



WAKATŪ INCORPORATION

SUBMISSION ON TE ARA PAERANGI – FUTURE PATHWAYS PROGRAMME

16 March 2022



Submitter details:

Wakatū Incorporation, Nelson

Contact details:

Kerensa Johnston, Chief Executive, Privacy - 9(2)(a).

Wakatū House,
Montgomery Square,
PO Box 440,
Nelson.

03 546 8648

Introduction

1. This submission on the Te Ara Paerangi – Future Pathways Programme Green Paper (Green Paper) is made by **the Wakatū Incorporation (Wakatū)** to the Ministry of Business, Innovation and Employment (Ministry).
2. This submission includes overarching and specific submissions on the Green Paper.
3. We look forward to engaging further on these matters.

Ko wai mātou? Who are we?

4. **Wakatū Incorporation (Wakatū)** is a Māori Incorporation pursuant to Te Ture Whenua Māori Act 1993. Based in Nelson, New Zealand, **Wakatū has** over 4,000 shareholders who are those families who descend from the customary **Māori land owners of the Nelson, Tasman and Golden Bay Regions – Te Tau Ihu.**
5. **Wakatū has an intergenerational 500** year vision - Te Pae Tawhiti - which sees us through to 2512.¹ It is a declaration of our fundamental values, common goals and guiding objectives that will ensure our success and create a strong identity now and in the future. At the heart of Te Pae Tawhiti is our overarching purpose which is to preserve and enhance our taonga for the benefit of current and future generations.
6. **Wakatū grew from \$11m asset base in 1977 to a current value of over \$350m.** Whenua is the foundation of our business with 70% of assets held in whenua (land) and waterspace. We manage a diverse portfolio from vineyards, orchards to residential properties, large retail developments, office buildings, marine farms and waterspace. **Wakatū owns, on behalf of its shareholders, both Māori land and General land.**
7. Kono is our export food and beverage business focused on high quality beverages, fruit bars, seafood products, pipfruit and hops. We understand

¹ Te Pae Tawhiti is available online at <https://www.wakatu.org/te-pae-tawhiti>.

that research, development, innovation and adaptability is the key to our success.

8. Our **whānau and our** businesses are located primarily in our traditional rohe, Te Tau Ihu – the top of the South Island.
9. Auora is that part of our organisation which is focused on innovation, particularly new ingredients, new products and new business and service models.
10. Auora has also been our centre for developing a unique **Māori led** R&D capability. We are active players in the RSI system, managing a significant research fund and participating fully at the national and global level. As **an organisation Wakatū is** research-led, and is committed to growing its in-house capacity, which is reflected by the appointment of our Chief Scientist (Charles Eason) in 2021.
11. Our purpose as an organisation is to preserve and enhance our taonga, for the benefit of current and future generations.
12. Relevant to the Te Ara Paerangi process, we intend to take our fledgling research capacity to a new level, creating in-house capability that is distinctively **Māori**, connecting with research entities, institutes and universities both nationally and internationally, to more effectively deliver impact and value **for Māori** and in particular for our Owners who are drawn **from the whānau and hapū of Whakatū, Mōhua and the Aorere regions**. Our submission on the Green Paper is made with that future focus at the forefront of our minds.

Scope of submission

13. These submissions for **Wakatū** focus on the following broad themes:
 - (a) Te Tiriti led reform and embedding Te Tiriti
 - (b) Transformational change of the RSI system

- (c) Equitable resourcing and funding
 - (d) **Mātauranga Māori**
 - (e) **Engagement with Māori**
14. We have chosen to provide a principle-based submission that will guide the overall reform of the RSI system, rather than respond to the direct questions provided in the Green Paper. However, we consider that these submissions nonetheless respond to those questions (at least in part).
15. Further, we note our support and endorsement of **both the Te Pūtahitanga Report** (A Tiriti-led Science-Policy Approach for Aotearoa New Zealand) and the **Te Pūtahitanga submission** on the Green Paper (and their responses to the specific questions).²

