

Bicultural practices? - self determination and hyperlocal planning in Vogelmorn, New Zealand

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ABSTRACT

This paper aims to open a discussion about how urban and suburban commoning practices in New Zealand, largely driven by European influences, might meet at a conceptual and philosophical level, with the direction expressed by māori in a recent review on constitutional transformation, He Whakaaro Here Whakaumu Mō Aotearoa, also known as the Matike Mai Report (Matike Mai 2016). This report was written after three years and 252 hui (meetings) with māori by māori throughout Aotearoa New Zealand considering alternative forms of constitution.

I will specifically examine a case study of a suburban, former bowling green and surrounding precinct in Vogelmorn Wellington, New Zealand as a site of commoning in action, one currently undergoing spatial and legal transformation through the work of its largely white-skinned (pākehā, non-māori New Zealander) neighbourhood in which the author is an embedded community member. A co-governance model has been set up to develop and care for the green. The wider neighbourhood's decision-making has been developed alongside two years of participatory design workshops and an ongoing distribution of responsibility through largely non-hierarchical structures, and online decision-making tool Loomio.

The existing municipal owner of the green, Wellington City Council, supports community co-governance at Vogelmorn and the emergence of what it terms 'hyper-local' planning tactics by funding the community's spatial transformations. Hyper-local planning involves decision-making below the municipal level. The Vogelmorn project is considered as a benchmark in community participation for Wellington city, laudable for sharing common assets.

This paper considers how the evolution of this hyper-local work fits within the specific context of constitutional thinking of contemporary Aotearoa-New Zealand. In the 2016 Matike Mai report, the definition of constitution includes "...the way in which a community sets the rules and how the people should abide by them and live amicably together." Matike Mai proposes alternatives to the current colonial Westminster model. These models work within values of tikanga (or protocol), community, belonging, place, balance, conciliation and structure; many values akin with European and Anglo-American commoning practice discourse.

Writing from the position of actor in the Vogelhorn community and as a pākehā researcher, wanting to acknowledge the extensive influence māori practices and philosophies have had in my understanding of land, this paper aims to begin dialogue or *korero* between forms of community-driven, hyper-local projects and broader, legal discussion about wider constitutional concerns for New Zealand, in the context of commoning.

The paper will be in three parts: a summary of the emerging Vogelhorn community project including governance; secondly, an overview of recent land reforms and proposals including the Matike Mai Report and thirdly, an opportunity to explore further questions around the relations between the two.

INTRODUCTION

I come as pākehā (white New Zealander) born in Wanaka, Otago New Zealand. I learned to swim in the Motutapu river and roam wild in the Cardrona valley. Tititea, Mt Aspiring is the mountain we looked to. Members of my father's family arrived into New Zealand from Nottingham in 1879, displaced as lace manufacturers by industrial developments and global competition. They settled in Mangonui, Northland on land that was given them by the NZ government but which turned out to be unsuitable for farming or development – being mostly mangrove swamp. Since then our family has lived spread between Auckland and Otago. I call Otago home, but have lived in suburban Wellington for the last twenty years. I am proud to be tangata Tiriti (person of the treaty), belonging to this land.

This paper is an experiment in interweaving a discussion of the process of contemporary self-determination and commoning, with broader conversations about land governance in Aotearoa New Zealand. This serves as a broad gesture toward dialogue and an offer of solidarity to communities wishing to exercise self-determination particularly around suburban land. It draws together a working knowledge of a community in action within the context of a country emerging from the settlement of issues that came from a breached Treaty. It is written in the spirit of *kōrero*. *Kōrero* in te reo māori means dialogue or conversation - both as a noun and as a verb: to dialogue. This paper includes the perspective of a pākehā offering reflection by navigating and documenting the emergence of her own community's self-determination, writing as a curator and activist in landscape and commons.

The paper draws on five years' experience of the Vogelhorn case study as a 'descriptive case study' (Yin 2003), interviews with Vogelhorn stakeholders (including Trustees, neighbours, conservation groups) and the study of Matike Mai report: He Whakaaro Here Whakaumu Mō Aotearoa, (Jackson and Mutu 2016).

Importantly it also brings 14 years of absorbed learning from the open sharing of Māori tikanga (protocol) from marae (traditional community bases) around Aotearoa New Zealand.

