

**MĀTAURANGA MĀORI AT MFAT**  
**REPORT TO SENIOR LEADERSHIP TEAM**  
**11 AUGUST 2021**

Mā te rongo ka mōhio  
Mā te mōhio ka mārama  
Mā te mārama ka mātau  
Mā te mātau ka ora

From listening comes awareness  
From awareness comes understanding  
From understanding comes wisdom  
From wisdom comes well-being

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## Purpose

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This report provides recommendations to the Senior Leadership Team towards ensuring that the Ministry has the right systems and structures in place to deliver on the Government's – and MFAT's own – expectations of Mātauranga Māori capability.

Part One (Introduction) includes an executive summary, an explanation of Mātauranga Māori, and an explanation of the approach of this report.

Part Two (Current Setting) recalls the Ministry's context and contribution to the Māori/Crown relationship, refers to developments informing Mātauranga Māori, provides brief information on MFAT efforts, and indicates areas where the Ministry needs to do more to give full effect to its Treaty of Waitangi-based commitments and obligations.

Part Three (Achieving a Paradigm Shift) presents ideas and recommendations under the following headings: leadership; governance; strategic planning process; composition; capability; structure; and engagement.

Part Four (Concluding comments) provides final remarks. Part Five (Annexes) provides support material.

## **PART ONE: INTRODUCTION**

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## Executive summary

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### The Ministry, Treaty, and Mātauranga Māori

1. The Ministry of Foreign Affairs and Trade (MFAT) acts in the world to build a safer, more prosperous and more sustainable future for New Zealanders.<sup>1</sup> It builds connections with and influences other countries to advance New Zealand's interests, project New Zealand values, and secure outcomes that matter to New Zealand.<sup>2</sup>
2. *Te Tiriti o Waitangi* is New Zealand's founding document that established and governs the relationship between Māori and the Crown. The Ministry recognises its importance by applying the principles of *Te Tiriti* - including partnership, good faith, and active protection - at the core of its work.<sup>3</sup> The Ministry is committed to delivering on its obligations as a Treaty partner with authenticity and integrity and to advancing Māori interests in its international work.<sup>4</sup>
3. The present report seeks to further progress MFAT's efforts on Mātauranga Māori in the context of the Treaty. It provides recommendations to the Senior Leadership Team (SLT) towards ensuring that the Ministry has the right systems and structures in place to deliver on the Government's - and MFAT's own - expectations of Mātauranga Māori capability.<sup>5</sup>
4. Developments bearing upon the work and supporting decisive SLT action include:
  - 4.1. The Public Service Act 2020, which makes clear that the role of the public service includes supporting the Crown in its relationships with Māori under the Treaty and that public service leaders have responsibility for developing and maintaining the capability of the public service to engage with Māori and to understand Māori perspectives;<sup>6</sup>
  - 4.2. Te Arawhiti's Whāinga Amorangi Transforming Leadership project, which offers tools and guidance to assist public service leaders to meet their responsibilities under the Public Service Act 2020 (MFAT has fully committed to carrying out this project);<sup>7</sup>
  - 4.3. Statements by the Minister that the principles of partnership and mutual respect embodied in the Treaty provide the foundation for how New Zealand conducts its foreign policy today;<sup>8</sup>

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<sup>1</sup> MFAT Strategic Intentions 2020-2024, page 5.

<sup>2</sup> MFAT Strategic Intentions 2020-2024, page 9.

<sup>3</sup> MFAT Strategic Intentions 2020-2024, page 9.

<sup>4</sup> MFAT Annual Report 2019-20, page 4.

<sup>5</sup> Consistent with the Chief Executive's announcement to the Ministry Issues Meeting on 26 August 2020.

<sup>6</sup> Public Service Act 2020, sections 14(1) and 14(2)(a).

<sup>7</sup> Letter from the Chief Executive to Te Arawhiti Chief Executive, Lil Anderson, dated 29 March 2021.

<sup>8</sup> See speeches by the Minister on 4 February 2021, 19 April 2021, and 2 July 2021.

- 4.4. Recognition by MFAT staff of the importance of the Treaty and Mātauranga Māori, coupled with high motivation to reflect the Treaty in their work and strong demand for the Ministry to provide appropriate learning and development;<sup>9</sup> and
- 4.5. Growing societal appreciation of New Zealand's bicultural experience, as New Zealanders increasingly recognise the unique identity and advantages they can enjoy as a Treaty-based nation.

### Lifting Mātauranga Māori is a journey

5. Māori have substantial interests across the breadth of the Ministry's work – policy, people and operations.
6. While this report focuses on improvements to systems and structures, at the outset it is important to recognise that lifting Mātauranga Māori capability is a journey for MFAT. It is equally important to acknowledge the ongoing efforts of the organisation and staff in this regard. Some highlight achievements have included the establishment and work of a dedicated Māori Policy Unit (MPU) since the 1990s and evolving practices to improve engagement with Māori.
7. More recent initiatives aimed at strengthening capability have included the launch of the MFAT Māori Engagement Strategy 2017-2021, the launch of the MFAT Diversity and Inclusion Strategy 2018-2028, designation of Mātauranga Māori as an organisational priority for two consecutive years, commissioning of the Richard Jefferies report in 2018,<sup>10</sup> and SLT's decision in 2020 to realign MPU within the Office of the Chief Executive (OCE).<sup>11</sup>
8. As well, additional training and Te Reo courses are being offered to staff, a range of recruitment and retention innovations have been introduced (or re-introduced) to encourage more Māori into the organisation, and MFAT has strengthened outreach processes including through the trade advisory Taumata and regional hui. These and other efforts are valuable, are having an impact, and must continue.

### Towards a partnership – the Ministry needs to do better

9. At the same time, it remains the case that, in crucial respects, the Ministry is not giving full effect to its commitment to apply Treaty principles at the core of its work, and is not giving full effect to other Treaty-based obligations.
  - 9.1. There is no Māori presence on SLT, no advanced Māori worldview or tikanga expertise on SLT, and no proficient Te Reo capability. Nor is there any formal

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<sup>9</sup> Annex 6 provides a summary of past review and survey work on the Ministry of Foreign Affairs and Trade and Māori issues/Mātauranga Māori.

<sup>10</sup> Phase 1 Report: Mātauranga Māori Needs Analysis and Stocktake, September 2019 (Richard Jefferies Report). The report was commissioned in December 2018.

<sup>11</sup> Strengthening our commitment to Mātauranga Māori and Māori Engagement through the realignment of the Māori Policy Unit: Decision Document 24 June 2020.

process to ensure Mātauranga Māori/Treaty expertise on MFAT governance bodies, including the MFAT Board and its committees. At a time when MFAT leaders need to role model Mātauranga Māori as a genuine priority, when the Ministry is aiming to improve the way it engages with Māori, and when MFAT is required to cast a tirohanga lens across all aspects of its work, it is not credible that there is no Treaty partner participation/advanced Mātauranga expertise at the decision-making tables.

- 9.2. There are no dedicated mechanisms for consulting Māori in the development of MFAT's core strategic planning documents, including the 10-year Strategic Assessment, Strategic Framework and Strategic Intentions. These documents define the Ministry's purpose and set out how MFAT will achieve collective impact in the long and short term, yet they are prepared without any systematic, direct engagement with the Treaty partner. If the Ministry wishes to act in a manner consistent with Treaty principles of partnership, good faith and active protection, it needs to engage Māori in the strategic planning process as a matter of routine. To capture Māori perspectives, interaction with Māori is fundamental.
- 9.3. Although the public service should reflect the makeup of New Zealand society,<sup>12</sup> Māori remain under-represented in the Ministry and significantly under-represented at senior levels. This has been the case throughout MFAT's history. While there has been an encouraging increase in the number of Māori staff in recent years, the Ministry remains below national and public service percentages. As long as MFAT's composition does not reflect New Zealand's bicultural foundations, both its Mātauranga capability and reputation (with Māori and internationally) will be compromised.
- 9.4. Repeated reviews show that staff are keen to incorporate Mātauranga Māori into their work, but do not feel fully supported by the Ministry to acquire the necessary skills.<sup>13</sup> The Ministry has increased Te Reo courses and other Māori-related learning and development offerings in recent months. However, there remains a need for MFAT to design an ambitious capability transformation plan and incorporate measurable, practical targets into the Ministry's core professional development and progression requirements. The Whāinga Amorangi framework will assist MFAT to meet its responsibilities under the Public Service Act 2020 to develop staff and organisational capability.<sup>14</sup>
- 9.5. MPU has a huge work programme that includes developing links with Māori, providing guidance to other parts of the organisation on engagement, providing policy input on Ministry issues, advising on cultural aspects, conducting ceremonial activities, administering Te Taumata, and organising

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<sup>12</sup> Public Service Act 2020, section 75 (1).

<sup>13</sup> See Annex 6. Also, in the 2020 Staff Engagement Survey, 39% of staff agreed with the statement "The Ministry supports its staff to increase, maintain and apply their understanding of Mātauranga Māori."

<sup>14</sup> Public Service Act 2020, section 14(2)(a).



Te Reo and Māori-focused learning and development opportunities. However, the Unit has had limited resources to pursue these tasks. The workload needs to be rationalised to enable a core focus on policy work, consistent with the Unit's crucial role as the Ministry's principal adviser on Māori issues.

- 9.6. Ministry approaches to engagement with Māori remain largely based on a 'consultation' paradigm. Important achievements have included the establishment of Te Taumata and more progressive approaches to engagement with Māori in the APEC21 context. However, engagement practices vary considerably across the organisation and have sometimes been executed poorly or not at all. Also, in the context of both the Government's and Ministry's ambitions for genuine Treaty partnership, the Ministry urgently needs to determine its position on engagement practices that may extend beyond consultation, including such possibilities as co-design, joint participation, joint decision-making, and empowering Māori to take decisions that will then be implemented by the Crown. The Ministry must also be cognisant of the evolving practices of some Government agencies and rising Māori expectations of how they are to be engaged as Treaty partners.

## Moving forward – seizing the opportunity

10. The moment for SLT to take decisive action is now. Conditions are supportive. The Ministry can build on current efforts and draw on Te Arawhiti processes. The high level of goodwill and commitment amongst MFAT staff to represent and realise the Treaty partnership provides an overwhelmingly positive environment for change.
11. A narrow focus on staff capability building will not suffice. Lifting individual capability is vital, but will not help MFAT address major organisational gaps in a meaningful way. There needs to be fundamental change to systems and structures if the Ministry is to achieve its Treaty and Mātauranga ambitions. In this regard, the 2017 PIF Review already identified the need for paradigm shift:

*"The Ministry needs to shift its paradigm in relation to its responsibility as a Treaty partner and determine not only how it engages with authenticity and integrity but also develop a shared understanding of its value proposition for and with Māori."*<sup>15</sup>

12. Also, a focus on improving systems and structures will position the Ministry well to participate in Phase Two of the Whāinga Amorangi project. As detailed below, in Phase Two, agencies (including MFAT) are required to submit to Te Arawhiti by 30 June 2022 "a plan to transform their organisation to improve Māori-Crown relations." Phase Two is expected to address such systemic issues as (inter alia) leadership, governance, policy processes, enabling structures, composition, and addressing institutional racism.

