this genealogical sequence, referred to as whakapapa, places Māori in an environmental context with all other flora and fauna and natural resources as part of a hierarchical genetic assemblage. (Harmsworth & Awatere, 2013, p. 274)

Royal (2009) elaborates, describing whakapapa as:

genealogies . . . and narratives . . . about aspects of the world. Through this framework of knowledge, the world is explained and all applications of knowledge and behaviours find their rationale and setting . . . there are two aspects of whakapapa: [1] an explanation of and story about the world and its phenomena [2] a paradigm or context of values and perspectives within which actions take place. (p. 48)

As Maldonado-Torres (2017) highlights, “for any decolonisation of human rights to occur, there needs to be a decolonisation of the concept of the human” (p. 1). In Māori cosmogonies, the creation of humankind through the actions of ngā atua Tānemāhuta and Hineahuone is described in the following pūrākau. It also here that the whakapapa of harakeke becomes

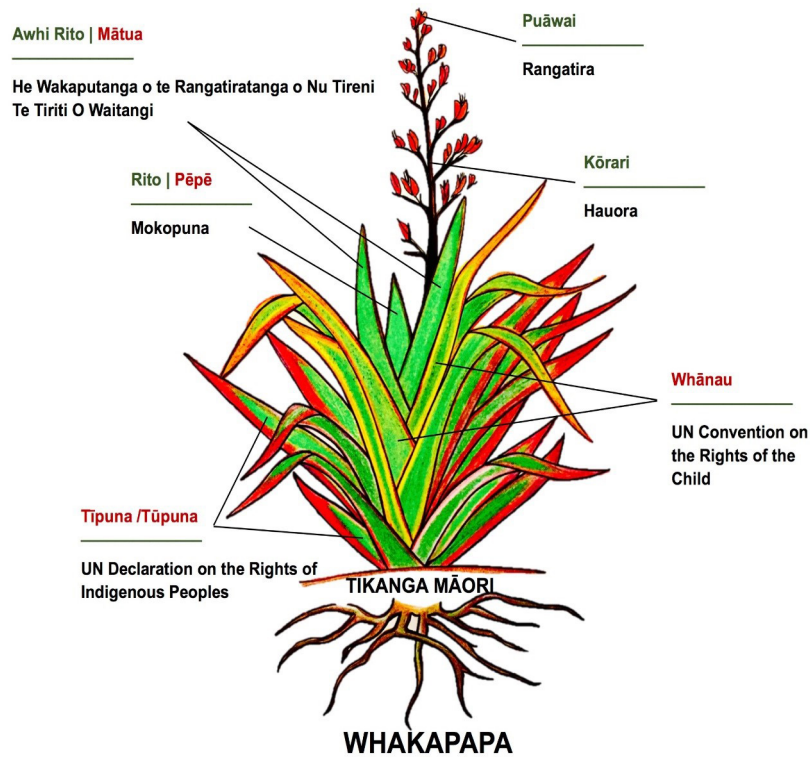


FIGURE 1 Oranga Mokopuna

interwoven with that of humanity (McRae-Tarei, 2013; Mikaere, 2017; Taituha, 2014):

Tāne, after forcing apart his primordial parents Papatūānuku and Ranginui, sought the female element to procreate the earth with human beings. In his quest, he procreated with numerous female deities producing offspring of plants and trees with their own Whakapapa. He procreated with Huna and Pākoti, and from these unions came harakeke. He then took the name, Tānemāhuta. His search eventually led him to the female element within at Kurawaka, the pubic region of his mother Papatūānuku where, from her sacred red soils he fashioned the figure of Hineahuone, and breathed life into her nostrils, the first hongī.