New Zealand is nominally a bicultural nation established by The Treaty of Waitangi signed in 1840 between the Crown (namely Queen Victoria of Great Britain) and more than 500 Māori chiefs. However, the earlier Declaration of Independence, He Whakaputanga (1835) is regarded

by some scholars and activists as the more authentic voice of multiple māori tribes who came together to declare themselves a nation that could negotiate with the colonial powers. For further context see The Declaration and the Treaty from the Waitangi Tribunal (Tribunal 2014).

There has been substantial desire for constitutional reform within a post-Treaty of Waitangi settlement process. The Treaty of Waitangi was breached by the crown in multiple and successive cases. Redress for māori peoples has been undertaken in a systematic way through a dedicated agency, the Waitangi Tribunal, since 1990.

From a pākehā perspective there is a growing awareness of māori values, tikanga (protocol) and language within government and large institutions such as Universities. Most leaders in Aotearoa New Zealand are expected to be familiar with tikanga and speak some *te reo*. My host University, Victoria University of Wellington provides all staff with documents on tikanga and provides words for the waiata (songs) in *te reo māori* that are to be sung as representatives of the University.

I will now describe the Vogelmorn case, and the Wellington Council consideration of 'hyperlocal,' then consider the context for a change in legal status for Vogelmorn: national shifts toward self determination of both land and people, particularly, the Matike Mai report which proposes constitutional transformations. In the final section I draw connections between the Vogelmorn search for self-determination and bicultural practice.

Commoning at Vogelmorn



Figure 1 Plan of Vogelmorn Precinct (C/o Co-op cooperative)

Figure 2 Volunteers on a working bee at the Vogelmorn Green with Bowling Club in background (IMAGE: S Jerram)

We move to the suburban boundaries of Wellington New Zealand to a case study (Yin 2003) descriptive of commoning- involving a collective of people voluntarily working on a bounded site toward the greater good of a community. As a volunteer Trustee of the Community Trust that drives much of the activity on the site, I have an embedded view of this case as a researcher.

As a community member and precinct steering group member my role has been fourfold: to prompt the purchase discussions of the Bowling Club (2014), to negotiate with the club's former owners (c2015), to co-produce workshops with the wider community, and finally to lobby local councillors and the council about ongoing support for the Green development (2015, 2018).

This case is described in four ways - considering site, community relations, the tools of commoning, emergent principles and activities taking place.

Site

Vogelmorn Precinct is a recreational site in three parts; consisting of a Hall, built in 1926 and owned by City Council; a former Bowling Green (currently owned by Council and community-managed) approx 28m square, and a Bowling Club built in 1947 (owned under *fee simple* title by the Vogelmorn Community Trust and currently run as a community space). The Club building is considered in poor repair and earthquake-prone. Between 1947 and 2013 the Bowling Club and Green was used exclusively for the dedicated to the game of Lawn Bowls and the socialising of Bowling Club members. When membership started to decline, Bowlers attempted to bring in community members; this was not achieved to a sustainable rate. The Bowling Club has since wound up and the Green is used as a shared space.

The site faces north-west; it receives all-day sun, and is exposed to the prevailing wind but enjoys protection from the colder southerly wind, tucked under a crest of the south-east spur of Brooklyn. The site runs down to Happy Valley in the west; it is considered to be in the "Owhiro Stream catchment". Mornington Road, runs beside the site and is wide enough for parking on either side as well as easy flowing traffic in both directions. It is a main suburban road formerly created for trams, and now considered to be a good gradient for bikes. The hill falls off steeply from Mornington Road and is covered with suburban housing, and much bush, of native and introduced varieties.

The Bowling Club building has a number of different spaces within it: for cooking and eating; for dancing and theatre performance or meeting; for socialising- meeting - drinking, and a smaller space for about 8 people co-working. The Hall building, in contrast, is made of one large room with a stage. It has a kitchen that opens into the main space but does not really permit more than one activity at a time. It also currently faces toward the street, with its back to the Green.

The land is good for gathering of people, free from cars, used as both formal and informal meeting space. It is described by local conservationist Martin Payne as like the 'stage' upon which the community performs (Payne 2019), for playing formal and informal games, for children learning to ride bikes, for trampolining and for fleamarkets.

The hilly suburbs of Wellington do not easily afford flat spaces for games and biking so one of the attractions of this space as a village green is its (highly modified) flatness. One neighbour describes the reason for buying into social housing next door in 2015 was the ease of the flat green for her young children and the sense that there was something 'going on.'

