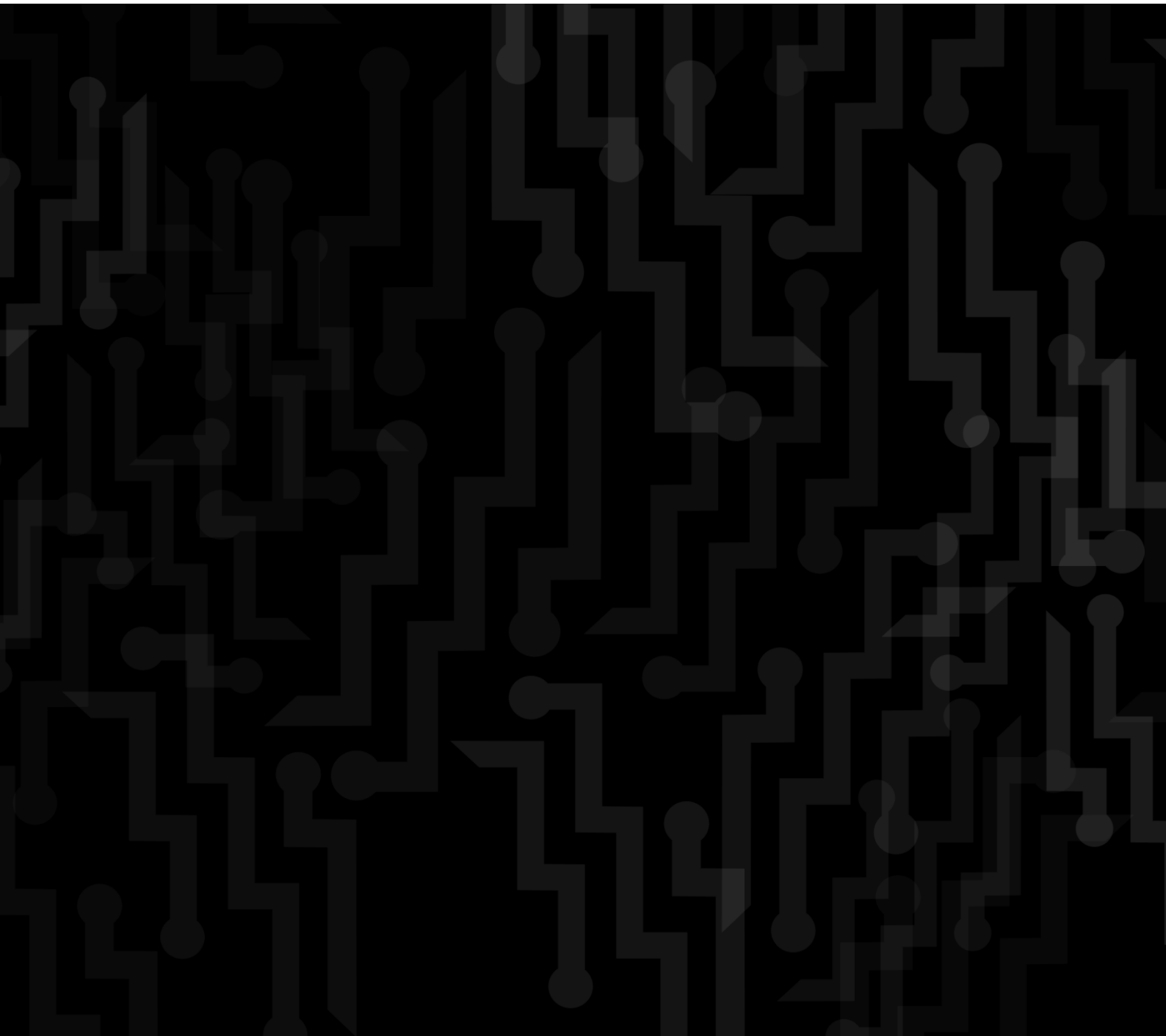


Examining Tino rangatiratanga in post-Treaty Settlement Aotearoa through the Matike Mai Reports

by

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Final Report

Examining Tino rangatiratanga in post-Treaty Settlement Aotearoa through the Matike

Mai Reports

Mairangi Campbell

Mihi

I would like to acknowledge Associate Professor Anaru Erueti for his stewardship and intellectual leadership, as well as his willingness to engage with a challenging and timely subject. His guidance and encouragement made this research both possible and meaningful.

