
HOUSING: informing action through rights and obligations

A discussion document for the development of a strategic action plan to improve housing outcomes for Māori in Auckland

1. Housing in New Zealand – a rights and obligations context in international law

Te Tiriti o Waitangi – Te Tiriti as a source of rights and the role of breaches of Te Tiriti in causing inequality.

Te Tiriti o Waitangi is a significant part of New Zealand’s constitution.

The question of housing in Te Tiriti, falls directly into the category of those things in Te Tiriti which appear to differ between the te Reo Māori text of Te Tiriti, and its English language version – hence the use of the word *version*, rather than *translation*.

In the te Reo Māori text Te Tiriti guarantees to rangatira/Māori *te tino rangatiratanga o o ratou wenua o ratou kainga me o ratou taonga katoa (sic)*.

In the English language version Te Tiriti guarantees to rangatira/Māori the *unqualified exercise of their chieftainship over their lands, villages and all their treasures*.

The subtle differences between versions of Te Tiriti – or the problem of translation more generally - are exemplified by considering the sameness or difference between the words *kainga* (sic) and *villages*. Apart from the correctness of *villages* as a translation of *kainga*, there is also a trick of words and law here, as there is elsewhere in Te Tiriti: in the English paradigm *villages* were/are not owned whereas *houses* of course were/are. For this reason the notion of *villages* being retained in the chieftainship of rangatira/Māori is non-threatening to the Pākehā legal order.

Regardless of a deconstructivist approach to Te Tiriti, it nonetheless creates a lasting foundation for meaningful relationships between ngā iwi and hapū of Aotearoa and the Crown. The modern characteristics of that relationship – which is singular on the Crown side and multi-faceted on the

iwi and hapū side, are defined by the principles of the Treaty of Waitangi as articulated by our courts.

That the relationship exists primarily at the iwi and hapū level is one of the few characteristics of the modern Māori/Crown regime that directly reflects the manner in which Te Tiriti itself was promulgated – between the heads of iwi and hapū and a single prominent representative of the Crown.

The principles are however far reaching and important. Collectively they offer a meaningful pathway to operationalize, respect, and reflect Te Tiriti today, expressed with a clarity that enables them to be understood in simple terms.

This paper highlights the alignment in principle between the human right to adequate housing and the rights of citizenship derived from Te Tiriti. But the right of iwi and hapū to be partners in Crown ventures, to be treated as equals in service delivery and receipt, and to have rights, interests, and opportunities actively protected by the Crown in regard to Crown business are all important outcomes to be protected in the housing space.

An additional complexity lies in considering the rights of Māori generally – *not* iwi and hapū, meaning either mataawaka and taurahere, under Te Tiriti. Some members of these groups will be excluded from any settlements under Te Tiriti, if they are unconnected with their iwi or hapū.

New Zealand and the Crown must also recognize and respect the financial autonomy exercised by iwi and hapū entities in particular post-settlement,

which can mean iwi members either living near or at a distance to their iwi territory, do not benefit directly from settlements upon settlement. In part, the Crown's expectation that settlements should create a sustainable financial base for an iwi plays a role in this.

The Crown promotes and possibly even requires empowered and prudent financial management among iwi and hapū, but identifying the benefits accruing to particular individual whānau in the community is difficult, and rarely arises at a scale to significantly impact on housing outcomes.

Te Tiriti o Waitangi

Te Tiriti o Waitangi is not often elevated from its domestic context and placed in the legal paradigm of New Zealand's international law obligations. It is however our first and perhaps foremost binding international law covenant. Likewise our discussion of international law obligations usually start with the 1948 Universal Declaration of Human Rights. But in dealing with the rights and obligations of citizens and states as international law, Te Tiriti sits easily in this company.

Te Tiriti promised to Māori – under international law - the retention of their lands and taonga, and the full rights of citizens (inter alia). In return Māori primarily acquiesced to shared governance with the Crown treaty partner.

In the breach of promises relating to retention of land and taonga, the loss of vast amounts of land and related taonga under the guise of (for example) confiscation, uncertain land deals, and un-ethical use of compulsory acquisition provisions at central and local government level, impacted heavily on iwi and hapū domains.

Many iwi also suffered distinct and significant economic loss through government intervention against innovative, adaptive and large scale economic activity. In addition the legal collective ownership model for Māori land established by the original Māori Land Courts in the 19th century continues to this day to complicate rather than

¹ Discussion and issues regarding International human rights and Indigenous peoples are largely

facilitate Māori development of Māori land in accordance with their own aspirations.