“I could sense something happening in the community... I liked that for whatever reason there was a pull toward something, that there was a community, something drawing people, a focus.” (Osborne 2019)

Bek Osborne, neighbour of the Vogelmorn Precinct, user of green.

The largest project the community faces is the rejuvenation of the green - in particular revealing the green to the street through the improvement of entrances and the treatment of residual poisons from former bowling green maintenance. In October 2015, - local architects Cally O’Neill, Sam Donald, and Nick Mouat proposed – and had agreed - a participatory design process funded by Council. Three workshops undertaken in 2016-2017 produced plans for the green being manifest slowly – moving at the speed of trust - through working bees and volunteer management. ¹.

There is value in having (the Green) enclosed... Is there a way in which we can have it safe but visually welcoming? (Osborne 2019)

In these workshops the green space emerged not only as a site for play but also for emergency shelter. A series of earthquakes between 2010-2016 alerted New Zealand to the potential for sudden change. The top interests for activities from the participatory workshops had a resilience as well as social theme: skill-share workshops, first aid and seasonal markets, café and games evenings, aimed at to thrive through fair weather and disaster. In 2019, seasonal markets and a café run regularly. Other events happen as volunteers have the time.

Community relations

Formal community facilities in Wellington are predominantly run by local government staff or are contracted to Council, produced as a ‘service-delivery’ model. That is, local governments determine what these sites are capable of delivering and pay community providers to produce it for wider benefit. It is unusual to have a new group emerge to be jointly responsible for another asset in a suburban city location without financial benefit to its members.

The Vogelmorn Community Group (VCG), largely formed by pākehā artists and creative practitioners, negotiated for months to get access to the Bowling Club. First point of access by the creative community was the hireage of theatre wardrobe space in the building by Barbarian Productions. It took another year of discussion, and negotiation and paying rental before the VCG gained ownership of the former Bowling Club building in 2016.

¹In a time of rapid emergence of the climate emergency, self-determination for the Vogelmorn community is linked to the ability to sustain oneself and one’s community without reliance on central government structures. International refugee crises, climate events as well as the local earthquakes have sharpened the broader Wellington resident’s mind. Wellington is situated on a known earthquake fault, and most of the city’s water is transported 21 kilometres in a pipeline to reach the city. Self-reliance seems like a necessary insurance for post-disaster survival.

There was, however, significant resistance to a new group emerging in the suburb and several forces (including former bowlers) attempted to block the Vogelmorn Community Group from gaining access to the club. When the building was being rented by VCG, a more established community organisation erected a fence to keep the users of the club from using the green.

A factor part of the negotiated ownership was enabled by the of maintenance relationships within the local community. For example, in order to gain access to the building, much discussion and petitioning had to occur between a Foundation that was set up to dispose of the building, and the Vogelmorn Community Group.

Jo Randerson, Barbarian Theatre director speaks about the moment when the responsible Foundation decided to sell the building to the Community Group for NZ\$1000 (plus NZ\$26 000 of subdivision costs).

“It was a ‘Game of Thrones’ moment when we met with a member of the Foundation who said “you know I won’t be smiling at you in the meeting tomorrow – but I’m with you” – and we (VCG) had to stand up and say ‘we can do this.’ It was transformational - the moment from wildly throwing cards out in all directions – from ‘we can save the Hall’ to ‘let’s take over the Bowling Club’ – and this one emerged like a comet – things formed around it... we had to become adult at that moment. The vision is evolving shifting and being shared – it’s a genuine work in progress...(Randerson 2019)”

The VCG has since promoted both the clubrooms for common usage, as a common space, in distinction from the former membership model. The Community Group’s ownership and provision of service are an atypical ownership structure for community facilities.

The Wellington City Council, which exerts a title of ownership on the Green and Hall noticed the emergence of the community, in particular the organising and collaborating necessary in commoning. Senior Manager Jenny Rains:

“The VCG already had like-minded people and already had a collective way of generating and delivering community actions...and almost activism; which is what a healthy community should do – I’m convinced of that- ... they were well educated politically to understand that actually there were great opportunities to use political processes to make things happen – which it did.(Rains 2019)”

Tools of commoning

What tools and methods does the Vogelmorn Trust and wider community bring to the project? As well as political opportunism as expressed above, some of the Community Trust had past experience shared history -of artistic expression in unused spaces and distributed decision making which provided some confidence in the group.