I also wish to acknowledge the kaimahi at NPM, whose work ensures that this kaupapa continues to support inquisitive students and the communities that benefit from our research. I'd also like to acknowledge the presenters who kindly shared their own matauranga. In particular, I acknowledge Sonia for her exceptional organisational skills and for ensuring the smooth operation of the programme.

Finally, I acknowledge my wider support network, my friends and whānau, especially my mother (Kiwi), my father (Bruce), and my younger brother (Maia), whose support has felt constant throughout this project.

Executive Summary

The purpose of this project was to demonstrate that, contrary to contemporary claims that the Waitangi Tribunal has acted beyond its original mandate, the Tribunal has consistently operated

as more than a commission of inquiry concerned solely with truth-telling. In addition to its fact-finding role, the Tribunal has historically functioned as both a check on executive power and an innovator of government policy.

To examine this claim, an AI-assisted classification methodology was developed and applied to every publicly available Waitangi Tribunal report. Each report was individually categorised according to three functional personae – Truth-Teller, Watchdog, and Policy Innovator – using a structured training process grounded in exemplar reports for each category. The resulting dataset was compiled into a comprehensive catalogue including report title, Wai number, year of release, inquiry type, persona classification, justification for categorisation, and a link to the full text. This enabled proportional analysis across the Tribunal’s fifty-year history and facilitated the identification of longitudinal trends.

The findings support the central thesis. Despite recent criticism directed at the Tribunal, the data demonstrates that since its inception the Tribunal has repeatedly exhibited characteristics consistent with “watchdog” and “policy innovator” personae across its 50 year history. Notably, almost half of all Tribunal reports issued over its fifty-year history were found to exhibit mixed institutional personae.

Goal of internship

The primary objectives of the internship were to develop my research skills and to create a comprehensive catalogue that documents and classifies all Waitangi Tribunal reports according to institutional persona. I consider that both objectives were successfully achieved.

Methodology

The methodology employed in this project was time-intensive but ultimately rewarding. This project involved categorising over 150 Waitangi Tribunal Reports spanning 50 years. Using the clearly defined categories provided in the project brief, I trained ChatGPT Premium to classify Tribunal reports according to the following personae:

- Truth-Teller: *The Tribunal acts as the nation's conscience, serving as an investigator, narrator, and moral historian of the Treaty relationship. This includes its core function of conducting historical inquiries that form the basis of Treaty settlements.*
- Watchdog: *The Tribunal exercises a constitutional oversight function, particularly through its urgency jurisdiction, by intervening where Crown policy or legislation risks breaching Te Tiriti o Waitangi.*
- Policy Innovator: *The Tribunal advances recommendations for the reform of law, public policy, or institutional design.*

To operationalise each functional persona, the AI tool was trained using carefully selected exemplar Waitangi Tribunal reports that clearly embodied the core characteristics of each persona.

For the Truth-Teller persona, I uploaded and analysed the following reports, each of which is primarily concerned with investigating and documenting historical Crown breaches: *Ngāi Tahu Report (Wai 27)*; *Taranaki Raupatu (Wai 143)*; *Te Urewera (Wai 894)*; *Ngāti Kahu Mandate Inquiry (Wai 2180)*; *Muaūpoko Mandate Inquiry (Wai 2200)*.