Modern settlements for historic wrongs and losses are progressing, but the under-value restoration these settlements represent means Māori economic prosperity is far from guaranteed through these settlements. In many cases the impact and harm of land loss on iwi, whānau and individuals is deep-seated and possibly intractable without real innovation.

Land loss and poverty peeled back to the alienation of land and taonga and policy level falsehoods about the benefits and realities of urbanisation are characteristics closely associated with indigenous populations globally.

The colonial machine and the Māori experience of colonisation were not fundamentally different to that experienced by indigenous peoples elsewhere,¹ and certainly were not necessarily different because of Te Tiriti.

Te Tiriti established certain rights and obligations, and undoubtedly raised the expectations among Māori of what the new 'colonial' and 'national' regime would mean and how it would operate. But New Zealand's colonial operating system ultimately arose in isolation from Te Tiriti. Only in the modern context has it become a recognised reference point for specific rights. The 'shared governance', for example, took literally over 150 years to find meaningful expression.

The sub-contextual nature of important western and Westminster principles like democracy played out negatively for Māori through exclusion from the vote – like a tackle both high and late, as did the sub-contextual theme of democracy: majority rule.

Citizenship is a paradigm in which equality is fundamental, meaning on one simple level equal access to state resources and supply of services and goods. Te Tiriti then guarantees that equality to Māori, in a different and prior but not too distant

drawn from United Nations Habitat *The Right to Adequate Housing*.

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way than our democracy itself and later human rights instruments guarantee it. A certain unavoidable under-achievement lurks behind each of these paradigms of rights and equality.

Importantly though Te Tiriti pre-dates and is a precedent for New Zealand's later human rights obligations arising under the League of Nations or the United Nations. In a legal sense this means our reading and understanding of our later obligations must be informed and enriched by the existing tools – the *precedent*. That is recognising first and foremost the local and culturally meaningful content of these obligations.

New Zealand also chooses to maintain a full and robust universal welfare system (social, health, education, maybe housing), as a means of ensuring a reasonable basic level of wellbeing for all citizens. As this ethos extends to all citizens *and* it is the responsibility of government, it follows that there are Te Tiriti implications, and that a form of breach arises – possibly a breach without a remedy – when any citizen cannot access a relevant and necessary service or resource.

Under Te Tiriti the government should or indeed *must* be able to demonstrate that Māori are benefitting equally from that system. But that right is also established by the existence and parameters of the broader State system itself.

Statistical and anecdotal observations consistently show Māori are not benefitting equally as citizens from our social welfare regime and through the distribution of State services and resources.

What Te Tiriti does add in an environment characterised by the competitive universalism for access created in a social welfare context, and/or racism (the conscious remnant of prior 'unconscious bias') is a lens that prioritises Māori.

It enables a recognition of significant historic breaches and grievances, and significant under-delivery against the promise of equal citizenship – which breaches both the Te Tiriti and the *thing* of citizenship itself. Finally, through an understanding of the rights framework Te Tiriti creates, and the nature and impact of breaches, it identifies

oppression and alienation at the hands of the same State system promulgating unequal access to resources and services.

The question remains *how is the State promulgating unequal access to services and resources?* The short answer is that despite Te Tiriti the New Zealand State emerged already at a distance from Māori – a necessary pre-cursor for cultural and ethnic marginalisation. Literally promulgated elsewhere in the world, the empowering legislation giving rise to New Zealand's government, shows little sign of recognition for Māori, and none for Te Tiriti.

The purpose of the New Zealand Constitution Act of 1846 and 1852 (New Zealand Constitution Act 1852 (15 & 16 Vict. c. 72)) – both Acts of the Parliament of the United Kingdom, was to "An Act to Grant a Representative Constitution to the Colony of New Zealand" (as recorded in the long title to the Act).

From both a Māori and a public law jurisprudence perspective, Acts following Te Tiriti would naturally be expected to reflect Te Tiriti based on its legal and governance terms and importantly the discussion recorded between parties during signing occasions. Te Tiriti clearly had constitutional significance to those parties and – objectively – the terms still resonate with a constitutional ring.

In addition, there is nothing subtle or reasonable in the exclusion of Māori from voting – in particular following the political aspirations expressed through Te Tiriti and during the State's early years.