“You start from the small corner of the mat that’s afforded to you – you know you’re going to get the whole mat – but it might take a few years – it goes - thank you so much, thank you for the corner, thank you so much...(Randerson 2019)”

Loomio, an online open source software used site for discussion has sped up the decision making for the group. It does this by allowing threads to be opened for new decisions without a committee having to meet.

When the community in person meets to make decisions, the practice of the group is to meet a shared circle. The practice of working in a circle is familiar to some from Occupy or Green politics; for others from meeting on marae at *hui* (meetings).

Monthly operations meetings for the Community Group are open for anyone to attend to suggest new uses and developments for the club. The openness of this offer is unusual and attracts new participants every month. The largely volunteer run governance means that the meeting postings are somewhat haphazard. Through artistic experience, there is some degree of forgiveness in the looseness of the group's organising.

The booking and administration of the Bowling Club was firstly run by resident theatre company, Barbarian Productions who use office spaces within the building and exchanged their rental for administration. However, as the burden of administration became greater, a dedicated role was created, firstly done (2017-2019) by a Trustee, paid for some of his time, and more recently by an independent contractor who has experience with art, health, community and running a marae site in Porirua.

The tensions of operating multiple sites in an organic way came to light in a recent operations meeting where a Trustee noted that "leadership and direction from trustees is needed between arranging to operate a facility - versus responding to community needs. Operating more efficiently could come at the expense of fun and enjoyment."

Principles and activities at Vogelmorn

In June 2019, a visitor to the Vogelmorn visiting on a mid week morning might find an array of activity: parents with young children enjoying the sun, a café offering cakes and coffee and space for people to meet and work; a theatre company rehearsing upstairs, and an administrator taking bookings for community dinners, fundraising events or specialist communication courses.

Anyone with access to the internet who has an interest in using the Bowling Club or Hall space can see the calendar and apply online to book a space for a nominal rental. Preference is given to artistic and not-for-profit community projects rather than commercial activities. This style of offer requires the potential user to have initiative, be independent and comfortable with the community driven approach as very little hand-holding is done.

In a recent and successful pitch to run the Vogelmorn Hall in addition to the Bowling Club and in recent public submission to Wellington Council, VCG members offered:

We are learning about self-determination... It is slow sometimes because we are taking everyone with us. VCG are helping to nudge the model of Council delivering services to communities, to one of community being

empowered by Council to deliver services for itself. We are empowered as a community to take ownership of our own direction, which we hope Council supports and encourages.

It is notable that the case for the Vogelmorn community's self determination is being made in relation to a potential funding body from whom the group is seeking support. A kind of pragmatism feeds principles of inter-dependence rather than bloody-minded independence.

Municipal processes and the hyperlocal

One of the formal aims of Vogelmorn Community Trust is to “ensure public commons, including open outdoor spaces, buildings and other shared places are secured, used and enhanced for this purpose(Government 2019).”

Through interviews with Wellington City staff, *commons* emerged as a term regarded as was ‘somewhat historic.’ In the interests of both staying in relationship with, and writing about the interests of, the Council, I follow the lead toward a concept which in effect, creates similar relationships; relationships of devolved power - that of the ‘hyperlocal.’

In recent literature, hyperlocal planning involves decision-making below the municipal level (Cowie et al. 2016). Closer to Wellington, in Queensland, Australia, Kirralie Houghton suggests that hyperlocal planning provides a more care-based approach. She says that hyperlocal advocates argue for “urban revitalization to begin at the hyper-local level, advocating a targeted (small-scale) approach to “healing” the (large-scale) malady of urban decay... that large-scale revitalization projects are both less effective and increasingly less feasible as municipal budgets tighten (Houghton and Houghton 2015).”

The definition here is that being utilised at a policy and operational level by Wellington City Council. Senior Manager Community Services Jenny Rains, uses the term hyperlocal to encompass local resourcing and community ownership.

“...The hyperlocal is all about using the resources that you can locally and delivering it locally. At Council level it requires support of community ownership of decision making, a real commitment to co-design and community participatory budgeting”.
(Rains 2019)”

Hyperlocal planning involves mechanism through which a self-determining community could develop and manage its shared assets. The Vogelmorn project is considered by Rains as a benchmark in community participation for Wellington city, sharing non-private assets.