By exposing the AI tool to these consistent examples, I enabled it to identify recurring structural and linguistic markers of the Truth-Teller persona, such as extensive historical evidence analysis, findings framed in declaratory language, formal breach determinations and emphasis on evidentiary record-building.

A key strength of this approach was that the exemplar reports spanned a significant period of the Tribunal's history. By selecting reports issued across different decades, panels, and political contexts, the training set captured variations in writing style, terminology, and institutional tone. This was important because the linguistic expression of findings has evolved over time depending on the presiding members, historical moment, and the nature of the inquiry.

By incorporating reports from different eras of the Tribunal, the AI tool was exposed not only to consistent functional characteristics of the Truth-Teller persona, but also to stylistic and rhetorical differences across time. This reduced the risk that the model would associate the persona with a particular writing style rather than with its underlying function.

This process created a conceptual anchor for the persona, allowing subsequent reports to be assessed against these established characteristics.

The same process was carried out for the Watchdog and Policy Innovator personas.

To train the Watchdog persona, exemplar reports were selected where the Tribunal acted as an active check on contemporary Crown power, particularly in urgent or interim contexts. The following reports were used: *Lands Case (Wai 45) interim report*; *Oranga Tamariki Urgent Inquiry (Wai 2915)*; *Māori Health Authority Urgent Inquiry*; *Treaty Principles Bill urgency inquiry. Commercial fisheries*. Across these reports, the AI tool was trained to identify features such as: urgency framing, interim recommendations, direct engagement with current executive action, explicit language of restraint, caution, or suspension and protective reasoning aimed at preventing harm.

For the Policy Innovator persona, exemplar reports were selected where the Tribunal moved beyond breach identification and articulated forward-looking normative frameworks or structural reform proposals. The following reports were used: *Māori Language Report (Wai 11)*; *Ko Aotearoa Tēnei (Wai 262)*; *Hauora (Wai 2575)*; *Kāinga Kore (Wai 2750)*. Through these examples, the AI tool was trained to identify: forward-looking reform language, structural policy recommendations, normative constitutional reasoning, and systemic redesign proposals. This enabled the classification process to distinguish between historical adjudication and proactive policy development.

Mixed Personas were reports that exhibited substantial and sustained characteristics of at least two functional personas within the same inquiry.

Rather than assigning a dominant classification where the Tribunal meaningfully performed multiple roles, these reports were coded as “Mixed” to reflect the multidimensional nature of the Tribunal’s function in that instance. This avoided artificially simplifying complex reports that simultaneously engaged in historical truth-telling, active executive oversight, and forward-looking policy development.

Each report was uploaded individually to ensure that the AI had sufficient time to process the material and produce the most accurate classification possible.

After each report was categorised, the classification data was uploaded into a structured Excel spreadsheet to create a comprehensive catalogue of all Waitangi Tribunal reports. For each report, the catalogue recorded: title, Wai number, year of release, inquiry type, assigned persona classification, justification for categorisation, and a link to the full text.

This dataset enabled proportional analysis of persona distribution across the Tribunal’s fifty-year history and facilitated the identification of longitudinal trends in the Tribunal’s institutional function.

Following completion of the initial classification phase, it became apparent that the AI model was overly conservative in its assessments. In particular, it tended to under-identify reports exhibiting mixed personae and frequently classified reports as solely “truth-teller” in nature. It was determined that this limitation stemmed from insufficient engagement with the recommendations and conclusions sections of reports.

Accordingly, the classification process was repeated with a refined methodology that placed greater emphasis on these sections. This adjustment produced a more balanced and accurate dataset, better reflecting the multifaceted nature of Tribunal reports.

Findings

The purpose of this project was to assess the validity of contemporary claims that the Waitangi Tribunal has exceeded its original mandate, particularly through its engagement with modern and ongoing policy issues. Such criticisms have gained prominence in recent years and are often framed as a departure from the Tribunal's intended role as a historical fact-finding body.

