



HOUSE OF ARIKI



CAPACITY ASSESSMENT REPORT

April 2023

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EXECUTIVE SUMMARY

The House of Ariki is established in the Cook Islands Constitution and further mandated by the House of Ariki Act 1966. Its establishment as a constitution body speaks to the significance of Ariki in Cook Islands governance and the desire of government at the time to work together with the traditional leadership. Over time, it can be argued that spirit of the establishment of the House of Ariki has perhaps waned, particularly in terms of recognition of the contribution that it can make to overall good governance and the resourcing it is provided to fulfil its legal mandate.

The House of Ariki is provided financial resources annually through a Parliament Administered Payment appropriation formally managed by Parliamentary and now the Ministry of Culture – Tauranga Vananga (MoCD). The MoCD has requested via the Office of the Public Service Commissioner that a Capacity Assessment be conducted to explore the capability of the House of Ariki in fulfilling its legal mandate. This capacity assessment report hopes to contribute to the MoCD's effort to support the House of Ariki to develop stronger partnerships with its key stakeholders, and strengthen the House of Ariki to understand its core functions, roles and responsibilities.

The assessment focused on four areas of investigation:

- The relevance of the House of Ariki
- The functions of the House of Ariki
- The focus of the House of Ariki
- The operations of the House of Ariki

In summary, the assessment has identified that the House of Ariki is very much relevant in the current and potential future context of the Cook Islands, principally in the role that it can play as Government's principal partner in matter concerning the customs and traditions, as well as the revival and preservation of all things that make up te ao Maori. Findings of the assessment also indicate that capacity deficiencies are largely internal and under the direct control of the House of Ariki: improving culture, leadership, management systems and policy capability. These have had major external impacts on the creditability, reputation and perception of the House of Ariki and reduced its ability to influence Government and its agencies, other stakeholder groups, as well as communities. The assessment also points to the need for Government to provide the enabling environment for the House of Ariki to fulfil its mandate and contribute positively to good governance through improving opportunities for engagement, formalization of mechanisms that allow for interaction and adequate resourcing.

The findings of the assessment are summarized in the table below:

Key areas assessed	Recommendations
Relevance of the House of Ariki	A Communications Strategy for the House of Ariki be developed with the focus on awareness of the House, its role, responsibilities and the work that it does. The Strategy should seek to increase engagement and interaction of the House of Ariki with the public.
Functions of the House of Ariki	Develop and formalise clear processes or tools that enable effective information flows between the House of Ariki and Government, as well as Parliament.

	Amend the Cabinet Manual to include considerations of Cultural, Custom and Tradition implications of a submission.
	Formalise a Standing Order which invites the House of Ariki to present and/or make a submission to Parliamentary Select Committees on legislative issues.
	Amend the Island Government Act to allow islands the choice of the level of inclusion of their Ariki in governance processes whereby islands can either maintain the status quo of Ariki as ex-officio members or have voting rights on the Island Council.
	Government be made aware of the suggestions presented to enhance the relationship between Government, Parliament and the House of Ariki, presented in the section of the report relating to the Functions of the House of the Ariki.
Focus of the House of Ariki	Finalise a definition for the Aronga Mana.
	Formalise relationships between the House of Ariki and government agencies through signing of Memorandum of Understanding beginning with the Ministry of Cultural Development (MoCD).
	Work with MoCD, Ministry of Education (MoE) and other stakeholders to champion the revival of our reo and its dialects.
	Review the Runanga Tango Enea Committee workplan.
	Promote capacity building for House of Ariki members involved in government related committees.
	House of Ariki members to identify and Champion issues of interest to the House.
	Further explore and formulate operational details of the proposed Koutu/Koro Akau before consultations with matakeinanga and government for its establishment.
	Explore structures related to Maori land settlement in New Zealand to determine applicability to the Cook Islands context.
	Establish and build relationship with a panel of experts/academics to assist in history research and documentation of tribal protocols and customs.
The operations of the House of Ariki	Formalise the accountability and reporting requirement of the House of the Ariki.
	Formalise the linking of the budgetary allocation for the House of Ariki to a Workplan.
	In the interim, MoCD assign existing staff member to assist Clerk with administration of the House of Ariki and the Clerk be directed to cooperate with MoCD in this regard.
	MoCD and House of Ariki re-examine the House of Ariki appropriation to explore possibility of engaging additional staff within existing resources.
	Increase the staffing capacity of the House of Ariki commencing with an Administration Coordinator and gradually adding on any required additional staff in the coming years as budget permits.

	Work with MoCD and OPSC to identify and existing public servants that may be able to lend expertise/skill to the House of Ariki for specific activities based on the work plan of the House of Ariki.
	Undertake a performance appraisal for the Clerk of the House of Ariki.
	Develop a Job Description for the Clerk of the House of Ariki and ensure that future recruitment for the position is undertaken by the OPSC.
	Review the resourcing of the House of Ariki.
	Place a limit on the tenure of the President of the House of Ariki to a maximum of two four year terms.
	Ensure that the office bearers of the House of Ariki are elected and that their roles and responsibilities are clearly articulated.
	Consider the representation (as an observer) from the matakeinanga in the case of disputed title and clearly state their role and responsibilities for management by the House of Ariki.
	Clearly articulate the roles and responsibilities of the ordinary members of the House of Ariki.
	Implement an induction program for all new members of the House of the Ariki.
	Implement capacity building programs for the House of Ariki.
	Ensure that the tentative agenda for the House of Ariki Annual Conference be presented to members no less than a month prior to the Conference.
	Clearly define procedures for the meetings of the Executive of the House of Ariki.
	Make mandatory financial reporting to the House of Ariki Conference and meetings of the Executive of the House.
	Normalise regular reporting and promote feedback with the members of the House of Ariki.
	Establish a Memorandum of the Understanding between the House of Ariki, Island Governments and Office of the Prime Minister to provide assistance to Ariki in the Pa Enuā.
	Clearly state in the appropriate instruments the function, role and responsibilities of the Koutu Nui and their relationship with the House of Ariki.
	Establish tools to ensure suitable cooperation between the Koutu Nui and the House of Ariki.
	Review the House of Ariki Act and where appropriate incorporate the recommendations of this assessment.

1. BACKGROUND OF THE ASSESSMENT

1.1 Context of the assessment

Article 8 of the Constitution of Cook Islands provides for the House of Ariki of the Cook Islands and its establishment is further articulated in the House of Ariki Act 1966.

The House Ariki Act 1966 outlines the establishment of the House of Ariki, its composition, rights, powers, functions and duties of the members and officers. It operates as a Constitutional Statutory entity with its financial appropriation provided for by Parliament being managed previous by Parliamentary Services and currently by the Ministry of Cultural Development – Tauranga Vananga (MoCD).

In January 2022, the Minister of the House Ariki, Hon. George Angene, submitted to Cabinet that the House needed more support in its operations, resources and governance. Given that one of the legislative functions of the House of Ariki's relates to customs and traditions, the Minister deemed merits in a closer relationship between the House of Ariki and MoCD. This transfer of the House of Ariki POBOC (Payment on behalf of the Crown) from Parliamentary Services to MoCD was approved by Cabinet in February 2022.

With this shift of the House of Ariki POBOC to MoCD, the Ministry requested the Office of the Public Commissioner (OPSC) that a Capacity Assessment of the House of Ariki be undertaken, with the view that the findings of the assessment will contribute to MoCD's effort to support the House of Ariki to develop a stronger partnership with the Ministry and other stakeholders, and strengthen the House's capabilities to realise its core functions, roles and responsibilities.

In doing so, the assessment would examine the current and future capacity requirements of the House of Ariki in meeting its mandated functions and provide for a Strategic Framework to guide future work programs, as well as inform a Capacity Development Plan outlining priority actions to strengthen the House to eventually take on management of all its affairs, including managements of any budgetary appropriation from the Crown.

1.2 Methodology of the assessment

Against this backdrop, and in the absence of any structured work plan, the assessment examined the current level and state of the capability of the House of Ariki to meet its mandated functions, its relationships with key stakeholders, communities, and the perspectives of its members and stakeholders consulted on its current and future priorities. The description of the House of Ariki's capacity needs has been informed by consultations with Ariki, mataiapo, Island Governments, matakeinanga, governmental stakeholders, the Clerk of the House of Ariki, college students and their families.

Consultations over a four week period, included focus group meetings (face to face and online), interviews and a survey conducted with Year 13 students from Tereora College and their parents. The survey with students and parents focused on getting the perspective of the younger generation, with questions on their knowledge of the House of Ariki, its relevance, what should be its focus and how best it can be supported. A desktop review was carried out on various documents, including the Constitution Article 8, House of Ariki Act 1966 and its Amendments, National Sustainable Agenda 2020+, Tauranga Vananga MoCD Capacity Assessment Report, National Cultural Policy, Are Ariki – Kumiti Takake no Runga i te Akono'anga Maori: Au tamanako'anga ki te 50th Uipa'anga a te Are Ariki (20 Aukute 2021), Recommendations Arising from the Koutu Nui Workshop on Land Laws (13-14 May 2021), House of Ariki

Runanga Tango Enea Project Workplan 2021/2022, A Report by the Koutu Nui of the Cook Islands Lands and Traditional Titles of the Indigenous People of the Cook Islands.