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<sup>15</sup> State Services Commission: Performance Improvement Framework Review for the Ministry of Foreign Affairs and Trade, June 2017 (PIF Review), page 14.

## Highlight recommendations

13. The present report focuses on the following areas: leadership; governance; strategic planning process; composition; capability; structure; and engagement. Highlight recommendations are below. (The full list of recommendations is in Annex 1).
14. On leadership, four options were explored for bringing advanced Mātauranga Māori/Treaty partnership expertise to the SLT table, leading the Ministry's work on a partnership vision and developing a tirohanga lens. They were:
  - 14.1. Option 1 – Assign responsibility for organisational uplift to an existing SLT member;
  - 14.2. Option 2 – Engage an External Specialist to advise SLT (non-decision making role);
  - 14.3. Option 3 – Engage an External Specialist to advise SLT (non-decision making role) until an MFAT staff member with advanced Mātauranga expertise is appointed to an existing SLT role; and
  - 14.4. Option 4 – Establish a new Deputy Secretary-Treaty Partnership position with responsibilities around Mātauranga Māori. (Recommended)
15. This report recommends Option 4 – establishment of a new position at Deputy Secretary level (DS-Treaty Partnership), with responsibilities for bringing advanced Mātauranga Māori and Treaty partner expertise to the SLT table, defining the Ministry's Treaty partnership vision, developing the Ministry's tirohanga, and promoting overall coherence, prioritisation, delivery and accountability in the Ministry's efforts on Māori issues and Mātauranga Māori.
16. Other highlight recommendations include:
  - 16.1. Set timeframes for leaders to realise the Mātauranga Māori capabilities set out in the MFAT Capability Framework,<sup>16</sup> and establish eligibility thresholds for appointment to foreign policy leadership positions;
  - 16.2. Establish a formal process to ensure Māori/Treaty partner expertise is captured in the composition of the Ministry's governance bodies, including the MFAT Board and its committees;
  - 16.3. Establish an ongoing engagement process providing genuine opportunity for Māori/the Treaty partner to participate in, and contribute to, the Ministry's strategic planning process;

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<sup>16</sup> MFAT Capability Framework Mahere Pukenga, especially capability profiles for: Thought Leader; Mid-Level Leader; Senior Leader; Executive Leader.

- 16.4. Revise current goals for Māori representation in the Ministry to be more ambitious and measureable and, based on the revised goals, set specific recruitment targets to be reviewed and recalibrated annually;
- 16.5. Develop initiatives to ensure the percentage of Māori staff in above-the-line positions is in line with New Zealand workforce national percentages by 2025;
- 16.6. Task People Division (PEP) to accelerate work on the Ministry's strategy to build individual Mātauranga Māori capability;
- 16.7. Assign to PEP primary responsibility for MFAT's participation in Te Arawhiti's Whāinga Amorangi process, including oversight of the preparation of MFAT's individual capability plan to be submitted to Te Arawhiti by 31 August 2021, as well as implementation, follow-up and reporting;
- 16.8. Consolidate oversight and administration of the Ministry's Mātauranga Māori and Te Reo learning and development into PEP as part of the Division's core business;
- 16.9. Establish an inhouse coordination mechanism (Advisory Group), led by PEP and with participation from PEP units, MPU, Corporate Legal Unit (CLU), and other divisions, to provide ongoing support to PEP to ensure a coherent and tikanga-sensitive Ministry approach to Mātauranga Māori learning and development and the Whāinga Amorangi process;
- 16.10. Commission a review that will: produce a clear statement of the Ministry's business requirements for Te Reo Māori; facilitate a mapping of requirements for different job families; and support development of an overall Te Reo strategy with ambitious timeframes and a range of learning and development options;
- 16.11. Realign MPU to the new Deputy Secretary-Treaty Partnership, refocus MPU's responsibilities to support the Deputy Secretary, and ensure the Unit is adequately staffed and resourced so it can provide Māori-related policy advice on Ministry issues and guidance on engagement to other parts of the organisation;
- 16.12. With appropriate transition arrangements, redistribute other current MPU duties as follows:
  - 16.12.1. Māori-related learning and development – to PEP;
  - 16.12.2. Taumata – to Trade and Economic Group (TEG);
  - 16.12.3. Tikanga/Ceremonial duties – to Protocol Division (PRD), including through the establishment of a senior Kaumatua Tikanga role in PRD;

- 16.13. Utilise current work efforts, including in the context of the Trade for All Agenda and inter-agency Te Pae Tawhiti/Wai 262 process, to establish consistent Ministry-wide engagement practices that realise a genuine Treaty partnership and enable Māori interests and perspectives to be embedded in New Zealand foreign policy.

## Final introductory comment

17. This is an exciting moment for the Ministry. The change that needs to occur can be grounded in two key strengths of the organisation: staff's absolute commitment to represent all New Zealanders to the best of their ability; and existing tradecraft. As recognised in the PIF Review:

*"Moving beyond separateness is essential to the Ministry's growth and development and to its ability to be part of a high performing New Zealand public sector. It needs to instil the networking and coordination expertise and skills developed overseas at post into the way it works within New Zealand."*<sup>17</sup>

18. New Zealand's experience as a nation has provided lessons about managing and creating relationships between the Crown and Māori. Through this experience, we understand that outcomes and initiatives for peace and prosperity are stronger and more enduring when built through dialogue, shared understanding and valuing diverse perspectives. The Ministry's work on Mātauranga Māori will leave it well placed to capture this understanding in its international work, and will make MFAT a better-performing organisation as a result.
19. Actioning the recommendations in this report will require resources and acceptance of some risk. However, without changes on this scale, the Ministry's credibility - domestically, externally, and with its own staff - will suffer.
20. Taking decisive action now to elevate Mātauranga Māori capability and partnership with Māori will allow the Ministry to meet its obligations as a Treaty partner with authenticity and integrity. It will make MFAT a stronger, more inclusive organisation, better able to represent all of New Zealand on the international stage.

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<sup>17</sup> PIF Review, page 36.

## Mātauranga Māori

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21. Mātauranga Māori is a wide-ranging term that literally means 'Māori knowledge'. It includes all the skills, perspectives and knowledge from the Māori world.
22. For the purposes of this report, we reference the explanation offered in the Richard Jefferies Report, as follows:

*"Mātauranga Māori includes skills, perspectives and knowledge from the Māori world. For MFAT in particular, Mātauranga Māori includes knowledge and use of:*

- *Te Reo Māori and tikanga Māori;*
- *Manaakitanga and Kotahitanga;*
- *Māori protocols, for example pōwhiri, whakatau and rituals of engagement;*
- *Māori historical context and contemporary position;*
- *Māori business, development and trade; and*
- *Māori world view, the Treaty of Waitangi, its principles and associated expectations held by Māori."*<sup>18</sup>

## Approach of this report

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23. On 24 June 2020, SLT confirmed a decision to realign MPU into OCE, reporting to the Deputy Chief Executive – Policy (DCE-P). In doing so, it also confirmed that "the priority will soon switch to an analysis of the needs and structure of the Ministry and recommendations towards ensuring we can deliver our agency's strategic and operational objectives for Māori policy and Mātauranga Māori capability."<sup>19</sup>
24. On 26 August 2020, the Chief Executive announced the appointment of Patrick Rata as Principal Adviser to lead the Ministry's work on Mātauranga Māori, reporting directly to the DCE-P. The Chief Executive advised that the work would entail undertaking a stocktake of MFAT's Mātauranga Māori capability and providing recommendations to SLT to ensure that the Ministry had the right systems and structures in place to deliver on the Government's and MFAT's own expectations of its Mātauranga Māori capability.<sup>20</sup>

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<sup>18</sup> Richard Jefferies Report, page 9.

<sup>19</sup> Strengthening our commitment to Mātauranga Māori and Māori Engagement through the realignment of the Māori Policy Unit: Decision Document 24 June 2020, page 3.

<sup>20</sup> Ministry Issues Meeting notes of 26 August 2020.

25. The Principal Adviser was supported by Senior Policy Officer Joanna Heslop. The bulk of the work was undertaken in the period mid-April to July 2021. Within this timeframe, the approach to preparation of the report included:
- 25.1. Extensive review of MFAT files;
  - 25.2. Review of MFAT materials including: past reports, reviews and surveys on Māori issues/Mātauranga Māori; current strategies on engagement and diversity and inclusion; Ministry strategic and business planning documents;
  - 25.3. Ongoing dialogue with different parts of the Ministry, extensive contacts with selected divisions, outreach to some posts;
  - 25.4. Consideration of guidance in legislation and from government agencies on public service capability in relation to the Treaty;
  - 25.5. Presentations to the Minister of Foreign Affairs and Ministry Issues Meeting;
  - 25.6. Interactions with the Ministry's Māori staff network - Te Pou Māori;
  - 25.7. Participation in Ministry discussions on Mātauranga Māori and related issues;
  - 25.8. Regular catch-up meetings with the DCE-P (Senior Responsible Officer); and,
  - 25.9. Interactions with a range of government agencies, including participation in NZTE's Kia Kaha two-day marae experience and also briefing sessions by Te Arawhiti on the Whāinga Amorangi: Transforming Leadership framework.

## **PART TWO: CURRENT SETTING**

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## MFAT context<sup>21</sup>

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26. MFAT is a government agency with a \$1.5 billion budget, 1,800 staff,<sup>22</sup> and responsibility for a network of 59 posts in 52 countries. It has offices in Wellington and Auckland. It acts in the world to build a safer, more prosperous and more sustainable future for New Zealanders.<sup>23</sup>
27. The Ministry is the Government's principal agent for pursuing the country's interests and representing New Zealand internationally. It builds connections with and influences other countries to advance New Zealand's interests, project New Zealand values and secure outcomes that matter to New Zealand.<sup>24</sup>
28. The Ministry leads the New Zealand Government diplomatic network. It is the Government's specialist foreign, trade and development policy adviser, international legal adviser and negotiator. It is responsible for delivering New Zealand's international development cooperation and for providing consular services to New Zealanders overseas and coordinating offshore emergency responses.<sup>25</sup>

## MFAT contribution to the Māori/Crown relationship<sup>26</sup>

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29. The Ministry recognises the importance of *Te Tiriti o Waitangi* as New Zealand's founding document and the basis of the relationship between the Crown and Māori. It further recognises that the principles of Te Tiriti – including partnership, good faith, and active protection – are at the core of its work.<sup>27</sup>
30. The Ministry has expressed commitment to delivering on its obligations as a Treaty partner with authenticity and integrity and to advancing Māori interests in its international work. The Ministry is conscious that the mana of *Te Tiriti o Waitangi* and the enduring relationship between Māori and the Crown makes New Zealand unique on the world stage.<sup>28</sup>
31. The Ministry's Māori Engagement Strategy sets out MFAT's commitment to and aspirations for its relationship with Māori. In implementing the Strategy, the Ministry aims to improve the way it engages, partners and consults with Māori in order to ensure Māori are able to influence the development and implementation of Ministry-led issues and activities that affect them. The Strategy also drives efforts to build capability and capacity in the Ministry.<sup>29</sup>

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<sup>21</sup> Annex 2 recalls the Ministry's context including its purpose, values, value propositions, functions and New Zealand connections.

