

A NEW WAY OF THINKING

CRITICAL TIRITI ANALYSIS



Dominic O'Sullivan



Heather Came

Kirsten Rose talks to some people at the centre of an effective new method for analysing policy.

We are led to believe that the public sector is a bilingual domain where Te Tiriti o Waitangi obligations are embedded in policies and processes and where te reo Māori and tikanga Māori are celebrated.

A new research method is putting this to the test, and to date, many policy documents have been found wanting.

Introducing Critical Tiriti Analysis

In 2019, Associate Professor Heather Came, from AUT's Department of Public Health, and Professor Timothy McCreanor, of Massey University's Whāriki Research Centre, analysed policy documents against the articles of Te Tiriti o Waitangi and presented this information to the Waitangi Tribunal.

As academics, the natural next step was to publish their findings. The format, however, did not fit the traditional format of an academic publication.

It was when they did a peer review and further work on the research with fellow academic Professor Dominic O'Sullivan, from Charles Sturt University in Australia, that the duo realised they had been inadvertently working on a new methodology.

So, Came, O'Sullivan, and McCreanor delved deeper, eventually developing Critical Tiriti Analysis (CTA) – a methodology that could have considerable implications for policy analysis in the public sector.

"We realised that while we knew a lot about pulling apart policy, this wasn't something everyone else knew. So that's what we ended up writing – making our process clear," says Came.

ITS EMPHASIS IS ON RELATIONSHIPS RATHER THAN PRE-DETERMINED PRINCIPLES.

"CTA is very much a living framework, and we continue to refine it and develop it. It was invented as a retrospective tool to critique Crown policy, but we're now beginning to play with ideas about

how it can be used prospectively, as that is what we've found organisations are eager for. Rather than pulling apart other people's work, they wanted to do better work, perhaps preventing themselves having to have a CTA of their own."

The five stages

The CTA involves reviewing policy documents against the Preamble and the Articles of Te Tiriti o Waitangi (the Māori text).

It is an analytical or evaluative tool for ascertaining how a policy aligns with Te Tiriti, and specifically, for finding evidence that Māori are participating in policy review or development in a way that is fair and effective.

The CTA has five phases:

- 1. Orientation** – asking high-level questions of how the policy represents Māori and how it refers to Te Tiriti (Māori version), the Treaty (English version), or Treaty principles.
- 2. Close reading** – reading the policy against the five elements of Te Tiriti: the Preamble, the three written articles, and the oral article of Te Tiriti.
- 3. Determination** – an informed desktop judgment of whether the policy is "silent", "poor", "fair", "good", or "excellent" in relation to each of the five elements of Te Tiriti.
- 4. Strengthening practice** – providing practical constructive suggestions to improve the policy analysed.
- 5. Māori final word** – an overall assessment of the policy's alignment with Te Tiriti.

"A key feature of the CTA is that it doesn't get involved in the Crown-invented Treaty principles. It's about what was actually negotiated. Its emphasis is on relationships rather than pre-determined principles, which allows for greater flexibility and responsiveness to specific circumstances; and I think that's one of the points of distinction," says O'Sullivan.

"It means that policy makers don't have to get too worried about which box a particular policy fits into. Rather, they get to think about what's fair and reasonable in a particular context as determined by substantive and meaningful Māori participation, te rangatiratanga, and citizenship."

Focus on strengthening practice

A CTA is a desktop activity of publicly available information, and often, it is not until the work is published or shared with an organisation that the organisation even knows a CTA has been completed.

For organisations that have had a CTA, the feedback may be challenging although the researchers maintain the process should be mana-enhancing.

"The purpose of the CTA is not to lay blame or put people down. It is about strengthening practice and establishing a community

of learning so that by publishing these critiques, people can go ‘okay, these are five things I’m not going to do next time’ or ‘there are three ideas from this that are really solid that I’m going to pick up on’. So, it’s about creating a culture of ongoing learning and strengthening that community of learning,” says Came.