Rains, describes how Council view the group's function:

“There is an overarching premise -... a connected local community who have a common interest in working together for the betterment of their lives; the wellbeing of that local community - and not selfishly – that is ‘the local community’ whether everyone's involved or not - that's the fundamental attribute—and from that, that group has used the skill sets and the strengths – and helped build up the real local network – and that has a way of that collective impact and compounding the

benefits. I think that has translated into being able and strong enough to pick up the opportunities - to pick up the Bowling Club, think about the green space, think about the other spaces...and that's the beginning of that growth actually it's become a presence that can only grow from that.(Rains 2019)"

More explicit protocols around how to manage funding and responsibility are still emerging for Vogelmoor. The how, why and who of leadership on the wider Precinct is also still forming.

The question that emerges however, is, how this sense of self-determination, toward what might be called hyperlocal or commoning in a European context² can be held while Māori claims to land are unresolved and uncomfortably inequitable. Rains reflects that whilst the term hyperlocal is useful from a local government perspective, less consideration has been given about how it relates to māori.

"Ultimately local authorities are charged to deliver community outcomes. The way it is at the moment, it's very much a managed process rather than a co-design process. Even the district plan – it really does not give community much say in this. As I speak we don't know how to address iwi concerns... in Wellington – we need to think about that. One doesn't want to pay lip service..."

There is currently a gap for integration of thinking about supporting community ownership of decision making for all people.

PART TWO

Recent land reforms –and conceptions of self determination.

Māori and Pākehā responsibilities and relationships with land have been generally run as uneasy and separate systems. The ontological perspectives embedded in land traditionally are quite distant from each other.

For traditional Māori custodians of land, the land and other species are guardian - *kaitiaki* and the people, *kaitiaki* of the land in return. It is a reciprocal relationship embedded in mutual respect. From the Waitangi 262 claim, concerning the place of Māori culture, identity and traditional knowledge in New Zealand's laws, and in government policies and practices, the notion of guardianship or *kaitiakitanga* is defined.

"Kaitiaki...can include particular species that are said to care for a place or a community, warn of impending dangers and so on every forest and swamp, every bay and reef, every tribe and village – indeed, everything of any importance at all in te ao Māori – has these spiritual kaitiaki . But people can (indeed, must) also be kaitiaki in the human realm, those who have mana ... must exercise it in accordance with the values of kaitiakitanga – to act unselfishly, with right mind and heart, and with proper procedure . Mana and kaitiakitanga go together as right and

²Inspiration toward alternative models in European settings has come from Italy (such as the Bologna Regulation on the Commons) and Galicia where land is regarded as being 'held' by communities rather than owned as well.

responsibility, and that kaitiakitanga responsibility can be understood not only as a cultural principle but as a system of law . (Tribunal 2011).

In contrast, for white settlers in New Zealand, dating back from the arrival of the New Zealand Company in 1840, a history of colonial development driven by a 19th Century post-enclosure period, drove a thirst for individual property ownership. Inheriting the British system of land management resulted in the duopoly of private, vs public (municipal or state) ownership. Very little shared (community) ownership or holding has been experienced by pākehā: co-housing and other forms of collective ownership in residential settlements amongst private actors have until recently, been rare. Non-state institutions such as Church settlements and Land Trusts have featured in the 19th and 20th Century development of land but private actors working together for the recreational sites are less prominent in land holdings.

Self determining land reforms

In the past five years, however the New Zealand Parliament has enacted significant pieces of legislation that offer alternatives to individual ownership of land.

These land reforms have changed the status of certain settlements and sites in both a legal and symbolic way. The legal acts of Te Urewera (2014), Te Awa Tupua (Whanganui River Claims Settlement) Act 2017 and Taranaki (pending) have individually brought about new constitutional and delivery mechanisms for legal personality to geographic forms.

As Acts of Parliament, these pieces of legislation have had more than legal agency; they have had a strong narrative and social resonance for scholars and activists. Through the popular press, they have generated international academic tourism and elevated a Māori world view. Quoted in international media, māori leaders are now world authorities on the agency of land³.

The idea of a land “that owns itself” has caused a mini flocking to New Zealand by environmentalists and researchers keen to take part in this restitution of land. The self determination, or agency of land is an inspiration for communities as well as those who argue for Rights of Nature⁴.

“This feels like a new form of relationship we have to land.(Rains 2019)”

³ <https://www.theguardian.com/world/2017/dec/22/new-zealand-gives-mount-taranaki-same-legal-rights-as-a-person>

⁴ Many assume this legal personality leads to a ‘Rights of Nature’ approach (Kauffman and Martin 2017b; Kauffman and Martin 2017a; Iorns Magallanes 2014). I would argue that Rights to nature, like Rights to the City, potentially provide an adversarial model for descriptions of land. Italian jurists Mattei and Quarta argue convincingly against the language of rights, because they reinforce the Cartesian division between subject and object, and individualise, or atomise our relationship to land /the city.