<sup>22</sup> Including staff employed under New Zealand law (SNZ) and staff employed at post (SEP).

<sup>23</sup> MFAT Strategic Intentions 2020-2024, page 5.

<sup>24</sup> MFAT Strategic Intentions 2020-2024, page 9.

<sup>25</sup> MFAT Strategic Intentions 2020-2024, page 9.

<sup>26</sup> Annex 5 recalls recent key public pronouncements by the Ministry with respect to its contribution to the Māori/Crown relationship.

<sup>27</sup> MFAT Annual Report 2019-20, page 4.

<sup>28</sup> MFAT Annual Report 2019-20, page 4.

<sup>29</sup> MFAT Annual Report 2019-20, page 4.



32. MFAT has produced various materials to guide staff on the Ministry's contribution to Māori/Crown relations. In addition, there are multiple sources of existing Government guidance to agencies on applying the Treaty, considering the Treaty in policy development, engagement, and use of Te Reo.<sup>30</sup>

## Recent developments informing Mātauranga Māori

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33. As this report focuses on systems and structures to support and sustain Mātauranga Māori capability, it is important to highlight developments that bear upon the work and which can serve as drivers for SLT decision-making. These developments include the Public Service Act 2020, Te Arawhiti's Whāinga Amorangi framework, statements by the Minister, high motivation of Ministry staff to reflect the Treaty partnership in MFAT's work, and evolving social attitudes.

### Public Service Act 2020<sup>31</sup>

34. MFAT's Mātauranga Māori journey must be informed by the Public Service Act 2020. Section 14 of the Act explicitly recognises that the role of the public service includes supporting the Crown in its relationships with Māori under the Treaty of Waitangi.<sup>32</sup> The section also puts clear responsibilities on public service leaders. Specifically, the MFAT Chief Executive is responsible to the Minister for the Ministry's operations in:
- developing and maintaining the capability of the public service to engage with Māori and to understand Māori perspectives;<sup>33</sup> and
  - operating an employment policy that meets the requirements of section 73(3)(d) by, inter alia, recognising the aims and aspirations of Māori, the employment requirements of Māori, and the need for greater involvement of Māori in the public service.<sup>34</sup>
35. There are also responsibilities in terms of promoting diversity and inclusiveness. The Chief Executive must be guided by the principle that the group comprising all public service employees should reflect the makeup of society, and, in employment policies and practices, foster a workplace that is inclusive of all groups.<sup>35</sup>
36. The Public Service Commission Te Kawa Mataaho has issued guidance on the Act, including on the provisions relating to the Crown's relationships with Māori:

*"The reforms aim to unify the public service to fulfil its stewardship responsibility to support the Crown's relationships with Māori. In practice this will mean:*

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<sup>30</sup> Annex 8 references different sources of guidance and information on the Treaty, engagement practices and Mātauranga Māori, including from Government, the Ministry and the Waitangi Tribunal.

<sup>31</sup> The date of assent of the Public Service Act 2020 was 6 August 2020.

<sup>32</sup> Public Service Act 2020, section 14(1).

<sup>33</sup> Public Service Act 2020, section 14(2)(a).

<sup>34</sup> Public Service Act 2020, section 14(2)(b)(ii), also section 73(3)(d).

<sup>35</sup> Public Service Act 2020, section 75(1).

- *Improving the public service's relationships with Māori by creating and continuing collaborative approaches that are mutually beneficial.*
- *Greater understanding of te ao Māori woven into the work and ethos of public service, including:*
  - *Te ao Māori concepts, knowledge, values and perspectives*
  - *Te reo Māori (Māori language)*
  - *Tikanga Māori (protocols and customs)*
  - *Te Tiriti o Waitangi/the Treaty of Waitangi and understanding how it applies day-to-day*
- *Exercise of individual and collective responsibility for a culturally competent public service that delivers with and for Māori and is committed to supporting Māori leadership and decision-making roles in the public service.*<sup>36</sup>

## Te Arawhiti: Whāinga Amorangi: Transforming Leadership framework

37. To support Chief Executives to meet their responsibilities under the Public Service Act 2020, Te Arawhiti has developed a framework called **Whāinga Amorangi: Transforming Leadership** (Whāinga Amorangi). The framework provides guidance and practical tools to help agencies lift their capability in working with Māori. The MFAT Chief Executive has conveyed to Te Arawhiti's Chief Executive his full commitment to carrying out the Whāinga Amorangi project.<sup>3738</sup>
38. The first step of Whāinga Amorangi sought Chief Executives' commitment to build their own Mātauranga capability and, in doing so, role model to their staff the importance of developing skills in Māori/Crown relations. In choosing specific competency areas to focus on in 2021-2022, Chief Executives were asked to include, as a minimum, Te Reo and New Zealand history/Treaty of Waitangi literacy.<sup>39</sup>
39. The next step of Whāinga Amorangi has two phases.
  - 39.1. In Phase One, MFAT must submit to Te Arawhiti by 31 August 2021 "a plan to empower their people through capability-building in Māori-Crown relations."<sup>40</sup> The plan is for all Ministry staff and should address as a minimum Te Reo and New Zealand history/Treaty of Waitangi literacy. Other core competency domains include Understanding racial equity and institutional racism, Worldview knowledge, Tikanga/kawa, and Engagement with Māori. For each

<sup>36</sup> Public Service Commission Te Kawa Mataaho: Public Service Act 2020, Factsheet 3 of 6: "Strengthening the Māori Crown relationship" ("Te whakapakari i te hononga waenga i te Māori me te Karauna").

<sup>37</sup> Letter from the Chief Executive to Te Arawhiti Chief Executive, Lil Anderson, dated 29 March 2021.

<sup>38</sup> 36 agencies have similarly committed to the Whāinga Amorangi project.

<sup>39</sup> Letter from Te Arawhiti Chief Executive, Lil Anderson, to Chief Executives, dated 19 February 2021.

<sup>40</sup> Whāinga Amorangi: Transformational Leadership: Phase One Organisational Plan: Empowering People: Guidance for organisations, page 4.

competency, the plan needs to set an aspirational goal (e.g, comfortable, confident, capable) and also specify actions, measures and timeframes. Te Arawhiti will provide feedback by November 2021 so the Ministry can begin implementing the plan from January 2022.

- 39.2. In Phase Two, MFAT must submit to Te Arawhiti by 30 June 2022 “a plan to transform their organisation to improve Māori-Crown relations.”<sup>41</sup> While full guidance on Phase Two is to still to come, the plan should focus inter alia on systems issues such as governance (e.g, decision making processes, ensuring Māori-Crown relations considerations are visible in agency accountability documents, etc), relationships with Māori, structural issues, workforce capability (e.g, leadership, composition, recruitment, etc), environment, and policy processes.<sup>42</sup>
40. The Whāinga Amorangi framework includes guidance, guidelines, templates and a wide range of other tools that MFAT can draw on. Te Arawhiti acknowledges some agencies have already made steps towards creating a Māori-Crown relations-capable workforce, and encourages those agencies to “continue your journey and go above and beyond the areas we have suggested.”

### Statements by the Minister (MFA)

41. The Minister’s statements and expectations give urgency and direction to MFAT efforts to strengthen its Mātauranga Māori capability.
42. In speeches, the Minister has underscored that the principles of partnership and mutual respect embodied in the Treaty provide a foundation for how New Zealand conducts its foreign policy today.<sup>43</sup> She has highlighted that New Zealand’s Treaty history and bicultural experience of dialogues on sovereignty, self-determination and indigenous issues position us well to contribute to wider international discourses.
43. The Minister has also provided views on such matters as: ensuring that a tirohanga Māori (Māori worldview) lens can be cast across all aspects of the Ministry’s work; ensuring that MFAT has appropriate tikanga and Te Reo expertise; embedding a more Māori approach to hosting incoming senior visits (particularly from the Pacific); and working towards greater diversity in MFAT’s staffing composition. Through the indigeneity workstream, the Minister is interested to see a stronger focus on indigenous issues and connections in New Zealand’s foreign policy.

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<sup>41</sup> Whāinga Amorangi: Transformational Leadership: Phase One Organisational Plan: Empowering People: Guidance for organisations, page 4.

<sup>42</sup> See annexes 9 and 10 which respectively include the Whāinga Amorangi Individual Competency Matrix and Māori Crown Relations Organisational Worksheet.

<sup>43</sup> <https://www.beehive.govt.nz/speech/inaugural-foreign-policy-speech-diplomatic-corps>,  
<https://www.beehive.govt.nz/speech/%E2%80%9Che-taniwha-he-tipua-he-tipua-he-taniwha-dragon-and-taniwha%E2%80%9D>,  
<https://www.beehive.govt.nz/speech/navigating-new-normal>

## MFAT staff motivation

44. SLT can draw inspiration from its own staff, who in recent surveys have shown overwhelming commitment to Mātauranga Māori and the Treaty of Waitangi, coupled with great interest to improve their capability in these areas.<sup>44</sup> As an example, from a 2019 organisation-wide online survey which had 483 responses, nearly all (92%) saw knowledge of Mātauranga Māori as relevant and useful in the work of MFAT.<sup>45</sup> Similarly, a separate 2019 online survey of staff that resulted in over 500 responses found that 86% of respondents viewed the Treaty as very important to New Zealand.<sup>46</sup>
45. A challenge for the Ministry going forward is to ensure a comprehensive programme of learning and development that bridges the gap between staff acknowledgement of the importance of Mātauranga Māori and the Treaty, and their ability to apply it in their work.