Brimming over with her own mana (authority) and tapu (sacredness), inherited from the divine river, Hineahuone met Tānemāhuta as a beloved companion. We are their descendants, a living legacy of their love. (Murphy, 2016, p. 48)

### ***Whenua—Whakapapa***

In Oranga Mokopuna, just as humankind was created from the sacred red soils of Kurawaka, the nurturing soils of the whenua that create life for the harakeke symbolise inherent tāngata whenua rights of mokopuna. Pere (1997) refers to whenua as depicting “the placenta embracing and cherishing the child in the womb . . . the land which is also called whenua offers one the same feeling of warmth, security, nourishment and sustenance, a feeling of belonging” (p. 22). As the whenua continues to be nourished from the nutrients of the older leaves that die, or on harvest are returned to the soil to sustain the harakeke, so do inherent tāngata whenua rights continue to be sustained.

Inherent tāngata whenua rights are derived from the layering of whakapapa, representing genealogical relationships to one another in the past, present and future, to the world,

across the cosmos, and from beyond the origins of the universe. Thus, tāngata whenua rights of mokopuna are inherent through the very existence of mokopuna within the universe as described in Māori cosmogonies. Inherent tāngata whenua rights exist regardless of whether or not mokopuna have access to their own whakapapa and histories.

### ***Pakiaka—Tikanga Māori***

Tikanga Māori form the roots of Oranga Mokopuna. Māori society enjoyed tāngata whenua rights well before Pākehā arrived, under a constitutional framework based on principles, practices, processes, rituals and knowledge (Jackson, 1988; Jones, 2016; Moko Mead, 2003) sometimes (incorrectly) described interchangeably as tikanga Māori and Māori “customary” law (Jones, 2016; Mikaere, 2007). The word “customary” in the context of rights, titles and laws stems from the common law doctrine of Aboriginal Title. Legal scholars point out that terminology defined by colonisers of Indigenous peoples is not appropriate in the context of discussing tāngata whenua constitution and laws (Mikaere, 2007, 2011). Tikanga has been defined as:

the set of beliefs associated with practices and procedures to be followed in conducting the affairs of a group or an individual. These procedures are established by precedents through time, are held to be ritually correct, are validated by usually more than one generation and are always subject to what a group or an individual is able to do. (Moko Mead, 2003, p. 12)

In the context of tikanga Māori and its relationship with Māori laws:

the traditional Māori ideals of law had their basis in a religious and mystical weave, which was codified into oral traditions and sacred beliefs. They made up a system based on a

spiritual order, which was nevertheless developed in a rational and practical way to deal with questions of mana, security, and social stability. (Jackson, 1988, p. 39)

For Māori, the normative guiding principles of tikanga Māori, having withstood the test of time, informed the “values-laden jurisprudence upon which decisions were made to settle disputes, regulate trade, ensure peace after war and reconcile all of the competing interests of human existence” (Jackson, 2010, para. 18, as quoted in Independent Observers Panel, 2012). Though processes and practices have adapted over time to meet changing contexts, and thereby requirements, a common set of fundamental core values can be considered to underpin tikanga Māori. One example is mana—spiritually sanctioned or endorsed influence, power and authority under which one is able to exercise particular rights and obligations. Another is whanaungatanga—grounded in whakapapa genealogical connectivity and embodying the centrality of relationships to individual and collective identity within Māori society, and thus accompanying rights and obligations (Jones, 2016; Moko Mead, 2003).

Jackson (1988) elaborates on the concept of rights to sanctity and thus health and wellbeing. Whakapapa genealogical linkages to tīpuna/tupuna, and therefore broader socio-political tribal networks, promoted the safekeeping of individuals by establishing “the belief that any harm to [the individual] was also disrespect to that network which would ultimately be remedied” (p. 41). Jones (2003) argues that fulfilment of rights and obligations associated with whakapapa are viewed as:

fundamentally important to all . . . and it follows that in the Māori legal system emphasis was placed on the responsibility owed by the individual to the collective. The corollary of this is that the community accepted responsibility for its members. (p. 42)

The fundamental core value of utu reinforces the importance of balance and reciprocity in the maintenance of whanaungatanga (Jones, 2016; Moko Mead, 2003), underscoring the “centrality of relationships within Māori legal traditions” (Jones, 2016, p. 75).