How does this thinking be applied to land that is predominantly run by Pākehā? Or does it apply only to significant sites outside cities, or on land that was under threat of alienation?

This work at Vogelhorn has clearly led to other forms of kōrero in our country and to consider models that bring forward this idea of self-determination of both land and people. Other pākehā activists and academics have drawn my attention to the significance of the Matike Mai hui and report that summarises 3 years' worth of māori-māori discussion.

Matike Mai

“Self determination is just a reality which our tūpuna (ancestors) lived everyday. It was real because they did it and they would literally fight to keep it” (Matike Mai report).

The process of writing Matike Mai, which took 3 years to compile during a nationwide tour to Māori communities for hui (collective meetings) seeks a deeper level of self-governance for communities. Jones writes about māori constitutional traditions being shaped by the aspects of tikanga - (protocol) which “speak to the exercise of public power and the relationships between the institutions of public power and the interaction between those *institutions and members of the community (Jones 2016)*” (my emphasis).

Much has been written about reform to the New Zealand “constitution” and the impact of the Treaty in terms of legislative processes, or the benefits of republicanism versus systems of monarchy (Palmer 2008; Palmer and Palmer 2004; Palmer 2013; Harris 2004; Rishworth 2016). A Constitutional Advisory Panel was established by the National Government in 2012. Geoffrey Palmer and Andrew Butler recently revived the idea of a written constitution via a website campaign and a book (Palmer and Butler 2016b, 2016a).

Matike Mai addresses the idea of constitution as a broader shared philosophy, interrogating the need for a separate governmental system from the people that are being constituted.

Hickford and Jones discuss the dearth of writing about Māori constitutional thought and practice; which highlights the value of Matike Mai Report as an accessible and powerful discussion of self determination (Hickford and Jones 2018).

The Matike Mai report “suggests that the post-Treaty environment is still based on a colonial constitution - which derives from a 16th Century idea of the ‘Chain of Being’. In this Chain of being only 'civilised' beings can be sovereign. Matike Mai seeks to redress this through constitutional reform, toward self governance (Jackson and Mutu 2016).”

Chair of the Matike Mai Report, Moana Jackson, in a later interview with Helen Potter, speaks about the abstract notion of constitution and how it was understood by people.

“While our people might not use the word ‘constitution’ every day, they have a really clear sense of powerlessness. They know that if one of the top priorities in their life is putting food on the table for their kids, they know the reason they can’t do that is because they are

powerless. They know they do not have the power to make the decisions about those things. (Jackson 2017)."

The Matike Mai report posits that a constitution is an expression of the structures and procedures as well as values that govern a community. "Government is the process that people choose to regulate their affairs and a constitution may be understood as the code they use to describe how government will function. A constitution is also the *kaupapa* or set of rules that a community sets about who can make the rules and how the people should abide by them and live amicably together.(Jackson and Mutu 2016)"

Matike Mai hui were held in local communities on tribal marae. Non māori –(*tauiwi*) were generally absent. However, since the publication committed academics and activists have worked to bring Matike Mai into the public realm. Tau iwi treaty workers and others have circulated the document and run workshops for pākehā⁵. The redefining of constitution at the simple level of Matike Mai articulates feels like a radical act of demystifying power aimed at the non legal reader.

Matike Mai asks if the principles: protocol, community, belonging, place, balance, conciliation and structure able to act in lieu of a central figure. The report is a radical proposal that provides challenges to the Crown but could resonate with self-determining communities elsewhere. I now move to some reflections on the relationship between Matike Mai and Vogelmorn.

Korero on commoning and self-determination–

"In the future when our people and pākehā people want to talk about how this country can do better in constitutional terms, then maybe our report will be something our people can refer to. In the end that may be its greatest value." (Jackson 2018)

The Matike Mai report provides an accessible, provocative gateway to a different model of self-management. The report is written not simply for constitutional lawyers for its contributors, quoting many contributors including *rangitahi* (youth).

This challenge laid to us as *tangata tiriti* is to both consider its principles – and as pākehā to respect the *turangawaewae* (standing place) of others.