## New Zealand's unique identity

46. SLT and the Ministry can draw further inspiration from growing societal appreciation of New Zealand's bicultural experience.
47. New Zealand remains in the midst of an exciting period of social change as New Zealanders look to realise and celebrate their unique national identity. Greater understanding of the Treaty's history has accelerated momentum for New Zealand to be a country that can look beyond righting past wrongs towards establishing a genuine partnership. Values from Te Ao Māori that centre on people and place resonate with many New Zealanders concerned about inequality, the environment and climate change. New Zealand companies are preparing business frameworks that recognise the country's Treaty partnership (and the importance of the Māori economy).<sup>47</sup>
48. This moment of opportunity is visible in everyday things. New Zealand children increasingly are being taught Māori history and Te Reo. Television advertisements are utilising Te Reo, as are media presenters and pop stars. In 2021, Hinewehi Mohi was appointed Dame Companion of the New Zealand Order of Merit, 22 years after her singing of the national anthem in Māori at the Rugby World Cup caused an uproar. Today our sports crowds routinely sing both versions of the anthem. The Government has announced 24 June 2022 as the date of the inaugural Matariki public holiday. McDonalds uses Te Reo signage. Disney has announced plans to release Te Reo versions of Frozen and The Lion King in 2022.

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<sup>44</sup> See in particular (1) Richard Jefferies Report, (2) Te Tiriti o Waitangi: A report on the Survey results from the 2019 Treaty of Waitangi survey at MFAT - Corporate Legal Unit, and (3) 2020 MFAT Employee Engagement Survey.

<sup>45</sup> Richard Jefferies Report, pages 8,10.

<sup>46</sup> Te Tiriti o Waitangi: A report on the Survey results from the 2019 Treaty of Waitangi survey at MFAT - Corporate Legal Unit, page 4. Note that this report has not yet been circulated.

<sup>47</sup> For example, see Price Waterhouse Cooper's Te Tiriti o Waitangi Commitment Framework.

## MFAT efforts on Mātauranga Māori

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49. This section provides a brief snapshot of Māori interests in MFAT's work and current MFAT efforts on Mātauranga Māori.

### Māori interests in MFAT

50. Māori have identified substantial interests across the Ministry's work. At the operational and people level, Māori have routinely reflected on the Ministry's need to deepen Mātauranga capability and have shown interest in MFAT's efforts to recruit and retain greater numbers of Māori staff. There is frequent interaction on tikanga and protocol matters, for example with respect to high-level visits, war commemorations and credentials ceremonies.
51. At the policy level, non-exhaustive examples include:
- 51.1. *Trade and Economic*, including trade negotiations, market insights, Expos;
  - 51.2. *Multilateral and Legal*, including indigenous issues, human rights, intellectual property and traditional knowledge, climate change, oceans, forests, biodiversity, native flora and fauna, and engagement on the making of international instruments;
  - 51.3. *Pacific and Development*, including in the context of kinship links and cultural practices and utilising Treaty principles to inform aid efforts in the region;
  - 51.4. *Bilateral*, including activities undertaken to advance cultural, development, and trade interests between Māori and other indigenous peoples; and
  - 51.5. *APEC21*, including joint efforts with Māori to promote the inclusion of indigenous peoples' knowledge, perspectives and experiences in regional trade and economic policy settings.

### MFAT efforts on Mātauranga Māori

52. The need for MFAT efforts on Mātauranga Māori is clear. While the timeframe of this report did not allow for new Ministry polling, surveys in 2019 reveal a low level of capability and confidence on Mātauranga Māori. Through stocktake work that included surveys, interviews and observation, Richard Jefferies concluded that 95% of MFAT staff have a low level of capability.<sup>48</sup> He also identified that "there are very few staff who have anything more than a rudimentary capability in Te Reo Māori."<sup>49</sup> Results from CLU's separate 2019 Treaty of Waitangi survey at MFAT were consistent with Richard Jefferies' assessments.<sup>50</sup>

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<sup>48</sup> Richard Jefferies Report, page 39. The report viewed Mātauranga Māori capability across four categories: Te Reo Māori; Tikanga Māori; Te Ao Māori and Māori worldview; and the Māori economy.

<sup>49</sup> Richard Jefferies Report, page 18.

<sup>50</sup> Te Tiriti o Waitangi: A report on the Survey results from the 2019 Treaty of Waitangi survey at MFAT - Corporate Legal Unit, page 3.

53. In recent years, the Ministry has undertaken a range of initiatives aimed at strengthening its Mātauranga Māori capability. The MFAT Māori Engagement Strategy 2017-2021 sets out the Ministry's enduring commitment to, and aspirations for, its relationship with Māori. The work is both outward-facing ("Our engagement with Māori has integrity, is delivering value for both partners, and enhancing our relationships with external agencies"), and inward-facing ("Our people have the capability and confidence to use Mātauranga Māori in their mahi in a way that brings mana to our Ministry and represents Māori interests with authenticity").<sup>51</sup>
54. The Strategy is organised into various workstreams including: Our Partnerships and Relationships; Our Taonga; Our People; Te Tiriti o Waitangi; and Our Stories. Highlight deliverables from the Strategy so far include establishment of Te Taumata trade advisory group, completion of an internal survey assessing staff competency in *Te Tiriti o Waitangi*,<sup>52</sup> and inclusion of ambitious Mātauranga Māori expectations in the MFAT Capability Framework.<sup>53</sup>
55. Other recent initiatives aimed at strengthening capability have included the designation of Mātauranga Māori as an organisational priority for two consecutive years,<sup>54</sup> commissioning of the Richard Jefferies report in 2018, and SLT's decision in 2020 to realign MPU within OCE.<sup>55</sup> In 2021, there has been an increase in Te Reo and training opportunities, and the Māori language setting has been installed on Ministry computers.
56. Efforts to ensure the Ministry's composition more closely reflects New Zealand society include a range of recruitment and retention initiatives. These initiatives have seen a 54% increase in the number of Ministry staff self-identifying as Māori in the last four years (2018-2021).<sup>56</sup> Recently renewed Aorere internships attract Māori students who might not otherwise have considered a career in the Ministry. Mentoring for Māori recruits is available through both the Te Pou Māori staff network and broader Ministry programmes.
57. Another initiative that contributes to strengthening the Ministry's ability to attract and retain Māori staff is the MFAT Diversity and Inclusion Strategy 2018-2028. This is intended to ensure that staff with diverse perspectives and skills are appreciated and appropriately recognised. Since the programme was piloted in 2018/19, nine staff who identify as Māori have won Diversity and Inclusion Fellowships.
58. Since the 2016 WAI 2522 report, MFAT has strengthened its outreach processes including through the establishment of a Unit within the Trade and Economic Group specifically tasked with Trade Policy Engagement; Te Taumata; regional hui; and

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<sup>51</sup> MFAT Māori Engagement Strategy 2017-2021, page 4.

<sup>52</sup> Te Tiriti o Waitangi: A report on the Survey results from the 2019 Treaty of Waitangi survey at MFAT – Corporate Legal Unit.

<sup>53</sup> MFAT Capability Framework Mahere Pukenga.

<sup>54</sup> Information is available on the MFAT Te Aka intranet.

<sup>55</sup> Strengthening our commitment to Mātauranga Māori and Māori Engagement through the realignment of the Māori Policy Unit: Decision Document 24 June 2020.

<sup>56</sup> Annex 7 sets out the Ministry's data on staff with Māori ethnicity.

consultation with iwi and Māori business federations. The Ministry also participates in the Te Pae Tawhiti inter-agency process to prepare the Government's response to the WAI 262 report.

## The need for change

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59. The above efforts need to be acknowledged and built upon.
60. At the same time, it remains the case that in crucial respects the Ministry is not giving full effect to its commitment to apply Treaty principles - including partnership, good faith and active protection - at the core of its work.<sup>57</sup> Nor is it giving full effect to other Treaty-based commitments and obligations. This section highlights the need for change to Ministry systems and structures.

### Leadership<sup>58</sup>

61. The Ministry's SLT includes the Chief Executive, 2 Deputy Chief Executives (one responsible for Policy, the other for People and Operations) and 6 Deputy Secretaries, responsible for specific geographies (Americas and Asia; Europe, Middle East, Africa and Australia; Pacific and Development) or thematic workstreams (Multilateral and Legal Affairs; Trade and Economic Issues; APEC21). Members of SLT are also assigned as Senior Responsible Officers (SROs) for specific goals in the Ministry's Strategic Framework. Tier 1 is the Chief Executive, with the remaining members of SLT referred to as Tier 2.
62. Tiers 3 and 4 include Divisional Managers, Group Business Managers, Unit Managers, Heads of Mission/Post, Principal Advisors, Special Advisors, Directors, Team Leaders, and typically also include Lead Advisers, Counsellors and specific specialist roles. Where these positions relate to staff in the Foreign Policy job family, they are often referred to as "above-the-line," signalling that they are appointments to role rather than rotational in nature.
63. There is no Māori presence on SLT<sup>59</sup> and it is unclear if a Māori staff member has ever been appointed to SLT over the organisation's 78 year history.
64. There is no advanced Māori worldview or tikanga expertise on SLT, and no proficient Te Reo capability.<sup>60</sup> This is notwithstanding specific capability expectations for MFAT leaders detailed in the MFAT Capability Framework.<sup>61</sup> On Mātauranga Māori, it is

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<sup>57</sup> This commitment is expressed variously in the MFAT Strategic Intentions 2020-2024, page 9; MFAT Annual Report 2019-20, page 4, and MFAT Māori Engagement Strategy 2017-2021, page 4.

<sup>58</sup> Annex 3 recalls aspects of the Ministry's leadership and governance structures. The information is drawn from the Ministry's website, intranet, and MFAT Governance Framework Terms of Reference.

<sup>59</sup> According to information and data provided by People Division, based on self-identification in the Ministry's HR Kiosk. Annex 7 sets out the Ministry's data on staff with Māori ethnicity.

<sup>60</sup> Acknowledgement is made of efforts on Mātauranga Māori by SLT members including a retreat in March 2018 which focused on delivering the MFAT Māori Engagement Strategy, CLU-led training on *Te Tiriti o Waitangi* in 2021, and Te Reo training.