Mikaere (2017) has written extensively on the adverse impacts of the colonisation of tikanga on Māori, and the particularly negative consequences for wāhine, pēpē, tamariki and rangatahi. Decolonial approaches to tikanga Māori are thus of paramount importance. As Lee-Morgan and Hutchings (2016) highlight:

As is the case for other indigenous peoples, decolonisation here is premised on a belief in our own social, spiritual, economic, political and cultural knowledge systems, traditions, beliefs and practices. These traditions are not seen as a romanticised past, but continue to be a valid source for our sustainability and regeneration as a people, and at the heart of what decolonisation aspires to achieve. (p. 4)

Just as Māori individuals, whānau, hapū and iwi are all unique, tikanga Māori values and practices will vary between whānau, hapū and iwi, or may be described or implemented in different ways dependent on context. As the interconnectedness of the roots of each unique harakeke plant supports the collective, so do the values and practices of unique whānau, hapū and iwi interact and interconnect with one another under the constitutional framework of tikanga Māori. Tāngata whenua rights are thus manifest via the fundamental norms underpinning tikanga Māori (Jackson, 1985, 1988; Mikaere, 2011).

### ***Rito—Mokopuna***

The rito symbolises the pēpē/mokopuna who in Te Ao Māori are the heart of society. Their very existence within the universe establishes their inherent tāngata whenua rights through whakapapa and tikanga Māori. Yet we are all

mokopuna, and just as the harakeke leaves become older over time, so do mokopuna become tīpuna/tūpuna.

***Awhi Rito/Mātua—He Wakaputanga o te Rangatiratanga o Nu Tīreni 1835 and te Tiriti o Waitangi 1840***

The awhi rito or protectors of the rito stand on each side. Like the rito, they are never harvested and are seen as ngā mātua, representing the genealogical lines of the parents. In Oranga Mokopuna, they also represent the two internationally recognised instruments he Wakaputanga o te Rangatiratanga o Nu Tīreni (he Wakaputanga) and the Māori version of te Tiriti o Waitangi (te Tiriti). Māori legal scholars assert that Māori never ceded sovereignty to the British Crown (the Crown) in 1840 (Jackson, 1988; Mikaere, 2011). Thus, it is tikanga Māori that forms the foundation for the constitutional framework and legal system of laws within Aotearoa, as opposed to an imported and inflicted Anglocentric legal positivist system of contemporary time. The very existence of he Wakaputanga and te Tiriti are cited as evidence of this assertion (Jackson, 1985; Mikaere, 2011).

He Wakaputanga is an internationally recognised decree of the independent state of Aotearoa, the provisions of which affirm that full sovereign power and authority resides collectively with rangatira and their hapū. No other function of government or legislative authority would be permitted within Aotearoa unless appointed by rangatira:

the sovereignty/kingship (Kīngitanga) and the mana from the land of the Confederation of New Zealand are here declared to belong solely to the true leaders (Tino Rangatira) of our gathering . . . we also declare that we will not allow . . . any other group to frame laws . . . nor any Governorship (Kawanatanga) to be established in the lands of the Confederation,

unless (by persons) appointed by us. (Waitangi Tribunal, 2014, p. 175)

He Wakaputanga, of which the Māori version is considered the authoritative text (Waitangi Tribunal, 2014), was first signed in 1835 by Te Wakaminenga o ngā Hapū o Nu Tīreni (Te Wakaminenga), a confederation of rangatira from 34 hapū in Northland. Fifty-two rangatira had signed by 1840, including rangatira from outside of Northland (Network Waitangi, 2015; Waitangi Tribunal, 2014). The international instrument was formally recognised by the Crown as a guarantee of independence and autonomous rights in 1836 (Waitangi Tribunal, 2014), in addition to formal recognition by the governments of New South Wales, France and the United States of America (Network Waitangi, 2015; Waitangi Tribunal, 2014). Thus, it is he Wakaputanga that affirms that tāngata whenua rights of mokopuna exist, under the established constitutional framework of tikanga Māori.