Overarching submissions

16. **Māori are kaitiaki of the natural world; we are connected to the natural world** through whakapapa. Within our kaitiaki responsibilities, we are also part of **industry. This places Māori in a unique position** to, among other things, carry **over kaitiaki responsibilities into industry best practice. The Government's** reform needs to recognise the multi-faceted rights and responsibilities that **Māori hold.**
17. **Wakatū supports the** Green Paper's focus on a research system that understands and honours Te Tiriti obligations and opportunities, and that seeks to ensure the system is Te Tiriti led. Our submissions provide guidance on how the Green Paper's objectives with respect to Te Tiriti can be met.
18. **Wakatū is committed to this kaupapa and in particular, the broader issue of the protection of mātauranga Māori, which includes intellectual property laws (IP). Wakatū is actively participating in a range of fora in this regard including being actively involved in the Ngā Taonga Tuku Iho conference held in Nelson**

² Ngā Pae o te Māramatanga. (2021). Te Pūtahitanga: A Tiriti-led Science-Policy Approach for Aotearoa New Zealand. www.maramatanga.co.nz/publication/te-p-tahitanga-tiriti-led-science-policy-approach-aotearoa-new-zealand

in 2018, lobbying the Government following that conference and commissioning research on these matters.

19. Despite the **focus on the Crown's Te Tiriti obligations**, it is important to note that any associated reform will be inherently limited until a broader constitutional conversation occurs. The place of Te Tiriti, and the rights and **responsibilities of Māori that are guaranteed by Te Tiriti, need to be properly considered and given effect to by the Crown.** The current Governmental arrangements do not reflect a true partnership.

20. **Wakatū acknowledges the importance of RSI within the IP system generally.** While aspects of this reform seek to respond to Wai 2623, which is positive, we note again that there is still a broader constitutional conversation that needs to occur. We remind the Ministry that a key part of the Wai 262 claim was seeking a review of constitutional issues (as noted above at [18]), with an emphasis on recognition of a true partnership and real shared decision **making between Māori and the Crown. The long-term vision of the claimants being 'Māori control over things Māori'.** We consider this applies to RSI and **should guide the Ministry's approach to reform. This is also reflected** throughout our submission and **aligns with our developing Māori-led R&D capability, to lead Māori research for Māori,** and not be beholden to others, but to collaborate where we choose so as to deliver our research priorities according to our values.

21. Further, broader reform is necessary to ensure a system that fully recognises **or protects mātauranga Māori and kaitiaki relationships.** Therefore, we consider that conversations regarding the benefits of the Nagoya protocol, a bioprospecting regime and access and benefits sharing protocols are also required as part of reform that will engage with discovery and subsequent use of genetic resources. These mechanisms are relevant to the question of protection of **mātauranga Māori** and kaitiaki relationships and therefore are relevant to RSI reform.

³ Waitangi Tribunal *Ko Aotearoa Tēnei: A Report into Claims Concerning New Zealand Law and Policy Affecting Māori Culture and Identity* (WAI 262, 2011).

22. Currently, there are very few domestic legal protections in place to protect the cultural and commercial value of our taonga and those that do exist are weak; this is a significant concern, which impacts on our cultural responsibilities as kaitiaki, as well as on the commercial opportunities our **whānau and hapū communities may wish to exercise with respect to their taonga and resources**. These matters need to be addressed by the Government as a matter of urgency particularly as the RSI system proposes **to engage more substantively with mātauranga Māori**.
23. Reform of the RSI system represents an opportunity but also carries inherent risk. These risks are in large part due to the fact the Government is attempting to undertake reform in a range of related areas (i.e., IP and RSI) in isolation from each other (notwithstanding their inherent connection). What is required is a framework that can and does support the recommendations in Wai 262. **As such, Wakatū urges the Government to take careful measures to ensure that its obligations under Te Tiriti o Waitangi, and to respect kaitiaki relationships, are upheld, as part of this reform and others.**
24. As noted below, continued engagement at every stage of the process is integral to embedding Te Tiriti and ensuring a Te Tiriti led RSI system. As such, we look forward to being included in that engagement moving forward.

Specific submissions

Te Tiriti led reform and embedding Te Tiriti

25. **Wakatū is** focused on proactive change and innovation, evolving **sophisticated Māori-led** research programmes and building leading-edge and intergenerational capability.
26. **Wakatū agrees with the Green Paper’s statement that the new research system must embed Te Tiriti across the design and delivery attributes of the system, as well as enable opportunities for mātauranga Māori.** However, embedding Te Tiriti requires a transformational approach to reform in and of itself, and must extend to every part of the development of the RSI policy.