1.3 Challenges in conducting the assessment

The essential challenges and limitations in conducting the assessment included delays in completing interviews due to participants' availability, not being able to consult with the Northern Pa Enea due to no responses received for request for online interviews and the consultant requested to take up another full time role before scheduled assignment completion timeframe.

1.4 Appreciation

Sincere appreciation is expressed to all the Ariki, Mataiapo and Rangatira, Matakeinanga, Cultural Experts, Government stakeholders, Clerk of the House of Ariki, Tereora College Principal and Year 13 students and parents for participating in this assessment.

The Office of the Public Service Commissioner and the Project Steering Group is also acknowledged for their support and guidance.

2. ASSESSMENT FINDINGS

2.1 Is the House of Ariki still relevant?

Before determining whether the House of Ariki is performing its legislated mandate as per the House of Ariki Act 1966, it was deemed necessary to ascertain whether the House and Ariki were still considered as important and relevant in the Cook Islands today. The majority of stakeholders indicated that Ariki and the House as a collective of Ariki were very much an important part of Cook Islands society, although there were reservations expressed regarding the behavior and personal qualities of certain Ariki. As one Ariki eloquently said, “Our immediate focus is to win the hearts of our people. There are a lot of negative comments in the community.” Despite these misgivings, there is still high regard of those that hold the title of Ariki within their matakeinanga and communities at large.

In analyzing the survey conducted with 44 Year 13 Tereora College students, 20 did not know about the House of Ariki, while 24 did, and the majority were only aware of its existence because of Ariki Day. 25 parents of these students responded to the survey. 10 did not know of the existence of the House of Ariki and 15 did. Based on this sample, one can assume that just over half of the resident population have some awareness of the House of Ariki.

On the question of the importance of the House of Ariki to our society, 42 students responded positively, 1 was undecided and 1 responded with a no. Of the 25 parents, 20 indicated that the House was important, while 5 did not think so. Those that indicated the importance of the House of Ariki pointed to its connection with culture, heritage and tradition and that the Ariki should be leading in these matters. The minority that did not see the importance of the House of Ariki, indicated that it is a dated institution and has no impact on their daily lives.

Overall, the consultations revealed the House of Ariki as a collective body of all Cook Islands Ariki is seen as a critical institution and should be leading the maintenance, and in particular, the revival of culture, custom and tradition. It is further seen as an institution that should hold the Government to account on matters that affect the environment and wellbeing of the people of the Cook Islands.

The consultations imply that the House of Ariki needs to be more visible in demonstrating its worth as an institution. There is an obvious need for greater awareness of its role and how it can lead on matters relating to culture, custom and tradition, as well as being a voice for the people in a contemporary governance structure.

It is therefore recommended that a Communications Strategy for the House of Ariki be developed with the focus on awareness of House, its role, responsibilities and the work that it does. The Strategy should also seek to increase engagement and interaction of the House of Ariki with the public. This recommendation seeks to improve the awareness, visibility and creditability of the House of Ariki, thus creating positive public perception.

2.2 The Functions of the House of Ariki

The House of Ariki Act 1966 outlines the functions of the House as:

- It shall consider such matters relative to the welfare of the people of the Cook Islands as may be submitted to it by Parliament for its consideration, and it shall express its opinion and make recommendations thereon to the Parliament;
- It may of its own motion make recommendations to the Parliament upon any question affecting the customs or traditions of the Cook Islands or any of them or of the inhabitants thereof provided that before considering any such motion the President of the House shall invite the Prime Minister or any Minister or person the Prime Minister shall appoint to be present and take part in the proceedings;
- Any recommendations to the Parliament by the House shall be accompanied where applicable by an explanatory note of the reasons for the recommendation and when any recommendation is not a unanimous decision of the members of the House there shall also be added to the explanatory note a concise statement of the reasons of the minority of members of the House opposing the recommendation. If for any reason any explanatory note has not been supplied, the President of the House shall supply one when so requested by the Prime Minister;
- The House shall not deliberate on any matter or bill or part thereof which concerns the imposition of taxes or the appropriation or expenditure of the funds of the Government of the Cook Islands unless requested so to do by the Parliament.

One of the fundamental questions asked during the assessment is whether the House of Ariki is performing or achieving its legislated mandate. The resounding response has been, that it is not, even amongst the Ariki.

From the Ariki's perspective, despite being enshrined in the Constitution and having the House of Ariki Act, the Government does not place enough value on what the Ariki can 'bring to the table' so to speak. The common sentiment shared is that on many occasions, the House of Ariki has presented its views to Government and these are not being taken seriously or incorporated into decision making. However, when the Government is in need of the House of Ariki's support to progress on its objectives, they are eager to engage with the House. Recent examples of such instances mentioned were with the land owner issues relating to Te Mato Vai Project and requests for promotion and support of Government's position on seabed mining.

The Ariki feel that Government is not complying with the spirit of the Constitution and the Act in that it is not giving Ariki the opportunity to be part of decision making processes related to matters of welfare of the people. Some Ariki also pointed out examples of Government and its agencies conducting consultation with the House after Policy decisions have already been made. The consultation is therefore not genuine, but rather a tick the box exercise. Furthermore, insufficient lead time prior to meeting is problematic as the Ariki are not able to adequately prepare and also seek the views of their respective matakeinanga to make meaningful contributions to matters presented by Government.

The Ariki believe that the House of Ariki Act is restrictive in that, on matters concerning welfare of the people, its consideration is sought at the discretion of Parliament. This should not be the case and that the House of Ariki should be able to make submission not only to Parliament, but to the Government on matters where it can echo the voices of the people. It is felt that clear processes and procedures should

be in place to allow for the views and submissions of the House of Ariki to be presented to not only Parliament, but Government, and that feedback on what Parliament or Government's position on these should be provided to the House. Some Ariki also commented that the Act should enable the House of Ariki to seek explanation from Government on matters of concern relating to welfare, culture, custom and tradition, where the House has not been sufficiently consulted on or where their views are contrary to Government position.

To a large extent, the views expressed by the Ariki above are shared by other stakeholders. It has been suggested that it would be far more beneficial for the House of Ariki to provide input into decision making at the Cabinet level rather than wait till policy decisions go to Parliament for the enactment process. It has been further suggested that in a Select Committee process, it should be made compulsory that the House of Ariki is given the opportunity to present its submission on the Bill in question.

In the Pa Enua, the Ariki sit as ex-officio members in the Island Council meetings. Some islands indicated that they would like their Ariki to have a voting right on matters of importance to the island. They feel that without the voting right, Ariki are not fully able to discharge their duties as paramount traditional leaders in their communities and do not have the same authority as elected local government representatives. Islands should be given an opportunity to decide whether their Ariki serves as an ex-officio or a voting member at the Island Council meetings.

Some have commented that opportunities for enhancing the House of Ariki's involvement in modern governance system should be explored. Perhaps the Head of State could be nominated by the House of Ariki to serve a five year only, outside of the four year election cycle to minimise political biases, or that an Ariki is made the Head of State. Another suggestion has been the 7th Minister be selected from the House of Ariki and that this person hold the portfolio of Minister of Culture and Associated Minister of Land. The Minister would not only report to the Prime Minister, but also to the House of Ariki. A further suggestion is that once a year, before Ariki Day, a consultation with Parliament day be set aside to allow dialogue and debate between the two Houses. Additionally, it was suggested that a regular meeting (perhaps monthly or quarterly) be held with between the three pillars of Cook Islands society – the Ariki, Government and the Church. These suggestions have merit and Government could consider these as means of elevating the relationship between leaders traditionally elected and the representatives of the people in our Westminster system of governance.

It is therefore recommended that:

- Clear processes or tools that enable effective information flows between the House of Ariki and Government, as well as Parliament be developed and formalized. This will provide clear guidance for how these institutions can engage with each other.
- The Cabinet Manual be amended to include consideration of Cultural, Custom and Tradition Implications of a submission, and that a criteria for seeking comments from the House of Ariki be developed to guide those making submissions for Cabinet's approval. This seeks to involve the House of Ariki at the Government policy decision making process.
- A Standing Order to formalize the inviting of the House of Ariki to present and/or make a submission to Parliamentary Select Committees be presented to Parliament for endorsement. This not only ensures that the view of the House of Ariki is sought, but also places some responsibility on the House to make known its views.

- An amendment be made to the Island Government Act to allow Islands the choice of the level of inclusion of their Ariki in governance processes. Islands can be given the opportunity maintain the status quo – where Ariki are ex-officio members or they having voting rights at Island Council meetings.
- Government be made aware of the suggestions presented to enhance the relationship between Government, Parliament and the House of Ariki.

2.3 What should be the focus of the House of Ariki?

In the absence of any strategic directional documentation relating to the activities of the House of Ariki and in order to determine its capacity needs, the assessment investigated with stakeholders their opinion of what should be the focus of the House of Ariki? In these discussions, reference was made to some of the activities that the House of Ariki have been involved in or wish to have greater interest in.