The CTA in action

The health sector was an early adopter of the CTA methodology, and there have now been numerous CTAs completed across the sector, the most recent being an analysis of the Pae Ora (Healthy Futures) Bill, which was enacted in July creating Health New Zealand and the Māori Health Authority.

At the announcement of the Māori Health Authority Board in September 2021, Associate Minister of Health Peeni Henare described the new Māori Health Authority as a “game changer for our people ... It will give Māori a strong voice in a new system focused on improving the disproportionate health outcomes that have long affected our whānau.”

The CTA of the Bill put this assertion to the test, ultimately finding a few flaws and suggesting it be reworked so that “Māori are not structurally the junior Tiriti partner”.

Leading by example

Another CTA revealed a dearth of Te Tiriti knowledge at the highest level of the public sector.

The article “A Critical Treaty Analysis of the recruitment and performance review processes of public sector chief executives in Aotearoa” published in the *Australian and New Zealand Journal of Public Health* (14 October 2021) found that while Māori made up 16 percent of the overall public service workforce in 2018, Māori were under-represented in senior leadership roles across the public sector. When the researchers conducted the CTA, they discovered they had to create a new category: silent.

“Before we wrote that paper, we didn’t have the fifth category. There was poor, fair, good, and excellent. But none of these applied to the results we found. They just simply had nothing to say, so we had to add ‘silent’ as a category. It was appalling to think that when we recruit CEOs in the public sector, there is no requirement to ask them about Te Tiriti o Waitangi. There is no guarantee there will be Māori representation on the panels, and it was the same with the performance review processes. It was really significant,” says Came.

EVERY PUBLIC SERVANT SHOULD HAVE A BASELINE UNDERSTANDING OF TE TIRITI.

“We also did a review of around 116 public health policy documents a few years ago, selected across a ten-year period.

Overall, 106 did not even contain the word Māori. From a research perspective, there was next to no data to analyse, but that in itself is very powerful. If you say nothing at all in policy about Māori, you’re not upholding Te Tiriti.

“I think every public servant should have a baseline understanding of Te Tiriti and some cultural and political competencies. This should be a requirement.”

Creating a community of learning

Over the past few years, Came, O’Sullivan, and colleagues and co-authors, such as Associate Professor Jacquie Kidd and Isla Emery-Whittington, have run workshops and open sessions nationwide for the public sector to learn more about Critical Tiriti Analysis and how to apply it in their practice.

Sessions to date have sold out within a week, and the team is also working with organisations to help embed the methodology within their organisations and implement it within policies.

THE THING ABOUT TE TIRITI IS THAT IT IS ALWAYS EVOLVING.

“We’re finding it’s being used widely. It’s been used to look at curriculum, it’s been used as a research methodology by researchers doing primary research, it’s been used to pull apart Crown policy, and to inform policy competencies, curriculum, raw data, legislation. A DHB has used it to inform its reporting and business cases, and we now have a professional registration body using CTA to robustly inform its professional competence requirements,” says Came.

This, along with other prospective studies, are the subject of a new research paper for the group.

“The prospective use of the CTA will be very important and we are looking to establish a website whereby we can start to build a community of learning,” says Came.

The researchers are positive about the uptake of the CTA within the public sector and its power to transform policy development.

“The thing about Te Tiriti is that it is always evolving and there is more to learn. The Waitangi Tribunal keeps coming up with new evidence and new insights of how to apply Te Tiriti better,” says Came.

“The CTA offers a way to analyse and inform policies. Certainly, people across the public sector are starting to have a go, and from what I can ascertain, they’re finding it quite useful as a way of thinking about what Te Tiriti actually means, and could mean, in terms of not just analysing existing policy but in developing new policy.”

To find out more about CTA, contact Heather at heather.came@aut.ac.nz

Critical Tiriti Analysis of the Pae Ora (Healthy Futures) Bill	Silent	Poor	Fair	Good	Excellent
Māori are lead or equal partners			X		
Equitable Māori leadership in setting priorities, resourcing, implementation and evaluation		X			
Evidence of inclusion of Māori values influencing and holding authority		X			
Māori exercising their equitable citizenship				X	
Acknowledge wairuatanga, rongoā and tikanga	X				