27. This requires a true partnership approach to the design and development of every stage of the process. However, while co-design, co-development and co-governance are essential elements of a Te Tiriti led approach, **Māori** must also be able to exercise tino rangatiratanga in substance. This will require more than collaboration and must necessarily extend to dedicated (separate) spaces that are **Māori-led** and governed (**e.g., Māori RSI institutions**) and resourcing (e.g., funding earmarked *exclusively* for **Māori RSI**).
28. We have indicated a **serious intention to develop a regional Mātauranga, Research, Science and Innovation Institute** and strongly believe the time is right for strong support for emerging entities of this type. This is a critical part of this submission.
29. Further, Te Tiriti must be central during the policy development stage so that it can inform *all* aspects of a particular policy or policies. We have moved beyond a time when references to Te Tiriti at the front end of a policy document suffices, it must permeate the entire framework to achieve embedment. This requires more than traditional forms of engagement (discussed further below) and will require the devolution of power and resources.
30. We note that the next phase of the RSI reform is to produce a White Paper, which will be a strategy document that will confirm directions for policy development and provide greater **certainty about the Government's** preferred direction. To embed Te Tiriti and ensure the RSI strategy is Te Tiriti led, the White Paper must reflect **the interests of iwi, hapū and Māori** more generally, particularly as this White Paper will reflect the proposed direction of the RSI system. If **Māori aspirations are not adequately** reflected in the White Paper, it will be difficult if not impossible to embed Te Tiriti in any policy or strategy that follows.
31. One of the key issues identified with the current RSI system is that **responsiveness to Māori is weak and models of engagement poor**. We

have direct and continued experience of the downfalls of the current model. As such, this consultation and the subsequent development of the White Paper provides an opportunity to begin to address this weakness in the current system and will be integral in ensuring that the final policy / strategy embeds Te Tiriti. It is essential that the Ministry moves beyond discussing Te Tiriti in isolation from all other matters relevant to the reform but instead frames the entire consultation and engagement process within **te ao Māori and Te Tiriti, which must necessarily include Pākehā as well as Māori.**

32. We consider that the recommendations in He Puapua (Report of the Working Group on a Plan to Realise the UN Declaration on the Rights of Indigenous Peoples in Aotearoa New Zealand)⁴ provide good guidance for what a Te Tiriti led system can look like. He Puapua reflects the aspirations in Wai 262, noting that **Māori must exercise authority over Māori matters as agreed by Māori.** As noted above, for this to occur, the RSI system must include tino rangatiratanga spheres, which necessarily means that **Māori are not only involved in the co-design of the overall system or in co-governance, but that there is also separate recognition and enabling of “by Māori for Māori” RSI.** The presence and support of a tino rangatiratanga sphere, such as **Māori institutions and Māori** funding streams will provide evidence that this reform has been Te Tiriti-led, as this reflects what **Māori** have been requesting for some time.
33. **Such spaces will ensure that Māori interests are not diluted,** which can occur within co-governance or co-led arrangements. Further, it will ensure **that Māori retain decision-making power over matters Māori, such as the development and protection of mātauranga Māori.** The Ministry also needs to ensure that this is a **Māori** led process through a partnership approach (as we undertook with our Te Tau Iho regional strategy discussed below).

⁴ He Puapua: Report of the Working Group on a Plan to Realise the UN Declaration on the Rights of Indigenous Peoples in Aotearoa New Zealand (2019).

34. Governance will be critical to embedding Te Tiriti and ensuring that the **RSI is Te Tiriti led. We consider that tikanga Māori and mātauranga** provide the appropriate frameworks with which to consider governance and we urge those developing the RSI system to ensure they are adequately considering and using these concepts to frame the approach to governance.
35. In our view, embedding Te Tiriti in the RSI system needs to address the following:
- (a) To properly recognise the partnership envisaged by Te Tiriti o **Waitangi, compulsory Māori decision-making** within the new RSI system should be directed, rather than simply enabled.
 - (b) **Tikanga Māori and mātauranga Māori need to be upheld within** not only the RSI system but the domestic IP system also. For example, the way taonga are recognised, and the relationship with kaitiaki, should have a higher status and legal recognition within the IP system. We note changes are being made in this respect, particularly with some of the proposals contained within the new Plant Variety Rights Bill. However, more is required, which includes a broader constitutional conversation noted at [18].
 - (c) **Mātauranga Māori be recognised in a way that local whānau, hapū** and iwi support and any new RSI system should enable different approaches that reflect mana whenua perspectives.
 - (d) **Māori must be able to influence RSI priorities, decisions and outcomes** substantively and meaningfully. **Māori influence will not be addressed** simply through providing for co-design, co-development, co-**governance and Māori decision-making** over RSI matters. The RSI system also needs to be reformed to ensure that **equitable Māori** representation is provided for on all relevant boards or committees, within the full range of RSI institutions as well as provide for separate