<sup>61</sup> MFAT Capability Framework Mahere Pukenga, especially capability profiles for: Thought Leader; Mid-level Leader; Senior Leader; Executive Leader.

expected that MFAT leaders, including SLT, will have (or will develop) capability to: lead and promulgate Māori approaches, perspectives, contexts, Treaty and tikanga into analysis and decision-making; display strong understanding and practical capability in kawa and tikanga Māori (Māori culture, customs and protocol); and display proficiency in Te Reo Māori. As well, Senior and Executive leaders are expected to lead the Ministry's engagement with Māori as a Treaty partner, and demonstrate the value MFAT can offer Māori.<sup>62</sup>

65. MFAT is pursuing a wide programme of partnership-related work that requires direct and visible leadership from the top. This includes the Ministry's ambitions to increase Mātauranga and engagement capability and to encourage greater numbers of Māori into the organisation, as well as efforts to ensure a tirohanga Māori lens can be cast across all aspects of MFAT's work.
66. There is a degree of scepticism about MFAT leadership's commitment to genuine change in the Mātauranga space. Internally, the Ministry's Māori staff group, Te Pou Māori, believes senior level responses to many MFAT reviews on Māori issues in the past have been selective, patchy and sometimes non-existent.<sup>63</sup> In this regard, it is noted that different Ministry reviews and surveys were completed in 1993, 1998, 1999, 2006, 2011, 2012, 2013, 2016, 2019 and 2020.<sup>65</sup> There is cynicism that the commissioning of so many reports and reviews has been a substitute for genuine action. Te Pou Māori members have also claimed a tendency for Mātauranga Māori to be placed on the backburner when other matters arise or when senior leaders are taken up with presenting issues and crises.
67. Externally, while some stakeholders have acknowledged that the Ministry is working to improve its engagement with Māori,<sup>66</sup> there has also been focus on the continuing low numbers of Māori in MFAT and in senior positions and on a perceived lack of MFAT understanding of Te Ao Māori.<sup>67</sup> In the Public Sector Reputation Index 2021, of 301 people aware of MFAT, just 24% agreed with the statement that MFAT "works positively with Māori."<sup>68</sup>
68. In these circumstances, and at a time when SLT members need to model Mātauranga Māori as a genuine priority, ensure momentum and coherence in the Ministry's efforts on Māori issues, and build and understand networks across Māoridom, it is neither reasonable nor credible that there is no advanced Mātauranga/Treaty partner expertise or participation at MFAT's decision making tables.

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<sup>62</sup> MFAT Capability Framework Mahere Pukenga, pages 25 and 26.

<sup>63</sup> Annex 6 provides a summary of past reviews and survey work on the Ministry of Foreign Affairs and Trade and Māori issues/Mātauranga Māori.

<sup>64</sup> In this regard, the drafters of reviews in 2006 and 2011 informed us that they did not receive any formal response from senior leadership to their respective reports.

<sup>65</sup> See Annex 6.

<sup>66</sup> See, for example, the Report of the Trade for All Advisory Board, November 2019, page 82.

<sup>67</sup> Colmar Brunton report - Understanding Stakeholders' Engagement Experience: Final Report August 2017. See also Report of the Trade for All Advisory Board, November 2019, page 84.

<sup>68</sup> Public Sector Reputation Index 2021: Ministry of Foreign Affairs and Trade (Colmar Brunton).



69. If the Ministry wishes to act consistently with its stated commitments to the Treaty and Treaty principles, it needs to ensure the leadership is staffed and equipped to reflect, understand and represent New Zealand's bicultural foundations. The Ministry's response on leadership also needs to be informed by specific requirements of the Public Service Act 2020,<sup>69</sup> guidance from the Public Service Commission,<sup>70</sup> and MFAT's own success measure, expressed in the Diversity and Inclusion Strategy 2018-2028, that: "SLT (and leaders at all levels) in its composition increasingly reflects the gender, bicultural, ethnic and cultural diversity make up of New Zealand."<sup>71</sup>

## Governance Framework<sup>72</sup>

70. The MFAT Governance Framework is a mechanism for exercising strategic governance of the Ministry and overseeing its organisational performance. Collectively, the Framework refers to the MFAT Board and its committees – the Strategy and Policy Committee, the Coordination and Performance Committee, the Resources Committee, and the Health, Safety and Wellbeing Committee. It incorporates a range of meetings for making organisational-level decisions; prioritising effort and investment; providing assurance that key programmes and activities are being delivered as planned; and providing advice on matters of organisational significance.
71. The Governance Framework is described in Terms of Reference agreed by SLT.<sup>73</sup> The TORs set out the governance framework structure, its rules of procedure, and support arrangements. The MFAT Board comprises all members of SLT by virtue of their appointment to Tiers 1 and 2. Members of the governance committees are selected through an Expression of Interest process open to Tier 3 staff, with successful candidates approved by SLT, typically for a two-year term. Individual SLT members also serve on the governance committees.
72. As at April 2021, there were 25 members serving on the SLT committees, including two self-identifying as Māori (8%).<sup>74</sup> These have been the only two Māori appointed to the committees in five years (2017-2021).<sup>75</sup> Given the low numbers, and recognising that part of the challenge lies in the dearth of Māori staff at Tier 3, SLT may wish to establish a formal process to ensure Māori/Treaty partner expertise is

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<sup>69</sup> In particular, requirements in the Act on operating an employment policy (section 14(2)(b)(ii)), and promoting diversity and inclusiveness (section 75(1)).

<sup>70</sup> In particular, clarification that the reform of the Act will mean inter alia "Exercise of individual and collective responsibility for a culturally competent public service that delivers with and for Māori and is committed to supporting Māori leadership and decision-making roles in the public service." Public Service Commission Te Kawa Mataaho: Public Service Act 2020, Factsheet 3 of 6: "Strengthening the Māori Crown relationship" ("Te whakapakari i te hononga waenga i te Māori me te Karauna").

<sup>71</sup> MFAT Diversity and Inclusion Strategy 2018-2028, page 14.

<sup>72</sup> Annex 3 recalls aspects of the Ministry's leadership and governance structures. The information is drawn from the Ministry's website, intranet, and MFAT Governance Framework Terms of Reference.

<sup>73</sup> The Terms of Reference are available on the MFAT Te Aka intranet.

<sup>74</sup> According to information provided and confirmed by People Division. See Annex 7, including footnotes.

<sup>75</sup> The list of SLT Committee memberships in recent years is accessible on the MFAT Te Aka intranet.

captured in the composition of the Ministry's governance committees. This would be consistent with the Ministry's commitment to Treaty principles.

## Strategic Planning<sup>76</sup>

73. The Ministry's work is shaped by a strategic planning process. Components of the process include the Strategic Assessment, Strategic Framework, and Strategic Intentions. The three-yearly MFAT Strategic Assessment analyses the implications for New Zealand's foreign policy of shifts in the external operating environment over the coming decade. The Assessment provides a coherent strategic narrative to MFAT staff, informs changes to the MFAT Strategic Framework, and supports Government decision-making. It is a classified document, not available to the public.
74. The Ministry uses the Strategic Framework to define its purpose and the impact it is seeking to make. Also refreshed on a three-yearly basis, the Framework sets out how the Ministry will realise its purpose and assess its performance. The current Framework contains seven strategic goals that express the impact the Ministry aims to achieve for New Zealand over a ten-year timeframe, as well as two organisational capability goals. The content of the Strategic Framework is set out in the MFAT Strategic Intentions publication, which is presented to Parliament and made available to the public.
75. There are no dedicated mechanisms embedding Mātauranga Māori in the strategic planning process. Although these strategic documents define the Ministry's purpose and set out how MFAT will achieve collective impact in the long and short term, they are prepared without any systematic, direct engagement with the Treaty partner. If the Ministry wishes to act in a manner consistent with the Treaty principles of partnership, good faith and active protection, it needs to engage Māori in the strategic planning process as a matter of routine. Such engagement will also be consistent with the advice MFAT provides its own staff about good public policy process:

*"It is important during the commissioning conversations to discuss when you will engage with Māori. If you liken developing policy to building a house: will you engage with Māori at the beginning when the architectural plans are being designed, or at the end when the house is built and you are deciding things like what colour to paint the house or what plants you will have in the garden? We recommend that, where possible, you engage with Māori early on in the policy process."*<sup>77</sup>

76. In simplest terms, to meet its own Treaty commitments, the Ministry needs to engage with Māori not only on individual foreign policy items, but also at the outset, when MFAT's strategic settings are being determined.

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<sup>76</sup> Annex 4 recalls aspects of the Ministry's strategic planning process.

<sup>77</sup> MFAT International Policy Framework Poutama Here Ki Te Ao: a common foundation for developing policy at MFAT, page 10.

## Composition<sup>78</sup>

77. Under the Public Service Act 2020, the Chief Executive must be guided by the principle that the group comprising all public service employees should reflect the makeup of society.<sup>79</sup> The Chief Executive is also responsible as a good employer for operating an employment policy that inter alia recognises the aims and aspirations of Māori, the employment requirements of Māori, and the need for greater involvement of Māori in the public service.<sup>80</sup> Māori comprise 16.7% of the national population (as at June 2020).<sup>81</sup> Average representation of Māori across government agencies is 15.9% (as at 2020).<sup>82</sup>
78. The low number of Māori staff has been a problem throughout MFAT's history. Reports, reviews and commentaries going back over three decades have repeatedly highlighted the Ministry's need to recruit, retain and promote more Māori staff.<sup>83</sup>
79. In recent years, the Ministry has introduced (or reintroduced) a range of important initiatives to encourage more Māori into the organisation, including recruitment drives and outreach to universities and high schools, involvement of Māori staff in recruitment efforts, and internship programmes. As well, the issue of recruitment was raised in the MFAT Māori Engagement Strategy,<sup>84</sup> and the MFAT Diversity and Inclusion Strategy set ambitions for Māori representation within [ $\pm$ 6%] of national percentages by 2023 and within [ $\pm$ 3%] by 2028.<sup>85</sup> These efforts have seen an encouraging increase in the number of new Māori recruits and produced a 54% increase in Māori staff numbers in the last four years (see below).
80. Nonetheless, Māori remain under-represented in the Ministry and significantly under-represented at senior levels.
81. As at March 2021, the Ministry had 1,800 staff. This included 600 staff employed at post (SEP) and 1,200 staff employed under New Zealand law (SNZ), including staff based in Wellington and Auckland and staff seconded offshore at post. Of the 1,200 SNZ, 889 have disclosed their ethnicity to the Ministry, including 117 who self-identify as Māori.<sup>86</sup>
82. Based on these numbers, in 2021 Māori comprise 13.2% of staff who disclosed their ethnicity (117 out of 889) but only 9.75% of total SNZ (117 of 1,200), well below

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<sup>78</sup> Annex 7 sets out the Ministry's data on staff with Māori ethnicity. It is based on self-identification in the Ministry's HR Kiosk by staff employed in New Zealand (SNZ). The data was provided by People Division (PEP).

<sup>79</sup> Public Service Act 2020, section 75(1)(a).

<sup>80</sup> Public Service Act 2020, section 14(2)(b)(ii), also section 73(3)(d).

<sup>81</sup> Information from Statistics New Zealand - <https://www.stats.govt.nz/information-releases/maori-population-estimates-at-30-june-2020>.

<sup>82</sup> Information from the Public Service Commission (see "Percent Māori" metric) - <https://www.publicservice.govt.nz/our-work/workforce-data/drill-down-data-cubes/>.