Though only a certain number of hapū belonging to Te Wakaminenga signed he Wakaputanga, both the Waitangi Tribunal and the Matike Mai Aotearoa Independent Working Group on Constitutional Transformation (Matike Mai) discuss the critical role of he Wakaputanga in setting the context for the signing of te Tiriti in 1840. Matike Mai found that during their consultation with Māori communities:

the ideals expressed were acknowledged and respected wherever we went because it was a novel and bravely inventive articulation of an old concept and site of power. It was an adjustment to changing circumstances that was consistent with traditional legal, philosophical and even religious thought . . . It was a constitutional transformation in which Iwi and Hapū would exercise an interdependent authority while retaining their own independence. (Matike Mai Aotearoa, 2016, p. 44)



Te Tiriti forms the foundation of a contractual relationship between two sovereign nations—Māori, as tāngata whenua of Aotearoa, and the Crown (Jackson, 1985; Waitangi Tribunal, 2014). As there are two vastly different versions—the Māori version and the English version (Waitangi Tribunal, 2014)—te Tiriti is used here when referring to the Māori version, and the Treaty only when referring to the English version. It is only te Tiriti that has continually been acknowledged since 1840 by Māori as this was the actual version that over 500 representative rangatira sighted, debated at various hui, and signed with William Hobson as the representative of the Crown on 6 February 1840. The English version of the Treaty that circulated in March and April that same year was in fact unknown to the majority of rangatira. Thirty-nine rangatira signed the Treaty (at Waikato Heads and Manukau Harbour), this being the only version offered for signature, although the explanation and debate about the actual text was discussed in te reo Māori (Jackson, 1985; Mikaere, 1999; Waitangi Tribunal, 2014). Jackson (1985) points out that it is te Tiriti which prevails by means of the long-standing “contro preferentum rule” under international law (applying when there exist two versions of a treaty and disagreements around interpretation occur). The contro preferentum rule stipulates that the treaty version written in the Indigenous language supersedes the version written in the language of the colonisers (Jackson, 1985).

Te Tiriti was thus the international covenant that affirmed and further articulated the provisions already set out by he Wakaputanga. That is, tikanga Māori existing for hundreds of years would not only continue but also be protected. The Crown would be permitted the jurisdictional authority to take on the responsibility for the lawlessness of British citizens within Aotearoa, governing them in accordance with te Tiriti (Jackson, 1985; Mikaere, 1999; Waitangi Tribunal, 2014).

Oranga Mokopuna, in alignment with kaumātua and Māori legal scholars (Jackson,

1985; Mikaere, 2011; Sadler, 2015), reaffirms the long-standing position that Māori did not cede sovereignty to the Crown in 1840. This affirmation, also decreed by the Waitangi Tribunal in 2014—the Crown’s own introduced and determined mechanism for investigating grievances—leads to the astute observation that “although the Crown was almost indecent in its haste to reject the findings [of the Waitangi Tribunal] . . . [it] reaffirms what Māori . . . have been saying since 1840” (Matike Mai Aotearoa, 2016, p. 28).

In Oranga Mokopuna, he Wakaputanga affirms existing tāngata whenua rights to health and wellbeing under the constitutional framework and system of laws of tikanga Māori. Te Tiriti then reiterates and further articulates existing tāngata whenua rights to health and wellbeing under all three articles as well as the intention of te Tiriti, based upon its specific phrasing and words of the text collectively.

Under Articles 1 and 2 (kāwanatanga and tino rangatiratanga) of te Tiriti, mokopuna have the right to authority over Māori health development, design, delivery, monitoring and evaluation, and the right to self-determination over their own health and wellbeing. Under Article 3 (ōritetanga), mokopuna as taonga are specifically entitled to protections with the right to equity in all aspects, including health and wellbeing. Once inherent tāngata whenua rights derived from whakapapa and implemented under tikanga Māori are realised through the articulation of he Wakaputanga and te Tiriti, human rights depicted under the UN Convention on the Rights of the Child (UNCRC) and the Declaration on the Rights of Indigenous Peoples (UNDRIP) will develop and support rights to health and wellbeing.