Māori institutions and funding streams to enable “by Māori for Māori” RSI that reflects a Te Tiriti-led agenda and not a government-led agenda.

- (e) RSI needs to be broadened to encompass all forms of knowledge such as data obtained (for example) **from Māori businesses or whānau, hapū and iwi undertaking kaitiaki monitoring. Wakatū is a Māori** Incorporation whose shareholders are those **whānau and hapū who descend from the customary Māori land owners** of our rohe. We also use our resources on our land to support our commercial enterprises and have practical experience that can assist with research and development and achieving solutions and outcomes for some of the modern-day issues facing industry, such as waste and water stewardship, and responses to the climate crisis. However, under the **RSI system we are considered ‘end users’** rather than part of the research community. This is particularly frustrating when **Wakatū has** been building R&D **capability that is distinctively Māori** led for over thirty years, primarily through our own investment. **Hence this “end user”** label needs to change. **Wakatū** has its own research engine and is now effectively a research organisation, in its own right, that has the internal capability to carry out research, science and technology and related activities and is deliberately and strategically well placed to develop these further.

- (f) **Māori aspirations must be central to RSI reform. As such, while Wakatū supports the use of research priorities** to guide the RSI system, **these priorities must reflect Māori aspirations to ensure they are realised.**

- (g) **As noted by Te Pūtahitanga, Māori influence on the national RSI agenda should be based on a Māori-Crown relationship which amplifies mātauranga Māori, Te Tiriti o Waitangi, and Kaitiakitanga** as the core framework and values underpinning that relationship.

Transformational change of the RSI system

36. **The Māori economy has** emerged and accelerated through the coupling of innovation and entrepreneurship. Increasingly innovation will be driven from deliberate and sustained R&D, transitioning scientific research into scalable solutions that can be adopted and scaled for the economic and social benefit of Aotearoa.
37. True transformation **from a Māori perspective** will require those developing the RSI system to be bold, to **take some 'leaps of faith'** and to let go of long-held assumptions about RSI. While this may be challenging, it is necessary if we are to move to a system that embeds Te Tiriti and is Te Tiriti led. We cannot continue with the status quo as the same issues will continue to arise and we will ultimately lose the opportunity to identify solutions to the many challenges facing Aotearoa.
38. However, true transformation also requires broader transformation to occur within related systems such as the IP system. **In Wai 262, Māori sought a** new system and associated domestic legislation, which is required to protect and promote taonga species **and mātauranga Māori**. Notwithstanding this vision, the Government has taken a piecemeal approach to legislative reform that instead simply tinkers with the IP framework. This approach is problematic because it is tinkering with a system that is unable to achieve **what Māori want and therefore is unable** to realise the vision in Wai 262. To achieve this vision, we need to look at the whole system and design a truly constructive (fully inclusive) framework. Worse, the failure to enact **comprehensive legislation to protect mātauranga Māori, our collective IP and** meet our international obligations has **created unacceptable risks for Māori** with respect to the **misuse of taonga, mātauranga and IP**. The example of the failure to protect **mānuka** globally from exploitation as a taonga, brand and product is just one example. It demonstrates that significant commercial value can be lost as a result of the **government's** failure to enact a comprehensive policy and legislative regime, and as well as this, our cultural values and Te Tiriti guarantees have been undermined and breached by

successive governments who have failed to grapple with the implications of WAI 262 and the recommendations of the Waitangi Tribunal.