The supposed debate around the proposal for the establishment of "Māori districts" provides an interesting insight into the operation of politics in the early colony. The 1846 Constitution Act provided for Māori Districts – remember this was a promulgated Act of the Parliament of the United Kingdom, but Governor Grey in New Zealand disagreed with this provision and as a result effectively side-lined much of the Act. Note he was not concerned about Māori representation or reflection of Te Tiriti in the Act's terms.

The 1852 Act (penned by Grey) provided for the same "Māori districts", but this time he

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implemented the Act widely, but kind of just ignored section 71 which provided for Māori districts. As a caricature of power, Grey's sense of authority in the refusal to implement the first Act is matched by his sense of political game playing in then promoting that same clause for political posturing, only to bury and ignore it in his governance.

The significance of this so-called early constitutional debate (it is not clear there was much debate, and Māori were not obviously a part of it) can only be measured against what the United Kingdom Parliament had in mind for Māori districts: 'districts where Māori law and custom were to be preserved.'

This idea of extant Māori political structures governing in some sense Māori districts – and the failure to implement this, adds gravity to subsequent breaches of Te Tiriti in which Māori communities and Māori estates were invaded, impoverished, and resources alienated.

In this light it is hard to characterise the government's failure to implement this provision as coincidental or indeed sympathetic – arising from the somewhat mythical colonial patronisation of indigenous people. Māori districts would have created a great complexity of political authority including a need to understand and formally recognise and the authority structures of Māori within Māori districts. And it is likely such structures would have created much more forceful barriers to the alienation of land, and indeed may have formed a basis for a layer of Māori military resistance.

The early disenfranchisement of Māori from our State system was a clear indicator of what was to come. The Crown soon moved from manipulation of United Kingdom constitutional expectations, to a clearer disregard of Te Tiriti, and many historic injustices in the form of legislative provisions and Crown actions detrimental to Māori and in breach of Te Tiriti.

It is necessary to pause on this point and consider its meaning as a reflection of Te Tiriti, or as a provision intended by the United Kingdom Parliament to promote a Te Tiriti based vision for the country.

Read today, and as objectively as possible, there is clearly alignment between the idea of Māori districts – as areas where Māori laws and customs would be preserved – and the balance between Articles 1 and 2 in Te Tiriti. These Articles create the unique but ultimately problematic balance between Kawanatanga and Rangatiratanga, as well as providing the related and inter-related guarantees of citizenship, and undisturbed possession.

Progressively, alienation from resources and institutional or systemic racism have acted to distance Māori further from the State and State resources, limiting or creating an impasse to access to resources. This distance and on-going institutional racism have been both embedded overtime and in turn emphasised and been emphasised by the increasing marginalisation of Māori, a feedback loop which acts as an additional enabler for racism. The more a group is marginalised in a dynamic sense, the more powerful the systemic marginalisation becomes.

Modern State actors have grappled with closing this gap of marginalisation in various ways, but the gap between Māori and equal access to resources and services is entrenched. Major structural changes in the public realm, such as the Waitangi Tribunal, and Whānau Ora have made an impact and serve to prove that only real, concerted, defined and well-founded strategic changes will gain any traction at all, while things like compliance, responsiveness and capability building are contextualised within the system itself and generally fail to alter it – unless undertaken with real vision and purpose for change.

The Right to Housing Housing is a human right, and in addition our social welfare system and the provision of social housing by the State both imply that universal access to housing is the anticipated norm. Te Tiriti reaffirms the right of Māori to equal access to State housing.

However, Māori access to all forms of housing is unequal, and both the State housing sector and the waiting list for State housing access illustrate a disproportionate and unequal housing outcome being experienced by Māori in New Zealand today.

In light of Te Tiriti and our democratic commitment

to universal welfare we may need to re-think what we want from our social housing stock and its provider(s), and perhaps change course to ensure this part of our state welfare system delivers against Te Tiriti, and delivers better for Māori whānau.

An important piece of this puzzle in regards to housing is recognising that social housing as a major piece of our social welfare system is drastically failing. In a context of increasing living costs, decreasing home ownership, and wages not keeping pace, the state house alone no longer

delivers whānau wellbeing – if it ever did, and if you get one (hence the earlier *maybe*).

During 2018 a Waitangi Tribunal claim is being drafted and progressed, in which claimants make a case for historic and current Crown failure through policy and practice in regard to housing for Māori.

This could lead to a better recognition of the Crown – Māori relationship increasing understood as sitting at the very heart of New Zealand's political system, the universal welfare ethos, and our housing system.

International human rights – United Nations leadership on the right to adequate housing²

Article 25.1 of the 1948 Universal Declaration of Human Rights relates to the right to adequate housing.