### ***Whānau—United Nations Convention on the Rights of the Child***

The innermost leaves represent the whānau. In Oranga Mokopuna, they also represent the articles of the UNCRC as well as other

international human rights conventions ratified by the government. Unanimously adopted by the General Assembly of the UN (the General Assembly) in 1989, the UNCRC was ratified by the government in 1993, which thereby agreed to be bound by it under international law (Breen, 2017). The rights of mokopuna outlined by the UNCRC can be divided into those of survival, development, protection, participation and provision (UN General Assembly, 1989). For example, Article 24 of the UNCRC stipulates the requirement of governments to recognise the right of the child to the enjoyment of the highest attainable standard of health. Governments must take appropriate actions to reduce infant and child mortality, prevent disease and malnutrition, guarantee appropriate maternal health care, and ensure access to health education (Blaiklock & Kiro, 2015). The right to the highest attainable standard of health is subject to progressive realisation, and to the maximum extent possible with the resources available (UN General Assembly, 1966).

Article 30 guarantees collective rights because rights of Indigenous children must be “applied in the context of their unique cultures and histories . . . the child’s right to culture is to be exercised collectively” (Breen, 2017, p. 88). The Committee on the Rights of the Child notes that:

When State authorities including legislative bodies seek to assess the best interests of an indigenous child, they should consider the cultural rights of the indigenous child and his or her need to exercise such rights collectively with members of their group. (UN Committee on the Rights of the Child, 2009, para. 31)

### ***Tipuna/Tūpuna—United Nations Declaration on the Rights of Indigenous Peoples***

The outermost leaves represent our tīpuna/tūpuna. In Oranga Mokopuna, they also

represent the articles of the UNDRIP, which provide the supportive framework for the realisation of both individual and collective rights under the UNCRC and other international rights conventions. Adopted by the General Assembly in 2007, the UNDRIP was negotiated between Indigenous peoples and member states for over two decades. The government was one of only four member states (along with Canada, Australia and the United States) that cast a negative vote in 2007, though it did endorse it in 2010 (Erueti, 2017). The UNDRIP comprises 46 articles describing rights and the actions member states must take to respect, fulfil and protect rights (Erueti, 2017). It expands on fundamental rights articulated in existing international human rights instruments ratified by member states but with regard to the “specific cultural, historical, social and economic circumstances of indigenous peoples” (Anaya, 2011, para. 63). The most fundamental of these is the right to self-determination contained within Article 3 (Anaya, 2011). Self-determination for indigenous peoples involves:

rights of a collective character in relation to self-government and autonomous political, legal, social and cultural institutions; cultural integrity, including cultural and spiritual objects, languages and other cultural expressions; lands, territories and natural resources; social services and development; treaties, agreements and other constructive arrangements. (Anaya, 2011, para. 65)

This includes meaningful participation in the social, political and economic activities of the state, and free, prior and informed consent (Anaya, 2011). In addition to Article 3, Article 4 (the right to self-government in matters relating to their own affairs), Article 23 (the right to set own priorities and directions for development such as health), Article 24 (the right to the highest attainable standard of health, the right to traditional medicines and to the maintenance of their health practices, and the right to access

without discrimination all health and social services) and Article 37 (the right to recognition, observance and enforcement of treaties and agreements such as te Tiriti) relate directly to mokopuna health and wellbeing (UN General Assembly, 2007).

### ***Kōrari—Hauora***

The kōrari as the stem of the harakeke represents hauora. Based on Te Ao Māori holistic worldviews, self-determined health and wellbeing will flourish when mokopuna tāngata whenua rights are respected, protected and fulfilled.