39. The same risks apply to the development of the new RSI system and in fact, even if a truly transformational RSI system is achieved, it will ultimately be undermined when the broader system within which it operates remains the same. This relates to the importance of co-ordinated reform that considers and accounts for the interconnectedness of related systems. As the IP system is intimately connected to RSI, any reform of one must be connected to the **other to fully achieve transformational change. Further, for Māori, without transformation of the IP system alongside the RSI system we risk being unable to fully achieve Māori aspirations** generally as well as those contained in Wai 262. This demonstrates the inherent limits within the RSI system reform and in particular the risks to **achieving adequate protection for mātauranga Māori** and kaitiaki relationships.
40. We note further that the Government launched its whole of Government response to Wai 262 in 2019 – Te Pae Tawhiti – to discuss the long, outstanding issues raised by Wai 262 and Ko **Aotearoa Tēnei**.⁵ These outstanding issues are relevant to the RSI system reform and the discussions that form part of that response will likely inform some of the questions in the Green Paper. However, **the Government’s proposed work programme under Te Pae Tawhiti** appears to have gone quiet, with very little publicly available information available since 2020. We are disappointed that Te Pae Tawhiti appears to have been paused, particularly when it is relevant to the RSI reform as well as the broader reform occurring in the IP space – and while it is paused, the risks to taonga, **mātauranga Māori** and our collective IP remain.
41. To effect system change, there is a need for a behavioural and cultural shift. **Te ao Māori and tikanga Māori provide the necessary framework for such a shift. Further, recognising and providing for tikanga Māori and mātauranga** supports a value based and outcomes focused RSI system that will also enable better focus to be placed on those matters that are priorities in the RSI system.

⁵ Te Puni Kōkiri (2019) *Wai 262 – Te Pae Tawhiti The role of the Crown and Māori in making decisions about taonga and mātauranga Māori*.

42. In a practical sense, this will, as noted above, require a reframing of what constitutes RSI to be broader as well as reconsidering the role of Crown Research Institutes (CRIs) and universities. These institutions reinforce traditional Western scientific models and hold a considerable amount of power. This needs to be addressed by ensuring **Māori** are in governance roles within these institutions as well as ensuring that these spaces actively seek to **decolonise and shift their approach to RSI and matters Māori**. Transformational change requires such a shift, particularly given the **engagement with and use of mātauranga Māori** in these spaces. Without the required shift, **risks to the protection of mātauranga Māori remain**.

Equitable resourcing and funding

43. Equitable resourcing and funding are integral to embedding Te Tiriti in the RSI system. **Māori aspirations and outcomes will only be realised if funding and resourcing is adequately addressed**, which will require a devolution of funding model that places power and decision-making in the hands of **Māori**. Further, funding achieves two key functions. First it recognises **and acknowledges the value of the Māori perspective** in RSI, and second, **it ensures the Māori perspective is in substance included in research and development**.
44. Inadequate funding and resourcing are long-standing issues, which **perpetuate a lack of Māori capacity and capability**. **As such, resourcing and funding need to enable Māori to be active Te Tiriti partners**, which necessarily includes building capacity and capability. Regarding the resource management system, the Tribunal noted in Wai 262 that the lack of capacity **of Māori to engage** is not because we lack ability or knowledge, but at times this is due to a lack of resources and infrastructure necessary to engage effectively. Accordingly, the Tribunal recommended the Ministry for the Environment **commit to building Māori capacity to participate** in RM processes and in the management of taonga. The same principles apply here and highlight that equitable funding and resourcing is integral to the success of the RSI system.

45. **We implore the Ministry to commit to building Māori capacity with respect to RSI, but this must be *Māori*-led not led by Crown institutes.** This is a critical point in our submission.
46. Such funding must be diverse to address capacity issues, which necessarily includes the following types of funding and resourcing:
- (a) Base funding (i.e., funding for day-to-day management of research and development operations);
 - (b) Research and development funding for exclusively **Māori RSI, including entities such as Wakatū**, which must include traditional RSI as well as broader conceptions of RSI discussed above. This funding must be guaranteed and place the decision-making regarding how this funding is allocated and used **with Māori** (i.e., **Māori must be funded to conduct their own research according to their own priorities**), rather than prescriptive and restrictive funding models.
 - (c) Resource and capacity building. This funding will be for building intergenerational capability and capacity of **Māori, which can include policies aimed at increasing Māori in STEM**, building technical capacity of Māori (for example for Māori involved in non-traditional RSI, such as kaitiaki monitoring projects), and investing in the Māori workforce involved in RSI.
47. Ultimately, the Government has to adequately fund the outcomes of this reform (and engagement during the reform process). This is critical to the success of any reform that proposes to shift the RSI system in the direction intended by the Green Paper. Further, this funding must address the power imbalances **between Māori and the Crown both in terms of the ability of Māori to engage at all levels of RSI as well as to influence and make decisions regarding RSI priorities and outcomes.**