Article 25 (1) Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.

In addition, New Zealand governments have pledged to citizens to provide the right to adequate housing by signing up to further treaties, some general and some which aim to protect sections of the population.

The most recent is the 2015 United Nations Global Agenda where the obligation for adequate housing is in Sustainable Development Goal no 11.

A commitment to adequate housing is also included in the following agreements which New Zealand has signed and all of which have been ratified and which are therefore binding in international law -

- Covenant on Economic, Social and Cultural Rights;
- Covenant on Civil and Political Rights (1966);
- Convention on the Rights of the Child (1989);
- Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) (1979);

- Convention on the Protection of the Rights of All Migrant Workers and Members of their Families;
- Convention relating to the Status of Refugees;
- United Nations declaration on the rights of indigenous peoples (2010);
- Convention on the Elimination of All Forms of Racial Discrimination (1966).

In 2018, the United Nations (through the UN Committee on Economic, Social and Cultural Rights and in response to a submission from the Human Rights Commission) is supporting calls for New Zealand to adopt a human rights-based national housing strategy, and has asked the Government to report back to it on the matter within 18 months.

A human rights-based housing strategy requires housing to be affordable, habitable, accessible and secure in tenure, and culturally adequate.

² N 1 above.

Indigenous peoples – contextualizing international legal issues and obligations in and for New Zealand.³

According to the United Nations⁴, internationally indigenous peoples are more likely than other groups to live in inadequate housing conditions and will often experience systemic discrimination in the housing market. Of particular concern is the generally poor housing situation experienced by indigenous peoples (especially compared to majority populations), including inadequate basic services, vulnerability through displacement, the insecure tenure over their traditional lands (in New Zealand this is different and more limited and complex tenure), and the culturally inappropriate housing alternatives often proposed and provided.

Indigenous peoples suffer discrimination in almost all aspects of housing: laws and policies (including breaches of Te Tiriti); the allocation of resources for housing, including credits and loans; discrimination in the private market.

Many indigenous peoples globally still live in rural areas, they are increasingly urbanising, leaving behind traditional lands, territories and resources, and often facing increased poverty. As a result, the housing conditions of many indigenous peoples and individuals in urban areas are inadequate.

Indigenous urbanization globally, in light of a human right to adequate housing, poses a new challenge to governments, one that is highly relevant in New Zealand.

Article 11 (1) of the International Covenant on Economic, Social and Cultural Rights ensures the right to adequate housing extends to everyone. Article 2 (2) requires those rights to be exercised without discrimination.

In New Zealand the confluence of Te Tiriti and international instruments emphasise this challenge. This means indigenous peoples are entitled to enjoy the right to adequate housing without discrimination and on an equal footing with the majority population.

³ N 1 above.

For some, talking about *discrimination* in the same breath as *New Zealand* could be confronting. But then so is the Waitākere youth court waiting room on a Tuesday morning, and you can't see that when you drive passed either.

Through this analysis we eventually arrive at some simple statements that highlight what New Zealand should expect from the Crown in relation to housing our population. When we add to the mix discussion around historic Treaty breaches, and for example problems with the social housing supply chain we risk under-exposing the simple propositions international law often provides.

In New Zealand we are all entitled to adequate housing and when we are in need of adequate housing the government is obliged to provide it.

This right is established in international law, in instruments binding us and our government.

By accepting this, and the position our participation in international law affords us in the international community, we collectively agree our government should use tax and other revenue to provide adequate housing to any citizen who needs it.

Te Tiriti is an instrument of international law which – in terms of its current legal standing in New Zealand – is not binding directly on the Crown but binds the Crown to the extent that the Crown has agreed to be bound (for example in the Treaty of Waitangi Act 1975), and gives rise to legal claims when breached in either its terms or its derived principles. While this is not a normal way for an international instrument to operate, it is a way the Crown has seen as practical and one that Māori have participated in.

Te Tiriti does not mention housing. However, as far as it guarantees Māori equal citizenship the question of why Māori are over-represented among – for example – New Zealand's homeless, and under-represented among – for example –

among New Zealand's home owners, continues to arise.

United Nations guidance and leadership in the development of housing strategies – leveraging United Nations leadership on the need for a strategic approach to housing.⁵

In 2018, the United Nations special rapporteur on the right to adequate housing⁶ presented a report to the United Nations Human Rights Council making a strong case for the development by national governments of national housing strategies based on human rights and the right to adequate housing.