### ***Pūawai—Rangatira***

In Oranga Mokopuna, the pūawai centralises mokopuna as our rangatira of today. Pere (1997) distils the word tamariki as “derived from Tama-te-ra the central sun, the divine spark; ariki refers to senior most status, and riki on its own can mean smaller version. Tamariki is the Māori word used for children. Children are the greatest legacy the world community

has” (p. 4). Mokopuna will thrive and flourish as rangatira when their tāngata whenua rights to health and wellbeing are fully realised.

Just as mokopuna are unique individuals within their own whānau, and each whānau, hapū and iwi is unique within Aotearoa, so are the harakeke who live together within their collective of interconnected roots. Te Pā Harakeke represents the multiplicity of whānau, hapū and iwi interconnected through whakapapa and interacting with one another under tikanga Māori. Like the formidable obstacle presented by the fortified pā, Te Pā Harakeke speaks to the remarkable strengths we have as a collective of Indigenous peoples (see Figure 2).

### **Discussion**

Building on mātauranga Māori informed practices and ways of being that foreground the treasured status of mokopuna (Jenkins & Mountain Harte, 2011; Pere, 1997; Pihama et al., 2015), Oranga Mokopuna provides a Te Ao Māori frame of reference for the full realisation of mokopuna rights to health and wellbeing (see



FIGURE 2 Te Pā Harakeke

Figure 1). Rights-based frameworks for children and young people exist within the health and disability sector (Blaiklock & Kiro, 2015; Children's Hospitals Australasia & Paediatric Society of New Zealand, 2011). However, whakapapa and the centrality of mokopuna within their whānau are not foregrounded, individual rights are given primacy and collective rights are marginalised, tikanga Māori is not considered, and there is no reference to the UNDRIP.

Oranga Mokopuna provides an alternative rights-based approach to health and wellbeing in Aotearoa that foregrounds whānau, whakapapa, tikanga Māori, he Wakaputanga and te Tiriti, while incorporating international human rights conventions such as the UNCRC and, specifically, the UNDRIP. It guides the required values, principles, actions and practices for the respect, protection and fulfilment of mokopuna rights to health and wellbeing. Realisation of tāngata whenua rights occur fundamentally through whakapapa and decolonised tikanga Māori. These are articulated by he Wakaputanga and te Tiriti, which stipulate the provisions for mokopuna rights to health and wellbeing. Tāngata whenua rights are then further developed by individual and collective human rights outlined under the articles of the UNCRC as well as other international rights conventions. The full realisation of both individual and collective human rights is articulated through the UNDRIP.

Oranga Mokopuna can be applied in the development, design, delivery, evaluation and monitoring of strategies, policies, systems, services and interventions contributing to the health and wellbeing of mokopuna in Aotearoa. However, as a means of resistance, transformation and decolonisation, Oranga Mokopuna proposes a fundamentally different approach and can be conceptualised as a way to reconfigure and decolonise prevailing approaches as well as an alternative that can operate outside of Crown institutions and constraints.

There are a number of considerations for

its use. Critically, Oranga Mokopuna highlights that mokopuna cannot be considered as existing outside the context of their whānau. In addition, the realisation of tāngata whenua rights to health and wellbeing are fundamentally informed by decolonised tikanga Māori first and foremost. Tikanga will vary between whānau, hapū and iwi (see Figure 2), and is thus dependent on context. Rather than a focus on romantic notions of the past, acknowledgement of tikanga Māori systems, processes and practices reiterate mātauranga, te reo and tikanga Māori as the foundation for our resurgence as a decolonised people (Lee-Morgan & Hutchings, 2016).

Additionally, Māori continue to argue that the growing body of predominantly Crown legislative discourse surrounding te Tiriti contributes to conflicting reinterpretations, leading to further marginalisation of Māori rights (Jackson, 1985; Mikaere, 1999). For this reason, the three articles of te Tiriti and the intention of te Tiriti based upon its specific phrasing and words, and of the text collectively, must be considered, as opposed to the use of Crown-defined "principles of the Treaty". Oranga Mokopuna cannot be employed in a way that disrupts whakapapa or be co-opted in ways that do not align with tāngata whenua rights. Nor can it be fragmented—Oranga Mokopuna must be applied in its entirety.