The underlying hypothesis of this research was that these concerns are overstated. It was anticipated that the Tribunal has, since its inception, exercised multiple institutional functions, extending beyond fact-finding to include roles consistent with an executive watchdog and policy innovator. This analysis sought to empirically test that assumption through a systematic examination of Tribunal reports across its history.

The findings provide substantial support for this hypothesis. The data indicates that from its earliest reports, since at least 1978, the Tribunal has engaged not only in establishing factual records but also in evaluating Crown conduct, scrutinising executive decision-making, and advancing recommendations with clear policy implications.

In proportional terms, the AI classified approximately 75 percent of reports as exhibiting a fact-finder persona, 44 percent as exhibiting a watchdog persona, and 32 percent as

demonstrating a policy-innovator function. Notably, 44 percent of reports exhibited more than one persona. This finding reinforces the conclusion that the Tribunal has long operated as a multi-functional institution, rather than as a body confined to a single role.

The distribution of reports classified as Watchdog and Policy Innovator was relatively consistent across the Tribunal's fifty-year history. However, from 2005 onward, these functions became more prominent, with a discernible increase in the proportion of reports exhibiting watchdog or policy-innovative characteristics relative to those primarily classified as Truth-Teller.

A large number of reports was classified as exhibiting a purely fact-finder persona. These reports were predominantly either very brief, with an average length of approximately two pages, or exceptionally large, multi-volume reports exceeding 500 pages. In the case of the latter, it is likely that methodological limitations affected the AI's capacity to fully capture the range of institutional functions present, particularly within extensive recommendations sections. Consequently, the classification of these reports as exclusively fact-finding should be treated with caution.

A discernible temporal trend emerges in more recent Tribunal reports, from 2006 onwards, which exhibit a diminished emphasis on fact-finding and a stronger orientation toward watchdog and policy-innovator functions. This shift is particularly evident in contemporary urgent inquiries, such as Haumaru: The COVID-19 Priority Report and the Māori Wards and Constituencies Urgent Inquiry Report. The present-day and urgent nature of these inquiries

appears to necessitate more direct engagement with executive action and policy design; however further research would be required to certify why these changes have taken place.

By contrast, many early Tribunal reports, 1978 to 2005, predominantly exhibited a truth-teller persona, consistent with the Tribunal's original role as a commission of inquiry tasked with investigating historical breaches of Te Tiriti o Waitangi. This pattern suggests not a departure from mandate but an evolution in emphasis as the subject matter of claims has changed over time.

A notable finding was that while a significant number of reports continued to exhibit a predominantly fact-finder persona, the AI noted that many also demonstrated a fourth, emergent persona: an educative function. Through this role, Tribunal reports clarify complex legal and political processes and explain the implications of Crown policy and legislation to iwi Māori. This educative dimension appears alongside, rather than in place of, the Tribunal's other institutional functions.

Recommendations

While this project was initially motivated by the need to respond to contemporary critiques of the Waitangi Tribunal, future research could build on this work to examine the institutional whakapapa of the Tribunal itself.

In particular, further study could explore how a body established under the kāwanatanga of the Crown has, over time, contributed to the restoration and recognition of Māori mana. The

Tribunal represents a unique constitutional phenomenon: an institution created within the Crown's legal framework that has nonetheless played a significant role in articulating Treaty principles, acknowledging historical injustice, and shaping pathways toward structural reform.

Mapping the evolution of its functional personae across time may provide deeper insight into how the Tribunal has navigated the relationship between kāwanatanga and tino rangatiratanga in practice.

Concluding comments

In conclusion, this project has been both intellectually engaging and personally rewarding. It is my hope that this research contributes to a broader public understanding of the Waitangi Tribunal's role within Aotearoa New Zealand's constitutional landscape and fosters greater appreciation for the importance of the institution and the work it undertakes.

References

All references used in this project consist of publicly available Waitangi Tribunal reports.