How do we bridge discussion between a site like Vogelmorn - a community, an ecology and land; and the challenging report of Matike Mai that calls us to imagine a world without the existing rules laid down by the crown as a framework to recognise our so called 'self-determination'?

The Matike Mai report reads as itself a form of action research - a demonstration of self determination - discussing the rules that the community could use to govern itself, learning as it met. Much like the participatory workshops run through the Vogelmorn Precinct used participatory workshop methods to consciously draw together a self-awakening community.

⁵See for example, Tamaki Treaty workers site <https://trc.org.nz/>

It is less the formal constitutional models that Matike Mai proposes which resonate but the values of tikanga (or protocol), community, belonging, place, balance, conciliation and structure; which offer principles to consider for Vogelmorn.

As pākehā we also might discuss this within our own communities, and consider how it matches our own ability to self govern, both people and the land. Unlike indigenous peoples who have kin or tribal roots to the soil, are we are less bound to land; and potentially more dislocated from the site?

The Vogelmorn Community Group has identified four values in its operation for a start—suggesting it to be a place that is inclusive, sustainable, community-driven and creative.

Vogelmorn Precinct is far more than a space for hire, and many visitors to Vogelmorn have described it as a pākehā ‘marae’ - usually a word for customary tribal land. Whilst it is possible to have non-tribally affiliated *Nga hoe wha* or ‘Four Winds’, the Vogelmorn Community Group would be reluctant to make claims to that status given that there are few tangata whenua currently involved.

Vogelmorn is necessarily interdependent with systems and networks of energy, water, communication and transport. The self-determining aspect to Vogelmorn is in the decision-making from the community in deciding programme and community projects together, without seeking assistance from government, which has begun a sense of collective agency in the neighborhood.

Is it presumptive to think that Vogelmorn might hold a similar spiritual significance for pākehā to local marae around the country? Probably. Neither are the Vogelmorn community members currently held at the site by tribal or familial affiliations, nor have they held tangihanga (funerals) on site.

Possibly, as Jo Randerson suggests, Vogelmorn might relate more to an experience of a secular church hall -where the doors are always open for anyone to come in...

“I was brought up attending church and after church you gather –you are not sure who everyone is - there are a whole lot of people and you get the practice of being in wide open public community...” Jo Randerson

Vogelmorn currently appears to be what Stavros Stavrides describes, as an ‘open-network’ commons - a place for a diverse and continuing number of people to access rather than a ‘closed network’ - (a shared space that serves the interest of one activity or group) (Stavrides 2016). The challenge is centred on how this open network (with its organisational looseness and uncertainty) might move forward in its governance with more certainty, to secure the Green space for long term benefit of the community.

If the community can identify with *kaitiakitanga* (the responsibility of caring) can it build an argument for a legal Duty of Care or other form of broad, non-owned governance over the Precinct?

In writing this paper it has become clear that we as pākehā cannot talk about self-determination in New Zealand with integrity without acknowledging the previous harm done to māori self-determination through the occupation of land by settlers.

It is timely therefore that discussions are beginning to be held at Vogelmorn with local *tangata whenua* (literally people of the land, namely maori). As this paper was in the final stages of completion, a fire destroyed the main building of Tapu te Ranga marae, a 'Four Winds' marae in suburban Wellington, four kilometres south of Vogelmorn. Amongst others in the community, the VCG has offered to provide assistance to the community at Tapu te Ranga; and has offered to host language, carving and weaving classes that were booked to be held in the marae in Island Bay. This may be the beginning of a new chapter of partnership as it serves mutual needs.

... now that we feel a bit more established and confident like we are a 'thing' and they're not going to pull the rug from under our feet, we should host (the bowlers) back and show them who we are and throw a party for them and figure out whose land this was prior to that....

Jo Randerson, VCG Trustee

It will take a large of work for the Vogelmorn community to learn, as tangata tiriti, to share power with tangata whenua, at the same as wrangling their own 'hyperlocal' commoning relationship with authorities.

Three themes circulate from the way in which the Vogelmorn Community works – a commitment to keeping an open network, a tendency to attract artistic and experimental projects, and a broader desire to build resilience and wellbeing for the wider community.

Vogelmorn Community invites kōrero on site as well as in academic and metaphorical terms. Alongside the local government seeking to advance the hyperlocal view and with tangata whenua looking for authentic partnership, VCG welcomes discussion about how it might involve tangata whenua to share in the space with us, and how we can learning to be without 'the' sovereign. The next piece of work from this study will be in proposing a new agreement for the Vogelmorn Green.