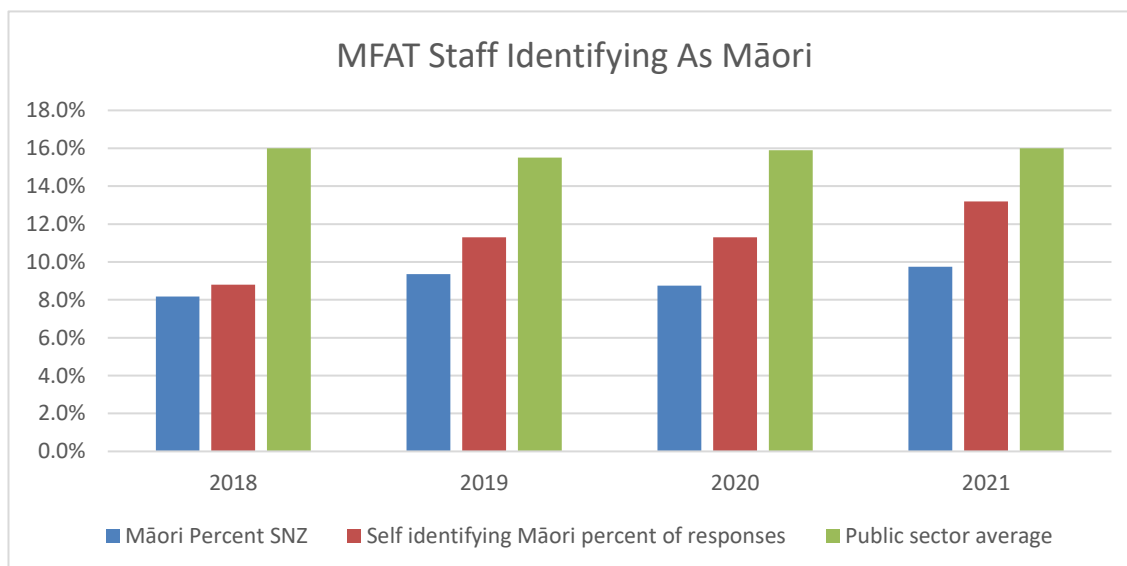
<sup>83</sup> See Annex 6.

<sup>84</sup> MFAT Māori Engagement Strategy 2017-2021, page 10.

<sup>85</sup> MFAT Diversity and Inclusion Strategy 2018-2028, page 20.

<sup>86</sup> See Annex 7.

the national and public service percentages.<sup>87</sup> It also means that, despite greater numbers of Māori being recruited in recent years, the total percentage of Māori staff may have grown less than 2%, due to the significant growth in overall staffing since 2018.<sup>88</sup> While the Ministry may get within +/-6% of national percentages by 2023, this will be largely due to the extremely broad target range it set itself at the outset.



83. More challenging for the Ministry is meeting its success measure that the “Percentage of Māori staff in above-the-line positions are in line with New Zealand workforce national percentages by 2025.”<sup>89</sup> Data provided by PEP indicates that, as at March 2021, Māori staff comprised 7% of the 243 above-the-line or management positions in New Zealand. An encouraging statistic is that Māori presently account for 14% of the 58 Heads of Mission/Post.<sup>90</sup>
84. Achieving a Ministry staffing composition that genuinely reflects New Zealand’s bicultural identity will strengthen all aspects of the organisation and allow the Ministry to portray a more representative image abroad and at home. It will add credibility to New Zealand advocacy of greater indigenous participation in multilateral fora if we are seen to be “walking the talk” ourselves.

## Capability

85. As mentioned, under the Public Service Act 2020 the MFAT Chief Executive is responsible to the Minister for the Ministry’s operations in developing and maintaining the capability of the public service to engage with Māori and to understand Māori perspectives.<sup>91</sup> MFAT’s efforts to strengthen Mātauranga Māori capability also need

<sup>87</sup> See Annex 7 for qualifiers to the data.

<sup>88</sup> Total MFAT staff numbers 2018-2020 (June years): 2018 – 1498 staff (MFAT Annual Report 2017-2018, page 5); 2019 – 1673 staff (MFAT Annual Report 2018-2019, page 5); 2020 – 1766 staff (MFAT Annual Report 2019-2020, page 5).

<sup>89</sup> MFAT Diversity and Inclusion Strategy 2018-2028, page 14.

<sup>90</sup> See Annex 7.

<sup>91</sup> Public Service Act 2020, sections 14(2)(a) and 15(1)(b).

to be informed by the Minister's expectation that the Ministry will ensure a tirohanga Māori (Māori worldview) lens can be cast across all aspects of the Ministry's work.

86. MFAT's goal is that staff "have the capability and confidence to use Mātauranga Māori in their mahi in a way that brings mana to our Ministry and represents Māori interests with authenticity."<sup>92</sup> The Ministry has a specific strategy to build capability set out in the Māori Engagement Strategy (discussed below). Delivery of Mātauranga-related learning and development is spread across various Divisions and the Ministry uses a range of in-house and external training tools including courses, workshops, lectures, briefings, webinars and provision of written and other materials. Areas of focus include Te Reo; waiata and powhiri; Te Tiriti o Waitangi; Māori history, geography, economy, and politics; Māori-Crown relations; and engagement.
87. Current challenges relate to the following:
- 87.1. Low levels of individual capability on Mātauranga Māori and Te Reo and staff feedback that they do not feel well-supported;
  - 87.2. Uneven implementation of key steps in the Ministry's strategy to build individual capability; and
  - 87.3. The need to pursue the Ministry's capability ambitions, going forward, under Te Arawhiti's Whāinga Amorangi framework.
88. Repeated reviews have shown that while MFAT staff value Māori culture and the Treaty, and are keen to incorporate Mātauranga Māori into their work, there is a major gap between their acknowledgement of the importance of Mātauranga Māori and their capability and confidence to apply it in their work.<sup>93</sup>
89. Two examples are illustrative in this regard, both drawn from CLU's 2019 survey of staff and relating to capability around the Treaty.<sup>94</sup> In response to the question, "do you feel able to apply Treaty principles, where relevant, in your role?", 30.89% of staff said no and 32.43% said they were unsure. This means only a third of staff feel able to apply Treaty principles where relevant in their role. Staff were also less confident in their ability to assess what is of interest to Māori with only 22.48% saying they feel confident doing this.
90. Equally concerning, MFAT staff have provided feedback that they do not feel fully-supported by the Ministry to lift their Mātauranga Māori capability. In this regard, the 2020 Staff Engagement Survey included questions relating to both the Treaty of Waitangi and Mātauranga Māori. Only one third of staff (34%) agreed with the statement "The Ministry supports its staff to understand what The Treaty/Te Tiriti

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<sup>92</sup> MFAT Māori Engagement Strategy 2017-2021, page 4.

<sup>93</sup> See in particular (1) Richard Jefferies report, and (2) Te Tiriti o Waitangi: A report on the Survey results from the 2019 Treaty of Waitangi survey at MFAT – Corporate Legal Unit.

<sup>94</sup> Te Tiriti o Waitangi: A report on the Survey results from the 2019 Treaty of Waitangi survey at MFAT – Corporate Legal Unit, page 5.

means for their work”, making it the fifth lowest-scoring issue in the survey. Regarding the statement “The Ministry supports its staff to increase, maintain and apply their understanding of Mātauranga Māori,” just 39% of staff agreed.

91. With the launch of the MFAT Māori Engagement Strategy in 2017, MFAT elaborated a process to build staff Mātauranga Māori capability. Implementation has been poor and needs to improve. In broad terms, the process has three core elements:

91.1. **“Review the Capability Framework to ensure that it adequately reflects the level of Māori capability the Ministry requires and lift our ambitions over time.”**<sup>95</sup> A significant achievement was the inclusion of ambitious Mātauranga Māori capability expectations into the updated MFAT Capability Framework issued at the end of 2019.<sup>96</sup> However, there has been limited follow-up in terms of ensuring staff are aware of, and fully understand, the new expectations. Nor has work been done to clarify what the expectations actually involve in practice. As an illustration: Professional, Mid-Level Professional and Senior Professional staff are all expected to understand, utilise, and integrate Māori approaches, perspectives, contexts and Treaty and tikanga into analysis and decision making.<sup>97</sup> However, a mapping exercise is still needed to specify what the expectation requires and how it is to be demonstrated at the different professional levels.

91.2. **“Establish a comprehensive Māori cultural competence programme aligned to the Capability Framework, and addressing any gaps in our current offering...”**<sup>98</sup> Essentially, this is about providing training and learning and development opportunities<sup>99</sup> so staff can develop the Mātauranga Māori capabilities set out in the updated Capability Framework. As recognised elsewhere in this report, the Ministry has increased Māori-related learning and development offerings and Te Reo courses, particularly in 2021. However, there remains a need to ensure that all of these different learning opportunities are specifically calibrated to, and support, the Capability Framework. It is not clear if this calibration work is being progressed. The programme will also be an opportunity to consider rationalising effort – presently Māori-related internal training is provided by at least four different MFAT business units including MPU, PEP, CLU, and LGL.

91.3. **“Strengthen the incentives for uptake of the Māori cultural competence programme and application to our mahi...”**<sup>100</sup> This is about embedding and validating the Mātauranga Māori capabilities by aligning them

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<sup>95</sup> MFAT Māori Engagement Strategy 2017-2021, page 9.

<sup>96</sup> MFAT Capability Framework Mahere Pukenga.

<sup>97</sup> MFAT Capability Framework Mahere Pukenga, pages 9, 11, 13.

<sup>98</sup> MFAT Māori Engagement Strategy 2017-2021, page 9. This was reiterated and expanded in the MFAT Diversity and Inclusion Strategy 2018-2028 (action point 3.9), page 24.

<sup>99</sup> In terms of Te Reo, Treaty of Waitangi, other elements of Mātauranga Māori, and specific materials for staff employed at posts, staff being posted, and posts generally.

<sup>100</sup> MFAT Māori Engagement Strategy 2017-2021, page 9.

with wider Ministry processes on performance, promotions, appointments, and remuneration. This work has not been completed. However, it remains crucial so that staff understand there are expectations of them to have certain Mātauranga skills, knowledge and experience for the positions they are in or any new positions they aspire to. It is also crucial to assuring staff that their efforts on Mātauranga will be measured, recognised, valued and rewarded.

92. Fundamentally, the Ministry has set Mātauranga Māori capability expectations but still needs to complete crucial follow-up work - mapping of the expectations at different levels; mapping of learning and development requirements across the Ministry/job families/levels; ensuring systems to measure and record what capability has been acquired/demonstrated, including to support managers' assessments of staff in performance reviews, etc.
93. An ambitious capability transformation plan and measureable, practical targets need to be designed and incorporated into the Ministry's core professional development and progression processes (as signalled in the Māori Engagement Strategy).
94. The Ministry also needs to undertake a proper assessment of its needs with respect to Te Reo Māori capability. This is consistent with the fact that Māori is an official language of New Zealand (together with English and New Zealand Sign language) and MFAT has obligations under the Government's Maihi Karauna Language Revitalisation Strategy.
95. Given MFAT's commitment to the Whāinga Amorangi process, including preparation of staff and organisational capability plans by August 2021 and June 2022, it will make sense for the Ministry to make those plans the successor to the MFAT Māori Engagement Strategy. The Whāinga Amorangi framework can assist MFAT to meet its responsibilities under the Public Service Act 2020 by reducing the needs analysis, measures and training design phases of the processes described above.