Culture, Custom and Tradition

All respondents indicated that the focus of the House of Ariki should be on matters of culture, custom and tradition. For many, the House of Ariki should be leading on these matters, and that the House should have a very close relationship with the MoCD, but not part of the Ministry. In fact, a few times it was suggested that the MoCD should also be answerable to the House of Ariki, given that Ariki are the paramount custodians of culture, custom and tradition. Ariki indicated that given the shared focus of both the House and MoCD on culture, they should plan together their activities, for example, have input into the MoCD planning and policy instruments. Particular mention was made of the need for leadership in language revival. There is a great opportunity for the Ministry and the House of Ariki to complement each other's purpose and objectives. This relationship should be formalised to ensure clear understanding of each other expectations, roles and responsibilities. The House of Ariki can enrich efforts towards the achievement of National Cultural Policy 2017 – 2030 and its goals:

- Goal 1: Strengthen the language
- Goal 2: Preserve and promote all arts and art forms
- Goal 3: Preserve and promote our history and historical places
- Goal 4: Promote our cultural industry
- Goal 5: Increase national support for culture.

The House of Ariki has commenced a project called 'Runanga Tango Enuā' (RTE), approved by the House of Ariki at its 50th Conference on 20 August 2021. The Project seeks to revisit and refresh the original intentions of the House of Ariki in the 1970s through looking at Legislative Assembly Papers on Maori Customs and Land approved by the House of Ariki in 1970 and Koutu Nui in 1977. The RTE project is led by the Special Committee on Akonoanga Maori: Komiti Runanga Tango Enuā and supported by the Clerk of Parliament and two staff and a workplan was produced in 2021/22 to progress the project. All parties involved in this project have indicated the merits of the project in terms of defining election of Ariki and Taoanga Maori – Mataipo, Kavana, Rangatira and how there should be alternative ways of solving disputes over titles without going to Court which is time consuming, expensive and causes more fracturing of the tribes involved. The Committee also anticipates to define Maori custom regarding land, and use this as guidance in any propositions to review the 1915 Cook Islands Act. The RTE Committee is chaired

by the Clerk of Parliament, Tupeariki Rangatira, Tetava-Tiatava Ariki, Numangatini Ariki, James Tuaputa, Paroro Mataiapo, Araitī Mataiapo, Celine Tommy, Ngarima George and Jane Kora. The Ex-officio members are Kaumaiti Nui, Kaumaiti Iti, Clerk of the House of Ariki and the Committee is supported by legal advisers Iaveta Short, Tony Manarangi, Mona Ioane and Kiikore Ahsin. The technical support team used to be the staff from the Parliamentary Services. With the move of the House of Ariki POBOC from Parliamentary Services to MoCD, it is anticipated that the Ministry would lend its support to the continued implementation of the RTE Workplan. It is suggested that the MoCD seek to convene a meeting of the RTE Committee and determine how it has progressed in its work program and whether there is a need for revision of its scheduling of activities, as well as how best the MoCD can support this initiative. For continuity purposes, it is suggested that the Chair remain as the Clerk of Parliament.

Environment

Given the connection of culture, custom and tradition to the environment, many are of the opinion that the House of Ariki had a critical role in ensuring sustainable use of our natural resources. The House has a good relationship with the National Environment Services, and has interactions with Marae Moana Division of the Office of the Prime Minister (OPM) and Ministry of Marine Resources (MMR). These agencies have representation of traditional leadership in some of the instruments that they use to progress their respective mandates. For example, a representative of Ariki sits on the National Environment Council; the Marae Moana Act 2017 specifies that the President of the House of Ariki sits on the Marae Moana Council and either a member of the House of Ariki or Koutu Nui may sit on the Technical Advisory Group.

The House of Ariki, or Ariki in their individual capacities also have existing roles to play in decision making relating to the Liquor Licensing Act and the granting of Permanent Residency under Immigration legislation. There have been some challenges with identifying the right representatives to involve in decision making as structural differences within vaka and villages adds complications. On Rarotonga, Vaka Puaikura under the leadership of Tinomana Ariki is well structured, whereas Te Au o Tonga and Takitumu are not so organized. Part of the issue has been with the lack of definition of ‘aronga mana’ or traditional leaders. Some are of the opinion that this definition includes the Ariki, while others think it means only the Mataiapo and Rangatira. It would perhaps be helpful for ‘aronga mana’ to be defined.

It was indicated during the consultations that when the House of Ariki is involved in Committees or decision and/or advisory bodies that there should be capacity building for the members of the House so that they will be able to add value and perform the requirements for such roles.

Welfare

There is general acceptance that aside from Culture, customs and traditions and environment, the House of Ariki should also interject and be a strong voice on matters relating to the welfare of the people, as pronounced in the House of Ariki Act. In consulting with the Ministry of Internal Affairs, they were not aware of the House of Ariki’s connection with welfare under the purview of the House of Ariki Act. The Ministry acknowledged that aside from inviting Ariki to various events and public consultations, they have not actively engaged them in their work. It is however acknowledged that there is a great opportunity for partnership between the Ministry and House of Ariki on social development issues, and in particular with the Ariki championing specific issues such as gender equity, children’s policy, domestic violence and so forth.

Ariki Champions

The suggestion that Ariki should champion certain issues was a common one arising from the consultations. It was noted that generally it is only the President of the House of Ariki that is seen to bring to the fore the views of the House of Ariki. Some Ariki have indicated that this view is not necessarily shared before being made public. Those who suggest championing issues think it would be good to see other faces from the House of Ariki. It would be in most cases good exposure and capacity development for the Ariki championing the cause, and this is a positive way of sharing the workload and visibility amongst the Ariki. The RTE work plan identifies areas of focus among the House of Ariki Executive and it is listed as follows:

- Kaumaiti Nui Travel Tou Ariki – Governance
- Kaumaiti Iti Tinomana Tokerau Ariki – Vairakau Maori
- Karika George Ariki – Environment
- Vakaitini Phillip Ariki – Liquor Licensing Authority
- Pa Marie Upokotini Ariki – tbc
- Kainuku Ariki per Kivao Rangatira – Korero Maori
- Tiatava Tetava Ariki – Legislation Reforms
- Numangatini Tangi Tereapii Ariki – Resources and Finance.

It could be that these Ariki may like to champion other thematic areas, particularly those linked to culture, custom and tradition, or perhaps allocate these to other Ariki within the House. This approach ought to be incorporated into the Communications Strategy that should be developed for the House of Ariki.

It is therefore recommended that:

- A definition of the ‘aronga mana’ be finalised.
- The House of Ariki and Government Ministries that have an existing relationship or wish to formalise a relationship enter into Memorandums of Understanding outlining their specific points of understanding, scope of arrangement and details of each other’s roles and responsibilities. This is particularly urgent and necessary for the MoCD and House of Ariki relationship.
- Work with the MoCD, MoE and other stakeholders to champion the revival of our reo and dialects.
- The MoCD convene a meeting of the meeting of the Runanga Tango Enea Committee to review its workplan, so that the Ministry can see how best it can support the Committee in progressing its activities.
- Where representatives of the House of Ariki are engaged on Government related committees, that capacity building should be promoted to ensure that such representatives are equipped to add value to the work of the Committee.
- House of Ariki members identify issues that they may wish to Champion in relation to sharing the workload and improving visibility of members and interests of the House and incorporating this into the Communications Strategy of the House of Ariki.

Dispute Resolution

There is some frustration with the inability of some kopu ariki to resolve their differences and settle title disputes outside of the Court. The President of the House of Ariki and some other members have a strong

interest in promoting disputes be settled outside of the Court system and advocate that the House of Ariki could act as a facilitator in the settlement of traditional title disputes.

The House of Ariki Act provides for the appointment of a Committee to hear disputed questions as to Ariki on questions of qualification or disqualification to the House. This Committee is to be chaired by the Chief Judge of the Land Court and four assessors appointed by the Executive Council of which an Ariki may be appointed as an assessor. There is however, no provision for intervention of the House of Ariki during or related to the selection process for a title.

There are mixed emotions on the involvement of the House of Ariki in traditional title determination. The majority of those consulted indicated that title disputes are not the business of anybody else outside of the Kopu Ariki, including the House of Ariki, and would prefer that this remains the case. There appears to be a level of distrust with the ability of the House of Ariki to act impartially in facilitating this process. Examples of perceived interference by the House Ariki were pointed to in title selections in Aitutaki and Atiu as instances where the President and the Clerk of the House of Ariki advice and intervention may have contradicted tribal protocols and custom. Doubts were also shared on the qualification of Ariki, particularly the current President and the involvement of the Clerk in title dispute resolution. The main view is that those involved in title dispute resolution should have the appropriate credentials.

The House of Ariki has resolved that it progresses the establishment of a forum or mechanism to facilitate reasonable resolution of traditional title selection – the Koutu or Koro Akaau. Given the response to the enquiry of whether the House of Ariki should be involved in the process of Ariki title selection or that they could act as a facilitator for resolution of disputes, it is suggested that this concept be further explored and details formulated before progression on the establishment of the Koutu/Koro Akaau. In the case of land disputes, it has been further suggested that structures related to Maori land settlement be explored to determine applicability to the Cook Islands context.