## Conclusion

Oranga Mokopuna intends to contribute positively to the health and wellbeing of mokopuna Māori, and to the elimination of health inequities in Aotearoa by providing an alternative, decolonial rights-based approach for the realisation of mokopuna rights to health and wellbeing. It is hoped that Oranga Mokopuna will challenge prevailing rights-based approaches to health and wellbeing that often assume the primacy of individual rights and leave the coloniality of key notions regarding who defines who is

“human” in human rights discourses uninterrogated (Maldonado-Torres, 2017). We hope to re-centre decolonised tikanga Māori and local rights instruments in discussions of rights-based approaches, with international human rights instruments such as the UNCRC, and specifically, the UNDRIP, developing and supporting inherent tāngata whenua rights, rather than being seen as the basis for those rights. Our vision is for mokopuna to thrive and flourish as our rangatira of today, through the respect, protection and fulfilment of their tāngata whenua rights to health and wellbeing.

### Acknowledgements

The authors would like to thank Dr Moana Jackson for his invaluable comments and feedback during the development of Oranga Mokopuna. Many thanks to Professor Richard Edwards, Department of Public Health, University of Otago, Wellington, for his supportive role in providing PhD supervision for Paula King. Ethics was granted by the University of Otago Human Ethics Committee (Category A/Reference code: 17/027). The PhD research was financially supported by the Health Research Council of New Zealand Clinical Research Training Fellowship Grant, Ngāpuhi Education Scholarship, and the Ngā Pae o te Māramatanga Doctoral Bridging Grant.

### Glossary

Aotearoa	Māori name for New Zealand
atua	deity
awhi rito	leaves that embrace the centre shoot of the harakeke
hapū	kinship group, subtribe, subnation, to be pregnant

harakeke	<i>Phormium tenax</i> , New Zealand flax
hauora	healthy, well
he Wakaputanga o te Rangatiranga o Nu Tīreni	Māori text of the Declaration of Independence of New Zealand
Hineahuone	a deity
hongī	pressing noses in greeting, to sniff
iwi	extended kinship group, tribe, nation, people, bone
kāwanatanga kaumātua	authority, governorship elders
Kaupapa Māori	Māori agenda, Māori principles, Māori ideology—a philosophical doctrine, incorporating the knowledge, skills, attitudes and values of Māori society
kōrari	flower stem of harakeke
mana	spiritually sanctioned or endorsed influence, power and authority
mātauranga	knowledge, wisdom
Matike Mai	visionary and communicator with the divine realms
mātua	parents
mokopuna	grandchild, grandchildren, descendant
ngā	the (plural form)
Nu Tīreni	New Zealand
oriori	lullaby, song composed for a child in utero
ōritetanga	equality, equal opportunity
pā	fortified village
Pākehā	non-Māori; foreign
pakiaka	roots
Papatūānuku	Earth Mother

pēpē	babies
pūawai	flower
pūrākau	cosmogonies, stories, narratives
rangatahi	younger generation
rangatira	chief/chieftainess
Ranginui	Sky Father
rito	centre shoot, young centre leaf of the harakeke
tamariki	children
Tāne/Tānemāhuta	a deity
tāngata whenua	people born of the land
taonga	treasure, anything prized
Te Ao Māori	the Māori world
Te Mahi a Atua	the tracing of ancestral footprints
te reo Māori	the Māori language
te Tiriti o Waitangi	the Māori version of the Treaty of Waitangi
tikanga Māori	customary system of values and practices that have been developed over time and are deeply embedded in the social context
tino rangatiratanga	sovereignty, self- determination, autonomy
tīpuna/tūpuna	ancestors
utu	balance, reciprocity
wāhine	women
wānanga	meeting and discussing, deliberation, consideration
whakapapa	genealogy, ancestry, familial relationships
whakataukī	ancestral saying, proverb
whaiora	unwell people
whānau	to be born, extended family, family group
whanaungatanga	relationships
whenua	placenta, ground, land

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