48. **Wakatū emphasises the submissions of Te Pūtahitanga regarding the development of Tiriti-based guidelines for RSI funding. This will ensure funding and resourcing is equitable and furthers the Green Paper’s objectives of embedding Te Tiriti and will ensure equitable outcomes for Māori.**
49. Wakatū considers the question of funding also relates to the question of research priorities proposed in the Green Paper. As noted above, **Wakatū supports the use of priorities in the RSI system, so long as they reflect Māori aspirations. This is integral to ensure that funding is equitable** because we assume funding will be allocated in a way that reflects these key priorities.
50. We also consider that funding should reflect our key policy goals and priorities as well as the priorities of Government, for example emissions reduction, climate change adaptation, sustainable land use transition, and waste reduction). As recognised, these areas are likely to disproportionately affect **Māori and therefore Māori aspirations in these areas need to be both prioritised and funded.**

Mātauranga Māori

51. **Mātauranga Māori is a taonga⁶ that the Crown is obligated to protect.⁷ It is protected by Māori, as a taonga tuku iho and research in this area must be Māori-led.**
52. **Mātauranga Māori provides a unique opportunity to respond to the many and varied challenges facing Aotearoa, for example in climate adaptation, waste reduction, and responding to environmental degradation.**

⁶ Waitangi Tribunal *Ko Aotearoa Tēnei: A Report into Claims Concerning New Zealand Law and Policy Affecting Māori Culture and Identity* (WAI 262, 2011).

⁷ Waitangi Tribunal *Report on the Crown’s Review of the Plant Variety Rights Regime* (WAI 2522, 2020).

53. **However, currently mātauranga Māori as a knowledge system, as science,** is not adequately protected, properly acknowledged and recognised. A Te Tiriti led RSI system would provide adequate protection and properly **acknowledge and recognise the value Mātauranga Māori brings to RSI.**
54. **Importantly, mātauranga Māori must not be divorced from tikanga** and from traditional knowledge holders, as that is the body of protocols and people that forms part and makes sense of that knowledge. There is a risk within the traditional Western science framework particularly, to attempt to **compartmentalise those aspects of mātauranga that “make sense” from a Western scientific perspective** and to ignore those elements that appear foreign or that are difficult to conceptualise to those not accustomed with this body of knowledge. It is integral that this does not occur and as such any RSI **system must ensure that mātauranga Māori is acknowledged, recognised,** protected and utilised in its entirety.
55. Further, it is essential that the engagement with, and use of, **mātauranga Māori is Māori led and controlled.** **There is a risk of mātauranga being** subsumed or assimilated within the Western scientific framework, which is a form of colonisation over traditional knowledge and ways of understanding. Further, the divorce **of mātauranga Māori from tikanga and the assimilation** of it within Western scientific frameworks reduce its potential to provide significant solutions and outcomes to current challenges. It is its uniqueness, which is in part because it forms part of a broader knowledge system that falls outside of the Western scientific framework, that makes it valuable. An RSI system that is Te Tiriti led will ensure this uniqueness is protected and enabled.
56. **In terms of mechanisms to protect mātauranga Māori, we** reiterate the recommendations contained in the submission **of Te Pūtahitanga,** which includes the establishment of an autonomous Māori Commission/Entity that will be charged with overseeing RSI and therefore the use and **dissemination of mātauranga Māori.** We also note the recommendations of Wai 262, which include the preparation of adequate ethical guidelines and codes of conduct for use by those in research and development, and

in the education sector more broadly **where mātauranga Māori** and/or tikanga is concerned.⁸