Recording custom and tradition

The House of Ariki have commenced outreach to the Pa Enua to try and collate and record information relating to protocols and customs of the islands, including that of traditional title selection. In a recent visit to Mangaia, a staff from MoCD accompanied the delegation. Again, this is an area where partnership can be positive and that material already gathered by MoCD in the past can be added to and expanded upon. It should also be noted that custom is an oral thing and therefore must be recorded in a manner that can inform and also be used to make determinations in times of dispute of custom, such as in a court setting. Some islands indicated that they would prefer that their information is stored on their island. There are serious doubts that the House of Ariki are cross checking appropriately the information collected with historical records. It may be beneficial to have a group of knowledgeable experts/academics, to research history and cross reference information received from consultations with different matakeinanga to ensure that tribal protocols and customs that will be documented and adopted are genuine and recorded and stored fittingly.

It is therefore recommended that:

- The proposed Koutu/Koro Akaau be further explored and operational details be formulated for further consultation with matakeinanga before establishment.

- Structures related to Maori land settlement in New Zealand be explored to determine applicability to the Cook Islands context.
- Establish and build relationship with a panel of knowledgeable experts/academics to assist in the history research and documentation of tribal protocols and customs.

2.4 The operations of the House of Ariki

Transfer of the Budget of the House

In a letter to the Minister for Culture, Hon. George Angene, dated 19 January 2022, the President of the House of Ariki registered the position of the House of Ariki with regards to the transfer of the POBOC funds for the House of Ariki from Parliamentary Services to MoCD. In the letter, he referred to past consultations and discussions regarding:

- a. formulating ways to improve the management and the processing of payments relating to the outcomes and expectations of the House of Ariki from its annual budget;
- b. the in-appropriateness in setting the House of Ariki budget under a different Minister's portfolio (Parliamentary Services) while the operating agency – the House of Ariki – is responsible to the Minister of Culture; and
- c. the range of support services the House of Ariki may be able to access from the MoCD to assist facilitate its Annual Conferences, Ui Ariki Day programmes, Workshops, consultations, community meetings and the upkeep of the grounds, Atupare Marae and the House of Ariki premises in Kavera, Arorangi.

The President mentions in the letter that, “having had the opportunities to deliberate this issue with the Executive and members during and subsequent to last year's 50th Annual Conference of the House of Ariki, I wish to tender this letter in support of the initiative and urge Government to relocate the Budget of the House of Ariki under the Ministry of Culture. It is my understanding that this proposal is aimed to be implemented for the 2022-23 Financial Year as well as for subsequent budgets.” This letter implies that the House of Ariki actually desired the change in agency to provide oversight of the House of Ariki Administered Payment and build a stronger relationship with the MoCD.

The POBOC funds provided for the House of Ariki for 2022/23 financial year is \$326,690. Disbursement of these funds is guided by the POBOC Payment Policy signed by the Secretary of MoCD on 21 July 2022. Indicative costing provided for in the Policy is as follows:

A) Personnel	
Clerk of the House of Ariki	\$47, 732
Deputy Clerk	\$35,000
Staff/Casual Staff	\$5,000
B) HOA Honorarium	
President	\$30,000
Vice President	\$15,000
Executives	\$30,000
Members	\$56,000
Sitting Allowances	\$10,000
Other Allowances (Pa Enuā Travel)	\$6,000
C) Operations	

HOA Functions	\$35,000
Travel and Transport	\$20,000
Catering	\$5,000
Electricity	\$5,000
Communications	\$5,000
Stationery/supplies/consumables	\$1,500
Fuel – Transport	\$2,500
Contract services	\$3,458
D) Koutu Nui	\$15,000
Total Expenditure	\$326,690

The Policy outlines the process for accessing the POBOC as such:

MFEM Procedure Manual - Invoice and Sitting Timetable

- 1. Cashflow 2022-2023 finalised and submitted to MFEM 30 June 2022.*
- 2. Internal requisition approved by Secretary for purchase of Goods and Services or supporting documents.*
- 3. Invoices electronically (or physically) obtained from suppliers.*
- 4. Invoices registered in Unit4 FMIS accounting systems, with all relevant supporting documentation attached.*
- 5. Workflow routes invoice for required Approval/Checks – Director -> Treasury Compliance check -> Secretary*
- 6. Electronically filed for Agency records*

MoCD have indicated that working with the Clerk of the House of the Ariki to satisfactorily follow the process has been challenging. Communications have not been good. Documentation for processing of payments have not been presented in a timely manner. Additionally, some invoices provided to MoCD for payment, have been questionable, namely the overtime to the Clerk and another family member. MoCD to date, has found it difficult to ensure accountability and compliance to Government financial requirements from the House of Ariki via its interactions with the Clerk.

Added to the lack of compliance with financial requirements issue is that the MoCD has yet to grasp a good understanding of the operations of the House of Ariki. Attempts to better comprehend this from the Clerk are often not responded to adequately and when probed the Clerk is defensive. There appears to be projects that the House of Ariki are working on, but the detail as to what these entails is scant. From the perspective of the MoCD, the Clerk at the time of this assessment is unwilling to be transparent and accountable, making it difficult to build the rapport and relationship envisaged by the transfer of the POBOC funding to the MoCD, particularly since the Ministry is willing to provide as much support as it can to the House of Ariki. The Ministry gets the sense that the President and rest of the Executive are unaware of these challenges and that perhaps the Clerk is not keeping them fully informed of the operational matters of the House, nor the offers of support from the MoCD. This perception by the MoCD was confirmed as correct by the President of the House of Ariki during the interview conducted with him.

Consultation with Parliamentary Services verified the current experience of MoCD. As the previous administrator of the House of Ariki POBOC funds, Parliamentary Services also expressed frustrations with

its dealings with the House of Ariki in terms of transparency, accountability and reporting. Despite attempts to improve these key elements of good governance and sound management practice, positive progress has been lacking.

It is therefore recommended that:

- The accountability and reporting requirements of the House of Ariki are clearly articulated in a formal instrument.
- The budgetary allocation of the House of Ariki be linked to a workplan to promote transparency and accountability of public funds.

The staff of the house

The House of Ariki is currently supported by one staff, the Clerk of the House of Ariki. The Clerk takes care of the operations of the House which include:

- Daily management;
- Accounting and reporting on the POBOC funding provided for by the Crown;
- Communicating with the members of the House on all matters relating to the House;
- Coordinating the Conference of the House and all other major events (for example: kiriti maro tai, celebration of Ariki Day, etc.) undertaken by the House;
- Calling meetings of the Executive of the House or any other meetings as required or requested, and keeping a record of such meetings and its outcomes;
- Following up on the recommendations of the Conference of the House and any outcomes of any other meetings of the Executive of the House;
- Liaising with government agencies on matters related to the resolutions of the House of Ariki Conference; and
- Liaising with other partners on matters to progress the resolutions of the House of Ariki Conference.

This is a rather extensive set of responsibilities for one person and it is evident from the consultations that the Clerk cannot satisfactorily bring to fruition the expectations of the House and other stakeholders. The Clerk has made it explicit during the assessment that he is overwhelmed with the workload and expectations of the House. The majority of the Ariki conferred with sympathise that the workload of the House, particularly during Conference, is intensive on the Clerk being the only staff member.

It is noted that according to the tentative costing schedule of the House of Ariki, there is provision made for the employ of a Deputy Clerk, but this has not been followed through. At one stage, there was a receptionist/front office assistant employed, but she later went on maternity leave and did not wish to resume duties with the House of Ariki. No further attempts have been made to hire additional staff.

When the Clerk was questioned about this, he pointed out that the POBOC funding provided was insufficient to hire additional staff and assume some of the activities that he is directed to do by the President and Executive, as well as the Resolutions of the Conference of the House of Ariki. He prioritised progression of the wishes of the President and the members of the House rather than easing his own burden and hiring an assistant. Funds that could have been utilised to hire another staff according to the

Clerk were diverted to implementation of projects for the House of Ariki. Again actual details of such projects and accounting for the funds against activities were not provided.

Furthermore, it should also be mentioned that since taking on the administration of the House of Ariki POBOC, MoCD has attempted to provide support to the House via the Clerk. An offer of a staff member to do front office work for a couple of days a week; proposal to lend support to in events, including set up of Conference, secretariat duties, transportation, coordination of refreshment and meals; assistance to maintain the grounds of the Are Ariki Atupare; were not accepted. It seems that the Clerk does not want help offered by the Ministry. When queried, the Clerk indicated that he has a group of people that he can usually call upon and that he can be guaranteed will lend support to the standard that he expects. This then begs the question as to why this support network has not eased the pressures on the Clerk in terms of workload. The Clerk signaled that given his time pressures, he cannot afford to be training MoCD staff or familiarising them on the details of what to do to appropriately support the House of Ariki.

In summary, both Parliamentary Services and MoCD have indicated that working with the Clerk has been difficult.