## Structure

96. The Ministry covers a wide range of political, economic, diplomatic, protocol, consular and administrative work that is of direct relevance and interest to Māori and which obliges all parts of the organisation to develop Mātauranga Māori capability. Within the Ministry, MPU is the Ministry's principal adviser on Māori issues, providing divisions and posts with advice and policy input on topics relating to Māori.
97. In terms of organisational structure, MPU has a huge work programme that includes developing links with Māori, providing guidance to other parts of the organisation on engagement, providing policy input on Ministry issues, advising on cultural aspects, conducting ceremonial activities, administering Te Taumata, and organising Te Reo and other Māori-focused learning and development opportunities.
98. While MPU should retain the lead for strategic thinking and high level guidance about Māori policy and engagement, and should be staffed and resourced accordingly, there

is scope to rationalise its workload. This will also provide opportunity to rationalise other organisational arrangements with respect to oversight of Māori/Treaty-related learning and development, administration of the Taumata, and ensuring the availability of tikanga and kawa expertise.

## Engagement

99. The Public Service Act 2020 provides direction that public service leaders must develop and maintain the capability of the public service to engage with Māori and understand Māori perspectives.<sup>101</sup> The Whāinga Amorangi process includes engagement with Māori as a core competency. Also, if there is a Waitangi Tribunal report that is relevant to the issue MFAT staff are working on, it should form part of their advice.
100. The need for MFAT to improve the way in which it engages with Māori has been highlighted in the past by the Waitangi Tribunal (WAI 262 and 2522),<sup>102</sup> MFAT internal reviews in 2013 and 2016,<sup>103</sup> and the 2017 PIF Review.<sup>104</sup>
101. Over the last five years, MFAT has taken deliberate steps to strengthen its outreach to Māori. A key initiative was the launch of the MFAT Māori Engagement Strategy in 2017 with a specific ambition that: "Our engagement with Māori has integrity, is delivering value for both partners, and enhancing our relationships with external partners."<sup>105</sup> As part of the Strategy, an important development was the establishment of Te Taumata, a group of recognised leaders in Māori socio-economic and cultural development areas that engages with MFAT on trade policy and Māori priorities within trade.<sup>106</sup> Other MFAT efforts have included the holding of regional hui, trade policy roadshows, Chief Negotiator webinars, and work by specific parts of the Ministry including MPU, TEG's Trade Policy Engagement Unit (TPEU) and the Auckland office. As well, the Ministry has produced multiple documents to guide and support staff in their engagement activities with the Treaty partner.<sup>107</sup>
102. There are a number of issues to highlight in the engagement space. First, the above initiatives have mostly been concentrated in the trade area and it is not clear the extent to which they or other engagement activities are being pursued by different parts of the organisation. Second, and related, there seems to be a level of uncertainty as to who 'owns' responsibility for engagement with Māori - MPU or policy divisions (it is the latter). This, partnered with hesitancy and lack of confidence as to how to conduct outreach, can sometimes lead to engagement being placed in divisions' 'too-hard' baskets. Third, there does not appear to be strong uptake across the house of the multiple written sources of guidance on engagement with Māori.

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<sup>101</sup> Public Service Act 2020, section 14(2)(a).

<sup>102</sup> See Annex 8.

<sup>103</sup> See Annex 6.

<sup>104</sup> PIF Review, page 36.

<sup>105</sup> MFAT Māori Engagement Strategy 2017-2021, page 4.

<sup>106</sup> Further information on Te Taumata is available on the MFAT website.

<sup>107</sup> Annex 8 includes a full list of Ministry-produced documents that offer guidance on engagement issues. There are 6 documents in total.



103. A further substantive issue is that, while the Ministry's approach to engagement with Māori has largely remained within a 'consultation' paradigm (consistent with Cabinet guidance issued in 2001),<sup>108</sup> practices of some other government agencies are evolving beyond this paradigm towards a menu that includes co-design, joint participation, joint decision making and empowering Māori to take decisions that will be implemented by the Crown. There are also rising Māori expectations of how they are to be engaged as Treaty partners. That said, through Te Taumata, efforts of the APEC21 team, and New Zealand's leadership of the first ever Festival of Indigenous and Tribal ideas, "Te Aratini", at Expo 2020 Dubai, MFAT is beginning to explore more forward-leaning cooperative modalities.
104. Going forward, there are two inter-agency processes that relate to engagement in which MFAT is expected to take a leading role. In 2019, the Trade for All Advisory Board made a series of recommendations to the Government around the international treaty making process, including in relation to the quality and objectivity of National Interest Analyses, MFAT's engagement with the public and with Māori, and the way Parliament scrutinises treaty actions. While many of the Board's recommendations were accepted, some were considered to raise issues beyond international trade, and, as a result MFAT was directed to report back to the Minister of Foreign Affairs and other relevant ministers on the issues relating to New Zealand's treaty making process by the end of March 2022. Additionally, the Government has agreed through the Te Puni Kōkiri-led Te Pae Tawhiti process to consider how the Crown should work with Māori as its treaty partner to identify Māori interests, and the nature and strength of those interests, when negotiating international instruments.
105. If the Ministry is to meet its engagement obligations, it can utilise current work efforts in terms of Trade for All Agenda and Te Pae Tawhiti to establish consistent Ministry-wide engagement practices that realise a genuine Treaty partnership and enable Māori interests and perspectives to be embedded in New Zealand foreign policy.

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<sup>108</sup> 2001 Strategy for Engagement with Māori on International Treaties.

## **PART THREE: ACHIEVING A PARADIGM SHIFT**

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## Leadership

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### Recommendations

*Establish a new position at Deputy Secretary level (DS-Treaty Partnership) with responsibilities for bringing advanced Mātauranga Māori and Treaty partner expertise to the SLT table, defining the Ministry's Treaty partnership vision, developing the Ministry's tirohanga, and promoting overall coherence, prioritisation, delivery and accountability in the Ministry's efforts on Māori issues and Mātauranga Māori.*

*Set timeframes for leaders to realise the Mātauranga Māori capabilities set out in the MFAT Capability Framework, and establish eligibility thresholds for appointment to foreign policy leadership positions.*

*Establish professional foreign policy opportunities enabling Māori and other staff to develop deep Treaty partner expertise to strengthen succession planning for future SLTs.*

### Comment

106. As observed, if the Ministry wishes to act consistently with government expectations and its own publicly stated commitments to Mātauranga Māori, the Treaty and Treaty principles, it needs to ensure the leadership is staffed and equipped to reflect, understand and represent New Zealand's bicultural foundations.

#### Recommendation for a new position of Deputy Secretary-Treaty Partnership

107. Four options were explored for bringing advanced Mātauranga Māori/Treaty partnership expertise to the SLT table and leading the Ministry's work on a partnership vision and developing a tirohanga lens. All options assumed existing SLT members would continue their personal journeys to develop the Mātauranga capabilities set out in the MFAT Capability Framework.<sup>109</sup> An additional consideration was the Ministry's success measure that SLT's composition increasingly reflect the bicultural make up of New Zealand.<sup>110</sup>

108. The four options were:

108.1. Option 1 - Assign responsibility for organisational uplift to an existing SLT member: No new roles or structures created. MPU to remain in OCE. Progress to be achieved through implementation of existing programmes and some new initiatives. Support to be provided to improve the pipeline of Māori candidates with capability for future appointment into existing senior roles.

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<sup>109</sup> MFAT Capability Framework Mahere Pukenga, pages 25 and 26.

<sup>110</sup> MFAT Diversity and Inclusion Strategy 2018-2028, page 14.

108.2. Option 2 – Engage an External Specialist to advise SLT (non-decision making role): No new structures created (External Specialist’s services to be contracted). MPU to remain in OCE. External Specialist to provide advice to SLT on Mātauranga Māori and Treaty-related aspects of organisational and foreign policy issues.

108.3. Option 3 – Engage an External Specialist to advise SLT (non-decision making role) until an MFAT staff member with advanced Mātauranga expertise is appointed to an existing SLT role: No new structures created (External Specialist’s services to be contracted). MPU to remain in OCE. External Specialist to provide advice to SLT on Mātauranga Māori and Treaty-related aspects of organisational and foreign policy issues.

108.4. Option 4 – Establish a new Deputy Secretary-Treaty Partnership position: New Tier 2 role created, reporting to the Chief Executive. Responsible for bringing advanced Mātauranga Māori expertise to the SLT table and leading organisation-wide Treaty responsiveness, with focus on strategy and leadership. MPU to relocate to support the new Deputy Secretary.

109. In exploring these options, the following analytical framework was used:

<b>Tier 2 Capability</b>	Will this deliver advanced Mātauranga Māori and Treaty partnership capability at Tier 2 and as part of SLT governance structures?
<b>Capacity</b>	Will this deliver a net increase in organisational capacity? If so, is it minor, moderate or high?
<b>Modelling</b>	Will this support stronger role modelling of the Mātauranga Māori priority across SLT?
<b>Impact</b>	Will this have high impact? How long will it take to achieve impact?
<b>Composition</b>	Will this help to advance the Ministry’s diversity ambition for SLT?
<b>Coherence</b>	Does this align MFAT organisational practice with the broader Public Service?
<b>Visibility</b>	Will this be evident to, and enhance MFAT’s standing with, the Treaty partner and stakeholders?
<b>Cost/Compliance</b>	Will this cost more? Will this trigger a change process relating to MPU or other units?

110. The options analysis was as follows:

Assessment	Option 1	Option 2	Option 3	Option 4
<b>Tier 2 capability</b>	XXX	√ But no decision-making role	√ But no decision-making role	√√√
<b>Capacity</b>	XX	√	√	√√√
<b>Modelling</b>	XXX	X	√ eventually	√√
<b>Impact</b>	XX	√	√	√√√
<b>Composition</b>	XXX	XXX	√ potentially	√ potentially
<b>Coherence</b>	√X	√X	√X	√X
<b>Visibility</b>	XXX	√ potentially	√√ eventually	√√√
<b>Cost/Compliance</b>	√√√	√X	√X	XX

111. The headline analysis for each option was as follows:

111.1. Option 1 is a status quo approach. It is low cost. It does not require a change process. However, it does not deliver business benefits identified in the analytical framework (e.g., advanced Mātauranga capability at Tier 2; net increase in organisational capacity; stronger role-modelling of the Mātauranga priority; visibility and enhanced standing). Nor does it advance the Ministry's diversity ambition for SLT. The approach offers limited support to any MFAT ambitions to develop a Treaty partnership vision and tirohanga lens (and engage successfully in the Whāinga Amorangi process). It does little to enhance MFAT's standing with the Treaty partner.