57. As noted earlier, there needs to be broader consideration of the general **absence of protection, recognition and acknowledgement of mātauranga** within systems related to the RSI system, such as IP. Currently, the IP system does not adequately **protect or recognise mātauranga Māori**. **As such, any proposals for the protection of mātauranga Māori within the RSI system may ultimately be undermined when the broader system poses risks to mātauranga Māori.**
58. As noted in Wai 262, a genuine commitment to the principles of Te Tiriti **implies not only kaitiaki control of taonga where justified but also “a genuine infusion of the core motivating principles of mātauranga Māori – such as whanaungatanga and kaitiakitanga – into all aspects of our national life.”** It notes further that such a commitment will fulfil both the promise made between the Crown and tangata whenua when they entered into Te Tiriti, but also provide for a new approach to a Te Tiriti relationship, which is one of equals, that moves beyond grievance to a shared future.⁹

Engagement with Māori

59. **Wakatū** calls on the Government to **engage with Māori in a way that reflects true partnership** at the very least, which would necessarily include seeking outcomes that also reflect true partnership. We consider this requires moving beyond mere consultation to substantive meaningful engagement. Substantive engagement provides for seeking consensus or agreement and in some cases may allow for veto rights. In the United Nations Declaration on Indigenous Peoples (UNDRIP) this was articulated as Free Prior and Informed Consent (FPIC). Embedding Te Tiriti and ensuring the RSI system is Te Tiriti led naturally begins with engagement as that is a key way of determining **Māori aspirations and priorities**. As such, engagement that is Te Tiriti led will

⁸ WAI 262, Te Taumata Tuarua (Volume 1) at 212.

⁹ WAI 262, at 248.

be substantive and should result in practical outcomes that **reflect Māori** aspirations and priorities.

60. For this to occur, engagement must be an ongoing iterative process to ensure **that Māori can input and provide their views as the reform** progresses. This **will ensure that the Māori voice permeates every part of the development of** the RSI system, which is required to embed Te Tiriti. Such engagement is also more likely to reflect true partnership and to result in outcomes that respond **to Māori** aspirations and priorities.
61. As noted in the Green Paper, a key weakness in the current RSI system is the weak **responsiveness to Māori and the poor models of engagement**, with stakeholders noting that considerable work was required to improve the **system's interaction with Māori at multiple levels**. As such, we consider it disappointing that the reform did not approach its initial consultation and **engagement in a te ao Māori way, as noted in the Te Pūtahitanga submission**. Embedding Te Tiriti requires Te Tiriti to be central to the RSI system and its **reform. This means that all aspects of it must reflect te ao Māori**. We encourage the Ministry to reconsider its approach to engagement and consultation going forward, particularly in the development of the **White Paper, to ensure Te Tiriti is central to all aspects of the reform, with Pākehā and Māori alike**.
62. An example of good engagement includes the development of the Te Tauihu Intergenerational Strategy that **Wakatū led, in conjunction with our** iwi entities, local authorities and broader community, including the business community.¹⁰ In developing the Strategy, we held a range of intergenerational public conversations over the course of two years. These were all heavily subscribed (with some being over-subscribed). In our view, the process we followed to develop the Strategy, which was inclusive and values-led, is an example of how engagement can occur within communities.

¹⁰ Available at <https://tetauihu.nz/>.

63. The Waitangi Tribunal has developed and qualified what consultation may mean in the Treaty context. The relevant Tribunal reports all emphasise the principle of partnership, exercised in good faith, and the duty of active protection. However, importantly these themes underpin a substantive duty to consult, which requires in some circumstances a need to compromise or obtain FPIC. We therefore recommend that the **Ministry review the Tribunal's** jurisprudence regarding consultation.

Conclusion

64. The reform of RSI provides an opportunity to be transformational both for **Aotearoa and Māori specifically**. We encourage those developing the policy to continue to be expansive in their thinking and to have courage when seeking to embed Te Tiriti as this will require them to be bold and make challenging decisions.

65. **Wakatū has a solution** based on our experience of embarking on a journey to develop research and science capacity to a new level. This is work we have invested in for the past thirty years in our region and across our organisation. We are well placed to advance a **regional Mātauranga**-led Research, Science and Innovation Institute, as an exemplar regionally, nationally and globally, and as an illustration of a Tiriti-based approach to research and development.

Ngā mihi nui,

Kerensa Johnston,
Wakatū CEO