It is evident that the House requires additional human resources if it is going to function in the way that it was intended. Given the financial constraints in the coming year, this can be a staged approach, with the most critical staffing need being assistance in administration to ensure transparency, accountability and reporting requirements are met. In the year after, further funding can be sought for other capacity in preparation for the House to take charge of its own budgetary appropriation post 2025. Just as the MoCD will be assisting the House of Ariki with sharing of resources, including personnel, discussion was held with the Public Service Commissioner about the possibility that the entire machinery of Government lends its support when required. For example, there may be someone in Government that could assist the House with developing its Communications Strategy, social media platforms, work program, website etc. The Public Service Commissioner may then approach the agency to share this resource with the House to complete the need of the House at a specific time. The Public Service Commissioner is receptive to this concept to plugging some of the capacity gaps in the House of Ariki that cannot be filled immediately due to budgetary pressures.

It is also evident that a performance appraisal be undertaken for the Clerk and that should inform measures that will assist with the strengthening of the House and building its capability to deliver on what is deemed its priorities. Furthermore, it has been strongly suggested that any future appointments to the Clerk of the House of Ariki be advertised to ensure that the best person for the job is identified. The process should be managed by the Office of the Public Service Commissioner and that the Clerk is subject to the laws and policies governing the public service.

It is therefore recommended that:

- In the interim, request MoCD to assign an existing staff member to assist the Clerk with the administrative matters of the House of Ariki, and that the Clerk be directed to cooperate with MoCD in this regard.
- MoCD and House of Ariki re-examine the House of Ariki appropriation to explore possibility of engaging additional staff within existing resources.
- Budgetary support is sought to employ additional staff in the coming years, commencing with an Administration Coordinator. This person can help the Clerk create and execute schedules, manage

budget, greet and communicate with members, clerk, guests and other stakeholders, and maintain effective workflow in the office. The administrative coordinator may also take on other duties regularly associated with office management, including filing, faxing, creating memos and reports, and performing other clerical duties outside of the purview of the Clerk.

- The House of Ariki and MoCD will work together with the OPSC to identify and engage existing public servants that may be able to lend expertise/skill to the House of Ariki for specific activities based on the work plan of the House of Ariki.
- A Performance Appraisal be undertaken for the Clerk that should inform measures that will assist with the strengthening of the House of Ariki.
- Any future appointment to the Clerk of the House of Ariki be advertised and managed by the Office of the Public Service Commissioner and that the Clerk is subjected to the laws and policies governing the public service.

The members of the House

Te Kaumaiti Nui Tou Travel Ariki, the President of the House of Ariki joined the House in 1988 and at the time was its youngest member. In his tenure as President, since December 2008, he believes that Government has seen the value of the support of the House of Ariki not only on matters of culture, custom and tradition, but also on issues to progress the country's development. The establishment of Marae Moana, progress in seabed minerals exploration, response to COVID-19 recovery are recent examples of cooperation between the House of Ariki and Government. It is also in Tou Ariki's tenure as President and through his lobbying and connections that the House now has a permanent marae – Atupare. Despite some progress made in elevating the recognition of the House of Ariki, Te Kaumaiti Nui believes that the financial support received from Government is inadequate and does not match the contribution made by the Ariki of the Cook Islands to the development of this country. As the first leaders across the country and the custodians of custom, tradition and land provided for public purposes, the Ariki's proportion of funding from Government is negligible. It does not allow the House to fully carry out its aspirations and its purposes as intended by the Constitution and legislation, nor the expectations from the matakeinanga. The House of Ariki should be given more funding from Government. Te Kaumaiti Nui's sentiments of the monetary value and resources provided to the House of Ariki are shared by the majority of his Ariki colleagues.

There is recognition of the contributions that Tou Travel Ariki has made over his long tenure as President to the House of Ariki in not only supporting Government when requested, but in raising concerns of the Ariki and matakeinanga on some policy decisions made by Government. However, there are also undercurrents of tension within the House of Ariki related to the Presidency, as well as Clerk. It is suggested that the President in some instances oversteps the expectations of the role, in that his actions imply that his perception of his importance as President is above the other Ariki. The general sentiments are perhaps best summarized by a Ariki expression that, "the President of the House is like the Chairperson of an organisation. He Chairs the meetings and should encourage, listen and take on board the view of others, not dominate over everyone else."

There is a general view that Tou Travel Ariki has been President for too long and that there should be a limit on the term of Presidency to allow for other Ariki to head the House. The majority of Ariki expressed

that the term of the Presidency should be limited to perhaps a maximum of two terms of four years. It is interesting to note despite these views, Te Kaumaiti Nui has remained with Tou Travel Ariki, implying the importance placed on a united front by the members of the House despite clear discontent.

Some have suggested that the President of the House be an Ariki from Rarotonga, given that the majority of the population are from Rarotonga, it is the center of administration and the economy. Furthermore, a few commented that the President should not be from Mitiaro, Pukapuka or Mangaia, because they would not prioritise resolving land issues. These suggestions are opposed by Pa Enea Ariki and communities, who believe that their Ariki have a lot to offer should the opportunity for leadership of the House of Ariki arise.

Te Kaumaiti Iti, Vice President of the House of Ariki is held currently by Tinomana Tokerau Ariki. According to her Ariki colleagues, she has a calming effect on the House and is well respected. She confirmed that she has a good relationship with the Te Kaumaiti Nui. Tinomana and Puaikura have a traditional leadership structure that is active and works. Meetings are held regularly and should the Te Kau-Ariki-Rangi o Puaikura require issues to be raised that the House of Ariki, Tinomana will express their views to the House. She also reports back to the Te Kau-Ariki-Rangi on the outcomes of the House of Ariki.

Araura Enea also has a system that enables communication flows. Its Ariki are involved in the meetings of the Island Council. The Vaka Mataiapo o Araura hold quarterly meetings and meets biannually with the Ariki. Unfortunately, the recent title disputes have somewhat cast a shadow over what used to be a well-structured communication flow. Manarangi Tutai Ariki as Aitutaki's current longest-serving Ariki is active in Island Council discussions and in taking the voice of her people to the House of Ariki as well as reporting back to the Vaka Mataiapo o Araura and Council, the outcomes of the Conference of the House.

The Executive of the House of Ariki are by default those Ariki who reside in Rarotonga. According to the members of the Executive there are no set guidelines or terms of reference for their role and responsibilities and how they relate to the rest of the House. Pa Enea Ariki have queried as to why the Executive is restricted to Rarotonga based members and that there should be a process of election for the Executive, just as there is for the President and Vice President. Participation of members resident in the Pa Enea can be enabled via online means such as zoom or Microsoft teams.

The members of the House of Ariki are all those that have been invested and warranted. A number in the House have expressed that while a title is in dispute, that, that particular Ariki should not be warranted. However, a representative of the title should be allowed to observe the Conference or any major meetings of the House to enable communication flows between the House and the matakeinanga. The roles and responsibilities of such representation should be clearly stated and held to account.

A strong sentiment has been that while Ariki may be familiar of their roles and responsibilities in their respective matakeinanga, many are not aware of what the expectations are as members of the House of Ariki. The roles of responsibilities of Ariki as members of the House should be made explicit and that an induction program be implemented for any new member joining the House to ensure familiarity with the expectations of the House. Furthermore, regular capacity building programs should be held to assist in building the capabilities of Ariki as members of the House and also as paramount leaders of their respective matakeinanga. Consultations have indicated that the nature of these programs can range from training to enhance leadership, financial management, communications and so forth, as well as awareness of the public service and topical issues that may be of interest to the members.

It is therefore recommended that:

- Resourcing of the House of Ariki be reviewed to ensure that it is adequate to reflect the expectations of the roles and responsibilities of the House.
- The tenure of the President of the House of Ariki be limited to a maximum of two four year terms.
- All office bearers of the House of Ariki be elected and that their roles and responsibilities be clearly articulated.
- Representation (as an observer) from the matakeinanga should be considered in the case of a disputed title and that their role and responsibilities be clearly stated, held to account and managed by the House of Ariki.
- Roles and responsibilities of the ordinary members of the House of Ariki be clearly articulated.
- An induction program be implemented for any new members of House of Ariki.
- Capacity building programs be implemented on a regular basis.

Conducting the business of the House

The main annual feature of the House of Ariki is its annual Conference. Comments received from the Ariki during consultations indicate that the Conference could be better structured. Currently, members are not aware of what the tentative agenda for the Conference would be until they arrive and are sitting in the Conference. This does not provide members with the opportunity to seek guidance from their matakeinanga as to what position they may take on the matters to be presented, discussed and decided at the Conference. For the members this is problematic as many believe that they are unable to properly represent and bring the voices of their people to the Conference. While there is acknowledgement that the agenda proper for the Conference is agreed to by the Conference, a tentative agenda should be presented to the members well before the Conference to allow adequate time to prepare and seek input from the respective matakeinanga.