In particular the report explicitly clarifies 2 points highly relevant in New Zealand. Firstly, the report explains the position that any national strategy not based on the human right to adequate housing, achieving that outcome, or on adequate housing as a human right, will not achieve the goal of that right being extended to all citizens. In New Zealand for example, the relationship between the State and citizens is characterised by a high level of scrutiny driven by the media. The result is that government's communicate very carefully about investment decisions, and in particular tend to focus in their communication about existing programmes where success is demonstrable, rather than gap analysis, the acknowledgement of issues, and recognition of unmet need for resources and services.

A human rights based approach can challenge that by continuously elevating the unmet need,

and the stories of whānau who experience that circumstance, as a breach of rights and of international obligations requiring remedy. A strategic approach recognising this must ultimately include a package of direct actionable remedies where a breach occurs and is made visible to the Crown.

Secondly, the report – in calling for the design and promulgation of national strategies based on human rights – sets out a detailed description of what a strategy is, how strategies work, what they achieve, and importantly, how it is different from policies and programmes.

By supporting the implementation of both these approaches – the development of a human rights based strategy, which avoids the pitfalls of being too much like policy and sits appropriately in a coordinating role, we could see the evolution of a genuine New Zealand housing agenda, enable us collectively to observe and understand New Zealand's housing system, and support the government to set a clear direction to achieve universal access to housing as a human right along with other services and opportunities

⁵ Report of the Special Rapporteur on adequate housing as a component of the right to an

adequate standard of living, and on the right to non-discrimination in this context, January 2018.

2. Housing for Māori in Tāmaki Makaurau - rights and obligations in action

Why do we need a strategic action plan to improve housing outcomes for Māori in Auckland?

New Zealand is a country in which the state is a provider of housing, with an underlying ethos of protecting and providing for social welfare on a universal scale.

It is a benchmark of democracy that state services must in the first instance be shared equally, and likewise the prosperity of the nation should be shared equally in so much as that prosperity flows through or is influenced by the state.

The Crown's role in housing is affirmed under Te Tiriti o Waitangi and through a range of international instruments to which New Zealand is party or has agreed.

The Treaty plays two very different roles in this system. Te Tiriti guarantees this equality of access to Māori as equal citizens under the terms of Te Tiriti. But Te Tiriti was also breached in significant ways in particular during the 19th century, and as a nation we are now grappling with how to remedy those wrongs within today's social and economic context.

Treaty settlements are one way in which state resources are being shared with Māori in a way that they are not shared with others, in an attempt to make up for years of deprivation and harm. In today's social context there are also ways to provide services and opportunities specifically to Māori based on the Crown's on-going Te Tiriti obligations. In addition, into the future the Crown must recognize and implement continual improvements in the equality of service provision and the ways in which our countries prosperity is shared, to reflect the Te Tiriti relationship.

Te Tiriti then provides a globally unique framework through which housing and current state provision can be viewed. On the one hand this is rights and obligation based, in accordance with the original terms of Te Tiriti. From another perspective there is

a complex Treaty settlement framework and on-going oversight by the Waitangi Tribunal of historic and current claims of breaches – this deepening context includes significant jurisprudence and the legal development of relevant principles in our highest courts.

Finally housing and current state provision can be reviewed through an international law lens, and reflecting that any breaches of international instruments may give rise to breaches of Te Tiriti.

Given this context we can begin to answer the question why do we need a strategic action plan to improve housing outcomes for Māori in Auckland.

Te Tiriti helps us to focus in on a rights-based approach to housing in New Zealand – which social housing fundamentally is regardless of Te Tiriti. It helps us focus on the general Crown *obligation* to provide access to adequate housing.

In this light, we are also drawn away from attempting to solve the multi-dimensional problem of housing supply. This would be extremely problematic in an environment in which the issue of supply was not considered and addressed by other appropriate parties. Supply is, however, being addressed in ways that include iwi and other Māori parties, and which those developing this strategy cannot not progress more efficiently.

In Auckland, increasing supply has been debated hotly for a number of years. The most recent local solutions proposed were the Mayoral Taskforce on Housing, and the Auckland Housing Summit proposed Collective Impact project on supply and affordability. Neither of these – for different reasons – have made much progress. The Taskforce has reduced transparency of late and understanding what is and is not doing is difficult. The moment in which the Collective Impact project seemed to be gaining traction turned out to be exactly the moment traction was lost – when all the political players were at the table, in public and

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making the right noises, but momentum was subsequently lost.