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- Cowie, Paul, Geoff Vigar, Simin Davoudi, and Ali Madanipour. 2016. 'Hyper-local planning in England: territorial governance at the neighbourhood scale', *Territorial Governance across Europe: Pathways, Practices and Prospects*.
- Government, NZ. 2019. 'Charities Register', Accessed June 21.
<https://register.charities.govt.nz/CharitiesRegister/ViewCharity?accountId=c8a25e80-40ba-e711-971c-00155d6b7730&searchId=d27c8d43-5d11-4480-9fce-d6b2a5c81d05>.
- Harris, BV. 2004. 'Constitutional Future of New Zealand, The', *NZL Rev.*: 269.
- Hickford, Mark, and Carwyn Jones. 2018. *Indigenous Peoples and the State : International Perspectives on the Treaty of Waitangi* (Routledge: Milton, UNITED KINGDOM).
- Houghton, Kirralie, and Houghton Houghton. 2015. 'Urban Acupuncture: Hybrid Social and Technological Practices for Hyperlocal Placemaking', *Journal of Urban Technology*, 22: 3-19.
- Iorns Magallanes, Catherine. 2014. 'Moving toward global eco-integrity', *The Earth charter: Ecological integrity and social movements*: 181-90.
- Jackson, Moana. 2017. "Constitutional Transformation and the the Matike Mai Project: A Kōrero with Moana Jackson." In, edited by Helen Potter, 1-10. ECONOMIC AND SOCIAL RESEARCH AOTEAROA.
- Jackson, Moana, and Margaret Mutu. 2016. "He Whakaaro Here Whakaumu mo Aotearoa The Report of Matike Mai Aotearoa - The Independent Working Group on Constitutional Transformation." In.
- Jones, Carwyn. 2016. *New treaty, new tradition : reconciling New Zealand and Māori law / Carwyn Jones* (Vancouver ; Toronto : UBC Press).
- Kauffman, C, and P Martin. 2017a. "When Rivers Have Rights: Case Comparisons of New Zealand, Colombia, and India." In *International Studies Association Annual Conference*.
- Kauffman, Craig, and Pamela Martin. 2017b. "Comparing Rights of Nature Laws in the US, Ecuador, and New Zealand: Evolving Strategies in the Battle Between Environmental Protection and "Development"." In *International Studies Association Annual Conference*.
- Osborne, Bek. 2019. "Neighbouring the Green." In, edited by Sophie Jerram.
- Palmer, Geoffrey. 2013. 'The Bill of Rights after twenty-one years: the New Zealand constitutional caravan moves on', *NZJPIL*, 11: 257.
- Palmer, Geoffrey WR, and Andrew S Butler. 2016a. 'Constitution Aotearoa', Victoria University Press, Accessed 21 June. <https://constitutionaotearoa.org.nz/>.
- . 2016b. *A Constitution for Aotearoa New Zealand* (Victoria University Press).
- Palmer, Geoffrey WR, and Matthew Palmer. 2004. *Bridled power: New Zealand's constitution and government* (Oxford University Press, USA).
- Palmer, Matthew SR. 2008. 'The Treaty of Waitangi in New Zealand's law and constitution'.
- Payne, Martin. 2019. "Discussion on Vogelmorn Green." In, edited by Sophie Jerram.
- Rains, Jenny. 2019. "Vogelmorn and the Hyperlocal." In, edited by Sophie Jerram.
- Randerson, Jo. 2019. "Responsibility and land at Vogelmorn." In, edited by Sophie Jerram.
- Rishworth, Paul. 2016. 'Writing things unwritten: Common law in New Zealand's constitution', *International Journal of Constitutional Law*, 14: 137-55.
- Stavrides, Stavros. 2016. "Common Space." In *The City as Commons*. London, UK: Zed books.

- Tribunal, Waitangi. 2011. "Ko Aotearoa Tenei: A Report into Claims Concerning New Zealand Law and Policy Affecting Māori Culture and Identity." In.
- . 2014. "He Whakaputanga me te Tiriti; The Declaration and the Treaty: the Report on Stage 1 of the Te Paparahi o Te Raki Inquiry." In. Lower Hutt, New Zealand: Waitangi Tribunal.
- Yin, Robert K. 2003. "Applications of Case Study Research: Robert K." In.: Yin.