In determining the tentative agenda for the Conference, many are of the view that the Conference agenda should be more focused. Currently, it is packed with insufficient time left for meaningful deliberation. It has been suggested that perhaps smaller focus group meetings can be scheduled prior and that the Conference proper should be the endorsement platform of the deliberations of these focus groups. This may allow for agenda items to receive greater attention and debate. Another proposition is that information papers relating to the Conference agenda and the outcomes sought be prepared and dispersed at the same time as the tentative agenda to allow for focused preparation by the Ariki and the matakeinanga. These are worthy considerations for the future structure of the Conference.

It is normal practice in other organisation's meetings that the financial report is presented. This should be normalised in the House of Ariki. Financial reporting should be presented on all finances received by the House directly from Government or any other source. Any financial support received indirectly for any activities involving the House of Ariki, such as project partnership arrangements, for example activities funded under Marae Moana, Inclusive Conservation Initiatives (ICI) and others should also be reported to the Conference. Additionally, financial updates should be presented at a regular meetings of the Executive. These financial requirements should be explicit in formal instruments to ensure transparency and accountability of the finances of the House.

The issue of being prepared for meetings has also been raised by the Executive of the House of Ariki. Often meetings are called at short notice without adequate information of what the meeting will entail. Again, this does not allow for adequate preparation time for the Ariki. Furthermore, some members are of the view that meetings do not encourage genuine and constructive dialogue. Members should be encouraged to voice their views, even if they are contrary to those of the Kaumaiti Nui as Chairperson. Should a decision not be reached in a meeting, as prescribed by the House of Ariki Act, these should be noted for the record. Thus, procedures of the meetings of the Executive should be clearly defined.

Ordinary members of the House have indicated that they are usually not aware nor are regularly informed of what the House is doing outside of the Conference. There should be a requirement placed on the House administration to report to all members on a regular basis. This will promote transparency, accountability and awareness. The input from other members on reports should also be encouraged and tools to enable this process should be put in place. It is suggested that this reporting and requesting of feedback be done on a quarterly basis.

Should the views of members be required outside of the Conference or reporting period, these can be sought. In order to assist in the facilitation of this, particularly for those in the Pa Enua, the help of the Island Governments may be necessary. To formalise this, the House of Ariki should enter into Memorandum of Understanding arrangements to assist the Ariki with the Island Governments and the Office of the Prime Minister, as the Ministry responsible for the Island Governments. Assistance should include communications, preparation of reports and feedback to the Executive of the House of Ariki.

It is therefore recommended that:

- The tentative agenda for the House of Ariki Annual Conference be presented to the members no less than a month prior to the Conference.
- Procedures for the meetings of the Executive of the House of Ariki should be clearly defined.
- Financial reporting requirements to the House of Ariki Conference and Executive of the House be made mandatory.
- Regular reporting to all members and seeking feedback should be done regularly and normalised, this includes the record in writing of the meetings of the Executive and such minutes provided to the House of Ariki members in a timely fashion.
- Memorandum of Understanding arrangements to provide assistance to Ariki in the Pa Enua should be established with Island Governments and the Office of the Prime Minister.

Partnership in the traditional governance structure

The House of Ariki Act and traditional societal structure implies a close relationship between the House of Ariki and Koutu Nui. Unfortunately, recently this relationship has been strained. The current President of the House of Ariki has been a strong advocate of the abolishment of the Koutu Nui and that Mataiapo and Rangatira relationship with Ariki be confined to the traditional matakeinanga structure.

The Mataiapo and Rangatira see the Koutu Nui as a relevant institution. In the past, House of Ariki and Koutu Nui have worked together, and produced joint statements on such matters as Unit Titles Bill 2008, Deep Sea Mining Bill 2009 and Immigration Act Review.

In a Koutu Nui consultation meeting for this assessment, those present consider the clash between the House of Ariki and the Koutu Nui to be due to personal animosity between the current President of House of Ariki and former President of the Koutu Nui.

In their view, Mataiapo and Rangatira will always be part of the matakeinanga structure. They stated that historic vaka groupings such as Te Kau-ariki-rangi in Puaikura, Puara o Pa ma Kainuku in Takitumu and Nga Mataiapo o Arai-Te-Tonga in Te-Au-o-Tonga should be treated with respect and their protocols should be observed, as opposed to the President of House of Ariki trying to dictate and apply incorrect presumptions of custom.

They recognise that the role of Ariki is to provide leadership. This means seeking out information, checking it and then getting a consensus on a statement or position, and that they would like the House of Ariki to work together in partnership with the other branches of the aronga mana (i.e. mataiapo, rangatira, kavana individually and collectively as the Koutu Nui). After all, from their perspective, their own matakeinanga has elected them to hold the leadership role of "upoko" or leader of their extended families in maintaining peace and ensuring well-being in family matters or in their own villages.

The Koutu Nui Executive Committee operates in a very structured way. They meet monthly, minutes are circulated from the last meeting and members volunteer to follow up. If anyone brings up a new issue concerning the well-being of the community in their monthly meeting, they go around the table to try and get a consensus view. This consensus, becomes the Koutu Nui group position. They have convened workshops on big issues like immigration, land law and operation of Infrastructure Cook Islands, in order to collect the views of those that attend. There have been several press articles about their work, and on the particular day of this consultation meeting, they were very pleased to read in the Cook Islands News that there will be a reduction in the cost of application for succession in the Land Court which they believe that they have contributed to by pressuring for that change.

They perceive the current Clerk of the House as aggravating the tension between the House of Ariki and Koutu Nui. From their standpoint, the role of the Clerk of the House of Ariki is only to do the work given to him, and not to come up with his own interpretation of how the President of the House should act. They believe that the Clerk has been active in assisting the current President of the House of Ariki carry out his role without consultation with the rest of the House of Ariki or Parliament.

The Koutu Nui consultation meeting also reported that they send the minutes of their Annual General Meeting to the House of Ariki and do not receive any acknowledgement of minutes nor feedback on recommendations, meaning that two way communication is non-existent.

However, despite these perceived challenges, they see some hope in reconciliation with the inclusion of two members of the Koutu Nui in the Executive of the Runga Tango Enea project. They stressed that they want to work together with House of Ariki and see great value in a strong partnership between the two institutions and perhaps a mechanism or tools can be put in place that can enable the relationship to improve information flows and coordination of cooperation.

In consultation with Ariki, Mataipo and matakeinanga in the Pa Enua, their outlook is that this is a Rarotonga problem, with little applicability to their context given that they have a strong relationship with their respective Ariki.

Despite the passing of the resolution for abolishment of the Koutu Nui by the House of Ariki Conference, generally most people consulted support the view of the Koutu Nui in that the rift has been caused between the House of Ariki and Koutu Nui is by a clash in personalities and that this can be mended, rather than apply the strong stance promoted by the current President of the House of Ariki for the abolishment of the Koutu Nui.

It is therefore recommended that:

- The functions, role and responsibilities of the Koutu Nui and their relationship to the House of Ariki are clearly stated in the appropriate instruments.
- The appropriate tools be established to ensure suitable cooperation between the Koutu Nui and House of Ariki.

Changing the Act

It is time that the House of Act is reviewed and changes should perhaps be made to incorporate the findings of this assessment where relevant.

It is therefore recommended that:

It is therefore recommended that the House of Ariki Act be reviewed and where appropriate changes be made to incorporate the recommendations of this assessment.