Fortunately, an entity with consistent large-scale supply credentials has been engaged to roll out the government's housing programme in Auckland providing a level of supply certainty which Auckland desperately needed.

We are confident the government will maintain its current focus on housing and related activity. While we recognise the gravity of the challenge the government has set for itself in KiwiBuild and the Auckland Housing Programme, we believe that the Labour Party's pre-election policy and election promises, along with affirmations made in government, ensure that the government is indeed doing all it can to promote supply. Moreover, it is now firmly in the government's best interests to do so, and indeed many consider the government's achievements in housing supply will be subject to critical review in the lead-up to the next election in 2 years' time. We literally see the Auckland Housing Programme progressing at scale and pace, and therefore – while always asking if it is as good as it could be – consider supply itself is being addressed.

Putting supply to one side is directed by taking a rights and obligations approach to housing. In highlighting the Crown's various obligations to provide for our collective right to adequate housing, we simultaneously relinquish responsibility for supply and leave that up to the Crown.

Again, this would be problematic if it left this strategy in a precarious position. However, instead of precarious, this strategy sits in a coherent, critical, informed and innovative position. We have been asked to develop our work in reference to and by developing an approach to housing based on the concept of *kāinga*. According to all of our stakeholders, including key Ministers (Minister

Mahuta and Minister Twyford), this concept invokes ideas like whānau wellbeing, safety, security, and connection. We don't achieve these outcomes through supply alone, but through culturally responsive and critically informed design of communities and housing, effective services, caring for whānau and their needs and the elevation of social housing in the context of the Crown's housing obligations.

In short, we become focused on better social outcomes *through housing*, and we consider that this approach will better harness public/Crown resources for all New Zealanders and Aucklanders accessing Crown originated services.

For example, if we are able to influence Crown services for Māori tenants of social housing for the better, working models emerge that can be applied for the benefit of all social housing tenants.

If we are able to influence the Crown to employ shared equity models accessible to our lowest income Māori whānau in Auckland, the process of addressing those legal and political barriers should mean – in accordance with the principle of sharing our prosperity equally – other low-income families can also benefit.

The particular circumstances that apply to housing for Māori in Auckland create a compelling case for change, but such changes are likely to be far-reaching enough to have a much broader impact.

We think this provides a sound strategic and political basis for progressing a strategic action plan to improve housing outcomes for Māori in Auckland.



So how do we capture this context and move towards better housing outcomes for Māori?

What are the key opportunities? Where do we go from here?

Turning context into direction – examining service delivery options through the rights lens

As discussed we are treating housing supply as out of scope for this strategy. One exception to this is that this strategy is likely to call on the government to put in place lasting direction to Housing New Zealand to maintain development pace with demand, once the current under-supply for is addressed.

In excluding supply, the proposed strategic action plan to improve housing outcomes for Māori in

Auckland illuminates a constellation of opportunities in the areas of social investment, *whānau ora*, and social outcomes. And it is in these areas that this strategy finds alignment with direction received from stakeholders in this strategy and from Ministers -that is alignment with the concept of *kāinga* and the need to focus on whānau wellbeing outcomes achieved through safe and secure housing.

Services and access that reflect Te Tiriti o Waitangi

Services relating to housing and access to housing that reflect Te Tiriti must reflect and consider the terms of Te Tiriti and our understanding of them, context of grievances, settlement, the question of what additional specific rights Te Tiriti creates for Māori, the highly developed principles and jurisprudence on Te Tiriti, the Crown's on-going development of substantive compliance, and the elevation of Te Tiriti in the public sector.

The final two parts relating to the Crown's substantive compliance and the elevation of Te Tiriti in the public sector are presumed or indeed

recommended to be the subject of change over time. This reflects on-going jurisprudential development, the emergent school of thought around *post-settlement relationships*, and takes into account the fact that Crown agencies themselves take time to develop new modes of recognition of and compliance with Te Tiriti. The subtext here is that while we have had Ministers of Treaty Settlement for some decades now who have completed numerous settlements with iwi Māori, the actual compliance of Crown agencies *on the front line* has to date been something separate and different.

OTHER ISSUES

| What would change for Crown actions and services for whānau who need or want them to be considered more meaningful from a kaupapa Māori perspective? |

| How can Crown funded services be altered to more meaningfully contribute to whānau flourishing and reaching their potential? |

| The international legal context takes us beyond abstract or narrow obligations and provides clear and strong guidance on what the *contents* of the rights to and obligations in regard to housing are. How can this context help promote better housing outcomes for Māori in Auckland? |

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