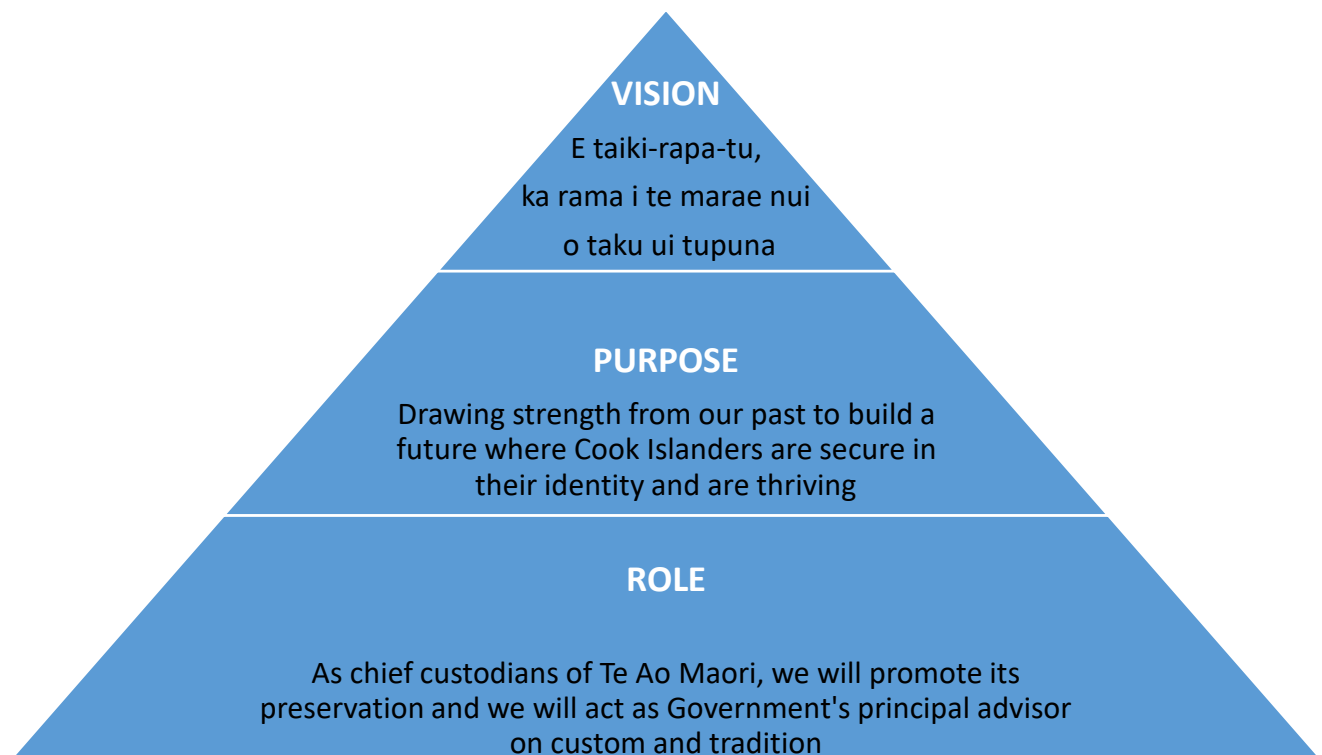
3. CHARTING THE DIRECTION FORWARD

Informed by the findings of this assessment, a Strategic Framework is proposed. The Framework has been deliberately made as straightforward as possible with three priority thematic areas - Leadership and Partnership, Te Ao Maori and Good Governance. Below each theme are the goals sought, followed by the focus areas of work and the objectives beneath. The framework is in the shape of house with the roof structure being the vision, purpose and role of the House of Ariki, depicting the role of the Ariki as the person that brings the matakeinanga and people together under the shelter and protection of his/her title.

The Strategic Priorities and corresponding focus areas are further articulated in 3.2 in the outline of results sought and the indicators to measure progress.

Each of the recommendations of this report are aligned the objectives of the framework as direct actions that can contribute to its implementation.

3.1 Strategic Framework for the House of Ariki



STRATEGIC PRIORITIES		
Leadership and Partnership To demonstrate leadership and build strong partnerships that contributes to positive outcomes for our people.	Te Ao Maori Our individual and collective identity as Tangata Maori are recognised, supported and invested in.	Good Governance To practice good governance in seeking the best outcomes for all our stakeholders.
FOCUS AREAS		
Working with Government We will work with Government to ensure that we fulfill our purpose as articulated by the Constitution.	Te Reo We will work together with other agencies to strengthen Cook Islands Maori languages and dialects.	Being engaged We will ensure that we are visible and engaged in our stakeholder relationships.
Building durable partnerships We will work with partners who will support us in progressing our strategic priorities.	Te Peu e te Akonoanga Maori We will work together with other stakeholders and communities to preserve and promote our peu and akonoanga Maori.	Having in place good systems and structures We will work with our stakeholders to ensure that we have appropriate systems and structures to effect transparency and accountability.
Demonstrating leadership We will champion strengthening of our Maori language, customs and traditions; and influence good outcomes across key areas of government investment.	Te au akapapaanga o te Iti tangata Maori We will work together with our stakeholders to preserve history, historical places and heritage through the most effective and appropriate means.	

3.2 House of Ariki Results Structure

STRATEGIC PRIORITIES		
Leadership and Partnership	Te Ao Maori	Good Governance
FOCUS AREAS		
<p>Working with Government We will work with Government to ensure that we fulfill our purpose as articulated by the Constitution.</p> <p>Building durable partnerships We will work with partners who will support us in progressing our strategic priorities.</p> <p>Demonstrating leadership We will champion strengthening of our Maori language, customs and traditions; and influence good outcomes across key areas of government investment</p> <p>This means:</p> <ul style="list-style-type: none"> We will have regular engagement with Government and its agencies and we contribute constructively to the processes of government and the community. We will formalise relationships with our partners. We will have active Ariki Championing language, customs and traditions, as well as key issues of interest to the House of Ariki and our communities. <p>Indicators:</p> <ul style="list-style-type: none"> A program of engagement finalised and implemented, and number of engagements and recommendations implemented. Number of formal partner arrangements for e.g. MOU entered into. 	<p>Te Reo We will work together with other agencies to strengthen Cook Islands Maori languages and dialects.</p> <p>Te Peu e te Akonoanga Maori We will work together with other stakeholders and communities to preserve and promote our peu and akonoanga Maori.</p> <p>Te au akapapaanga o te Iti tangata Maori We will work together with our stakeholders to preserve history, historical places and heritage through the most effective and appropriate means.</p> <p>This means:</p> <ul style="list-style-type: none"> We will actively revive and preserve our language; peu and akonoanga Maori; history, heritage and historical places; through promotion and implementation of recording, teaching, using digital and social media. To do this we will partner with MoCD, MoE, NGOs, business sector and communities. <p>Indicators</p> <ul style="list-style-type: none"> Number of reo speakers increase. (incorporation into census) Local content in all forms of media increase. Volume of peu and akonoanga Maori recorded increase. Average frequency of experiencing cultural activities increase (incorporation into census) Number of heritage and historical sites under protection improve. 	<p>Being engaged We will ensure that we are visible and engaged in our stakeholder relationships.</p> <p>Having in place good systems and structures We will work with our stakeholders to ensure that we have appropriate systems and structures to effect transparency and accountability.</p> <p>This means:</p> <ul style="list-style-type: none"> We will develop and implement our Communications Strategy We will Champion issues of importance to our people We will develop our policies and procedures to ensure that the business of the House Ariki runs smoothly and we are accountable to our members. This includes formalization of meeting protocols and reporting procedures. We will put in place systems to ensure that our financial obligations are met and we will comply with the Cook Islands government financial management requirements. We will ensure that the House of Ariki will have a business plan annually. <p>Indicators</p> <ul style="list-style-type: none"> A biannual survey to gauge House of Ariki visibility and relevance returns positive results. Policies and procedures for the House of Ariki developed and complied with. Business Plan is followed and reported to the House of Ariki and government on a six monthly and annual basis.

3.3 Capacity Development Plan

The Capacity Development Plan takes the recommendations of the report and aligns them to their respective strategic priority, as well identify possible timelines for implementation. A number of factors will impact on the implementation of activities. These include Government's political will to provide additional resources to assist with execution, as well as the motivation of the Ariki to effect change.

Recommendations	Inputs	Interim April – June 2023	2023 2024	2024 2025	2025 2026	2026 2027
Leadership and Partnership						
Working with Government						
Develop and formalise clear processes or tools that enable effective information flows between the House of Ariki and Government, as well as Parliament.	Action					
Amend the Cabinet Manual to include consideration of cultural, custom and tradition implications of a submission to Cabinet.	Action					
Formalise a Standing Order which invites the House of Ariki to present and/or make a submission to Parliamentary Select Committees on legislative issues.	Action					
Government be made aware of the suggestions presented to enhance the relationship between Government, Parliament and the House of Ariki.	Action					
Building durable partnerships						
Amend the Island Government Act to allow islands the choice of the level of inclusion of their Ariki in governance processes whereby islands can either maintain the status quo of Ariki as ex-officio members or have voting rights on the Island Council.	Action					
Formalise relationships between the House of Ariki and government agencies through the signing of Memorandum of Understanding beginning with the Ministry of Cultural Development (MoCD)	Action (ongoing)					
Clearly state in the appropriate instruments the function, role and responsibilities of the Koutu Nui and its relationship to the House of Ariki.	Action and Technical Assistance					

Establish tools to ensure suitable cooperation between the Koutu Nui and House of Ariki.	Action, Technical Assistance and consultations					
Establish a Memorandum of Understanding between the House of Ariki, Island Governments and Office of the Prime Minister to provide assistance to Ariki in the Pa Enua.	Action					
Demonstrating Leadership						
Promote capacity building for the House of Ariki members involved in government related committees.	Action (ongoing)					
House of Ariki members to identify and Champion issues of interest of the House.	Action (ongoing)					
Te Ao Maori						
Te Reo						
Work with MoCD, MoE and other agencies to champion the revival of our reo and its different dialects.	Action (ongoing)					
Te Peu e te Akonoanga Maori						
Review the Runanga Tango Enua Committee Workplan	Action and Technical Assistance					
Further explore and formulate operational details of the proposed Koutu/Koro Akaau before consultations with matakeinanga and government for its establishment.	Action, seek funds and Technical Assistance (part 1) Seek funds and consultations (part 2)					
Explore structures related to Maori land settlement in New Zealand to determine applicability to the Cook Islands context.	Action and Technical Assistance					
Establish and build relationship with a panel of experts/academics to assist in history research and documentation of tribal protocols and customs.	Action and seek funds					
Good Governance						
Being engaged						
Develop a Communications Strategy for the House of Ariki with the focus on awareness of the House, its role, responsibilities and the work that it does.	Action and Technical Assistance (Development interim and 2023 with implementation in the outer years)					
Having in place good systems and structures						
Review the House of Ariki Act and where appropriate incorporate the	Action and Technical Assistance					

recommendations of this assessment						
Formalise the accountability and reporting requirements of the House of Ariki	Action					
Formalise linking of budgetary allocation for the House of Ariki to a Workplan	Action					
Increase the staffing capacity of the House of Ariki commencing with an Administration Coordinator and gradually adding on any required additional staff in the coming years as the budget permits.	Action and Funding					
Work with MoCD and OPSC to identify existing public servants that may be able to lend expertise/skill to the House of Ariki for specific activities based on the work plan of the House of Ariki.	Action					
Undertake a performance appraisal for the Clerk of the House of Ariki.	Action					
Develop a Job Description for the Clerk of Ariki and ensure that future recruitment for the position is undertaken by the OPSC.	Action					
Review the resourcing of the House of Ariki.	Action					
Place a limit on the tenure of the President of the House of Ariki to a maximum of two four year terms.	Action and possible legislative change					
Ensure that the office bearers of the House of Ariki are elected and that their roles and responsibilities are clearly articulated.	Action and possible legislative change					
Consider the representation (as an observer) from the matakeinanga in the case of a disputed title and clearly state their role and responsibilities for management by the House of Ariki.	Action and possible legislative change					
Clearly articulate the roles and responsibilities of the ordinary members of the House of Ariki.	Action and possible legislative change					
Implement an induction program for all new members of the House of Ariki.	Action (ongoing)					
Ensure that the tentative agenda for the House of Ariki Annual Conference be presented to its members no less than a month prior to the Conference.	Action and HoA Act Standing Order/regulation changes					

Clearly define procedures for the meetings of the Executive of the House of Ariki	Action and HoA Act Standing Order/regulation changes					
Make mandatory financial reporting to the House of Ariki Conference and meetings of the Executive of the House of Ariki	Action and HoA Act Standing Order/regulation changes					
Normalise regular reporting and promote feedback with the members of the House of Ariki.	Action and HoA Act Standing Order/regulation changes					

3.4 Implementation and Monitoring

The implementation of this Capacity Development Plan should be embedded in the Annual Business Plans of the House of Ariki. This will enable monitoring of progress to be aligned with the Public Service reporting timelines – midyear and annual reporting. The MoCD can assist the House of Ariki in both incorporating the Capacity Development Plan into the annual Business Plan, and with midyear and annual reporting requirements.

ANNEX 1: STAKEHOLDERS CONSULTED

	Name	Organisation/Representation
1	Myra Patai	Office of the Public Service Commissioner/ Chair of the Project Steering Committee
2	Anthony Turua	Secretary of the Ministry of Cultural/ Project Steering Committee
3	Numangatini Tangi Tereapii Ariki	House of Ariki Executive/ Project Steering Committee
4	Tetava Maara Tetava Ariki	House of Ariki Executive/ Project Steering Committee
5	Tinomana Tokerau Munro Ariki	House of Ariki Executive/Kaumaiti Iti/ Project Steering Committee
6	Karika George Karika Ariki	House of Ariki Executive/ Project Steering Committee
7	Tangata Vainerere	Clerk of Parliament/Project Steering Committee
8	Paroro Mataiapo Rongo Preston	President Koutu Nui/Project Steering Committee
9	Halatoa Fua	Director, National Environment Service
10	Teariki Tearetoa	National Environment Service
11	Kairangi Samuela	Principal Immigration Officer
12	Jon Jonassen	Former Secretary of Culture/academic/expert on Cook Islands culture
13	Ngarangi Teio	Ministry of Cultural Development
14	Ngatuaine Maui	Ministry of Cultural Development
15	Justina Nicholas	Ministry of Cultural Development
16	Rev. Moutaiki Ngametua	Religious Advisory Council
17	Nga Mataio	Religious Advisory Council - Secretary
18	Tamatoa Jonassen	Religious Advisory Council/ Secretary of Ministry of Justice
19	Pastor Eric Toleafoa	Religious Advisory Council
20	Bishop Tutai Pere	Religious Advisory Council
21	Pastor Beresford Rasmussen	Religious Advisory Council
22	Rev. Teava Nanai	Religious Advisory Council
23	John Hosking	Secretary Ministry of Transport
24	Jane Maxwell	Ministry of Transport
25	Mii Rongo	Ministry of Transport
26	Rufina Teulilo	Ministry of Finance and Economic Management
27	Tristan Metcalfe	Ministry of Finance and Economic Management
28	David Greg	Crown Law Office
29	Teina Bishop	Aitutaki Social Economic Chairperson
30	Tekura Bishop	Mayor Aitutaki

31	Tangi Ngaro	Councilor Aitutaki
32	Junior Rikiau	Councilor Aitutaki
33	Twin Ruarangi	Representative of Tautu, Aitutaki
34	Charlie Taamo	Councilor Aitutaki
35	Tuanguar Bishop	Councilor Aitutaki
36	Tuaine George	Executive Officer Aitutaki/ Vaeruarangi Ariki
37	Tereapii Pito	Councilor Aitutaki
38	Metuakore Bobbie Bishop	Councilor Aitutaki
39	Ruauta Ngatokoa	Councilor Aitutaki
40	Rev. Ngarangi Tutai	Religious Advisory Council representative, Aitutaki
41	Tuao Messine	Government Representative, Aitutaki
42	Teiti Teiti	Aronga Mana Chairperson, Aitutaki
43	John Purua	Aronga Mana, Aitutaki
44	Jaymaine Ioane	Aronga Mana, Aitutaki
45	Retire Puapii	Aronga Mana, Aitutaki
46	Teariki Solomona	Aronga Mana, Aitutaki
47	Repaio Kiria	Aronga Mana, Aitutaki
48	Tararo Ngamata Tararo Ariki	House of Ariki
49	Tepaeru Samuela	Councilor Mauke
50	Papa Lucky	Mayor Mauke
51	Joanne	Councilor Mauke
52	Apai Mataiapo Tekeu Framhein	Koutu Nui
53	Tautu Mataiapo James Heather	Koutu Nui
54	Te Tika Mataiapo Kauono Philomen Williams	Koutu Nui
55	Te Pa Mataiapo Imogen Ingram	Koutu Nui
56	Araiti Mataiapo Elizabeth Ponga	Koutu Nui
57	Pi Mataiapo Tenga Mana	Koutu Nui
58	Ita'ata Rangatira Noeline Browne	Koutu Nui
59	Kaena Mataiapo Kauono Mahine Wichman	Koutu Nui
60	Tiikura Mataiapo Tai Adamson	Koutu Nui
61	Ben Ponia	Chief of Staff, Office of the Prime Minister
62	Valery Wichman	Office of the Prime Minister
63	Mia Teaurima	Office of the Prime Minister
64	Maria Tuoro	Office of the Prime Minister
65	JJ Browne	Office of the Prime Minister
66	Makara Murare	Mayor, Mitiaro
67	Tokai Ngaiorae	Councilor, Mitiaro
68	Upokotunoa Murare	Councilor, Mitiaro
69	Maara Kimiora	Councilor, Mitiaro
70	Tuvaine Taae	Councilor, Mitiaro
71	Tou Travel Tou Ariki	President, House of Ariki
72	Tupuna Rakanui	Clerk, House of Ariki
73	Temaue Teika o Akatuira Mii O'Brien Ariki	House of Ariki
74	Rongomatane Nicholas Nichols Ariki	House of Ariki
75	Manarangi Tutai Clark Ariki	House of Ariki

76	Alistair Macquarie	Ngati Makea
77	Nooroa Tupa	Ngati Makea
78	Teremoana Windy	Deputy Mayor, Atiu
79	Teura Maka Kea	Councilor, Atiu
80	Tiainekore Samuel	Councilor, Atiu
81	Vaine Paretoa	Aronga Mana representative to the Island Council
82	Mama Mataio	Government Representative, Atiu
83	Tapuni Williams	Island Council Clerk, Atiu
84	Rev. Yakilia Vailoa	CICC Orometua, Atiu
85	Vaiana Mataiapo Maara Tairi	Aronga Mana/Executive Officer, Atiu
86	Teariki Maurangi	Mapumai community, Atiu
87	Kiekie Mataiapo Tiratoru Pora	Aronga Mana, Atiu
88	Upokoina Teipo Akaere	Mapumai community, Atiu
89	Apii Porio	SDA Elder
90	Tinokura Mataiapo Tutara Tapuni Williams	Aronga Mana, Atiu
91	Eddie Drollet	Business Owner, Atiu
92	Arai-Terea Mataiapo Tutara Ngatokoa Roberts	Aronga Mana, Atiu
93	Utumua Mataiapo Teata Bob	Aronga Mana, Atiu
94	Maurangi Mataiapo Kapao Kapao	Aronga Mana, Atiu
95	Syak Tairi	Enuamanu School, Atiu
96	Tangata Edwards	Ngati Nurau representative
97	Tereora College Year 13 class	Rarotonga sample population
98	Tereora College Year 13 class parents	Rarotonga sample population