111.2. Option 2 is a kind of hired gun approach. It does not require a change process. Costs would be determined by the Specialist's contract. The approach would give SLT access to advanced Mātauranga Māori advice to support their decision-making. The influence of the role would depend wholly on the extent to which the Specialist's views were sought and taken on board by SLT. The approach could have impact and visibility if the Specialist has mana and standing in the Māori community. But, equally, some stakeholders may see this approach as tokenism that is not in the spirit of partnership and ultimately preserves existing settings. The approach does not advance the Ministry's diversity ambition for SLT.

111.3. Option 3 is similar to Option 2 (and all the above comments apply), except the arrangement is temporary until an MFAT staff member with Mātauranga expertise is appointed to an existing SLT role. The longer term benefits of this approach are not clear. They depend entirely on such factors as: when

the appointment is made; the extent of Mātauranga, Ao and Reo expertise the new member brings to SLT and how that expertise is deployed; the new member's standing in Māoridom and quality of Māori networks he/she brings to SLT; and the nature of the new member's duties and responsibilities and whether they include a central or incidental focus on Māori issues and Mātauranga Māori.

- 111.4. Option 4 is high cost (relative to the other options) and will trigger a change process for MPU. It is the option that delivers the clearest and most significant business benefits including advanced Mātauranga and Treaty partnership capability within SLT, increased organisational capacity, and the potential for stronger role modelling of the Mātauranga priority. To the extent the approach signals a paradigm shift in MFAT's approach to Treaty partnership, it will be high impact and significantly enhance MFAT's standing with stakeholders.
112. This report recommends Option 4 - establishment of a new Deputy Secretary-Treaty Partnership position - on the basis that this option is the most effective response to the Ministry's significant Mātauranga business needs. The benefits from the other options are either considerably less or uncertain.
113. Further factors supporting Option 4 are as follows:
- 113.1. It is consistent with advice offered in the 2017 PIF Review: "The Ministry urgently needs to develop a shared understanding of what its value proposition is for and with Māori. The relationship cannot be defined simply by ceremony for visitors or reliance on specialist advisers but embraced as a core part of how the Ministry does its business..."<sup>111</sup>
- 113.2. It is consistent with a key recommendation from the Richard Jefferies report. The Jefferies report commented that: "A leadership role at the top tier will provide a strong signal that the leadership is committed and focused on Mātauranga Māori and Māori engagement across MFAT."<sup>112</sup>
- 113.3. It is consistent with the growing number of government agencies maintaining Deputy Chief Executive or other Tier 2 roles with dedicated focus on Māori issues, including Conservation, Corrections, Environment, Education Review Office, Culture and Heritage, Women, Education, Health, Housing and Urban Development, Justice, Social Development, and Police.
- 113.4. It will send a strong signal to Māori staff (and all staff) of the value and priority the Ministry places on Mātauranga Māori. Over many years, in communications and meetings with senior leaders, Te Pou Māori has consistently advocated for appointment of a suitably qualified Māori to SLT.<sup>113</sup>

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<sup>111</sup> PIF Review, page 37.

<sup>112</sup> Richard Jefferies Report, page 43.

<sup>113</sup> See in particular TPM's letter to the Chief Executive dated 18 November 2019.

114. The recommendation to establish a new Deputy Secretary-Treaty Partnership position reflects the scale of transformation MFAT must pursue if it is to develop people, policies and operations that truly reflect New Zealand's bicultural identity. A senior leader with resource and accountability for realising the Ministry's Mātauranga Māori ambitions will oversee the complex work programme - including Phase Two of Whāinga Amorangi (Organisational Capability) and development of a consistent tirohanga Māori lens across the breadth of New Zealand foreign policy.
115. The specifics of the position, its responsibilities, and interconnections within SLT need to be finalised through a rigorous process. In terms of Mātauranga Māori, an ideal candidate for Deputy Secretary – Treaty Partnership would possess:
- 115.1. Extensive experience in public service and policy making, together with a strong understanding of New Zealand in the world;
  - 115.2. Fluent Te Reo, nuanced and deep understanding of tikanga and Te Ao Māori;
  - 115.3. Extensive networks across Māoridom, and mana to be acknowledged as a rangatira by Māori and wider New Zealand; and
  - 115.4. Deep understanding of Treaty/Tiriti issues and Māori Crown relations.
116. As all government agencies look to lift their organisational capability in response to the Whāinga Amorangi process, competition for the small number of individuals with this breadth and depth of capability will become fierce. The Ministry should move as quickly as possible to identify and recruit a suitable candidate.

#### Other recommendations

117. The MFAT Capability Framework sets out a range of Thought, People and Influence expectations relating to Mātauranga Māori. To incentivise the acquisition of these capabilities by SLT and other leaders, the Ministry should set timeframes and also set escalating proficiency levels as prerequisites for appointment to leadership roles over the medium-long term. This will allow time for appropriate training to be designed and undertaken, and reflect the Ministry's commitment to developing leaders with Te Ao Māori insights. In some instances, capabilities should be evident before appointments are taken up. For example, new HOMs should have core Mātauranga capabilities before they begin their posting.
118. Career pathways to develop a cadre of experienced diplomats with profound Treaty partner expertise would place future SLTs well to continue deepening the Ministry's expression of the Treaty partnership. PEP and MPU could lead the design of these pathways. Elements might include, as examples: extended immersion courses in Te Reo and tikanga; secondments to iwi, Te Puni Kōkiri and other agencies; postings to countries with strong indigenous associations; and MFAT roles in trade, protocol, multilateral, legal, and MPU to deepen Mātauranga Māori expertise.

## Governance

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### Recommendations

*Establish a formal process to ensure Māori/Treaty partner expertise is captured in the composition of the Ministry's governance bodies, including the MFAT Board and its committees.*

### Comment

119. As lead of MFAT's policy processes, Senior Responsible Officer of the New Zealand Connections Goal, and SLT's champion to Te Pou Māori, it would be logical for the DCE-P, in consultation with other parts of the Ministry including MPU, OCE, Strategy and Performance Division (SAPD), and PEP (and Deputy Secretary-Treaty Partnership, depending on timing), to establish a formal process to ensure the Ministry's governance bodies include expertise reflecting Treaty partner perspectives and priorities. Such expertise may include representing Te Ao Māori views where possible, and/or identifying and highlighting where additional information or consultation should be sought before a decision on a particular issue is reached.
120. Given the small number of Māori staff at senior levels, consideration should be given to deliberate pipelines to prepare Māori staff (and other staff) for participation in the governance bodies, including through such initiatives as mentoring, shadowing, and/or allowing individual staff members to observe meetings in advance of their appointment to a committee.



## Strategic planning process

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### Recommendations

*Establish an ongoing engagement process providing genuine opportunity for Māori/the Treaty partner to participate in, and contribute to, the Ministry's strategic planning process.*

### Comment

121. As observed, to meet its commitment to Treaty principles, the Ministry needs to engage with Māori not only on individual foreign policy items, but also at the outset, when MFAT's strategic settings are being considered and determined.
122. It is proposed that SAPD, which supports the Ministry's strategic planning processes, carry forward this recommendation by identifying options and opportunities for Treaty partnership engagement. SAPD will want to work closely with other parts of the organisation including MPU and OCE. They may also want to consider approaches taken by different parts of the Ministry (e.g, MPU, TPEU) and also other government agencies.
123. While it will be for SAPD to explore options, this report offers three potential engagement avenues to explore:
- 123.1. The Public Service Act 2020 includes an obligation for Chief Executives to give a long-term insights briefing to the appropriate Minister at least once every three years following public consultations on the subject matter and draft.<sup>114</sup> Chief Executives are required to take into account any feedback received from public consultation when finalising the briefing. The Ministry could utilise this obligation as an opportunity to undertake outreach with Māori that could also usefully feed into and inform MFAT's strategic planning processes. Co-hosted hui on specific areas of the Ministry's work that align with other public service agencies could also contribute to the preparation of shared long-term insights briefings.
- 123.2. Additional to other Treaty-related engagement activities, the Ministry could hold triennial hui or public forums covering the breadth of its work so that it can engage Māori into the process of preparing the Strategic Assessment. The Strategic Intentions document would offer an unclassified avenue to reflect the consultations.
- 123.3. The full SLT could meet on an annual basis with a group of prominent Māori leaders to discuss foreign affairs issues and opportunities to deepen the partnership between MFAT and Māori. The selection process for Māori

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<sup>114</sup> Public Service Act 2020, Schedule 6, sections 8 and 9.

attendees would need to be worked through carefully, and in full consultation with Māori.

124. Although this report has not had opportunity to examine fully the translation of strategic planning into operational activity, it is noted that the Ministry's setting of Mātauranga Māori as an organisational priority in 2019-2020 was not strongly reflected in Post or Divisional annual plans that year.<sup>115</sup><sup>116</sup> In this regard, it would be useful to ensure both that constituent parts of the Ministry receive guidance elaborating how they might contribute to broader Ministry initiatives (such as Mātauranga Māori), and that a mechanism is established to confirm that the Ministry's organisational priorities are understood and advanced by business units.

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<sup>115</sup> A rudimentary word search of post plans and divisional plans for 2019/20, when SLT first announced that Mātauranga Māori was one of three organisational priorities, showed that there was little differentiation of Māori as Treaty partners (i.e. different from other stakeholders) or indication that SLT's prioritisation would drive changes in work programmes and planning.

<sup>116</sup> Due to the COVID response, operational planning processes were abbreviated in 2020-2021, the second year in which Mātauranga Māori was an organisational priority.

## Composition

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### Recommendations

*Accelerate and expand current efforts to attract Māori into the Ministry and into the different job families.*

*Revise current goals for Māori representation in the Ministry to be more ambitious and measurable and, based on the revised goals, set specific recruitment targets to be reviewed and recalibrated annually.*

*Develop initiatives to ensure the percentage of Māori staff in above-the-line positions is in line with New Zealand workforce national percentages by 2025.*

*Ensure performance review processes recognise the contribution by staff with Mātauranga Māori capabilities, and that managers can identify and acknowledge such contributions.*

*Review standard Ministry settings to identify and reduce points in the recruitment, performance and promotion processes that may hinder MFAT diversity goals.*

*Launch an urgent and proactive campaign to improve the Ministry's ethnicity data, with a goal to achieve a 100% ethnicity disclosure rate within 12 months.*

*As soon as MFAT's ethnicity data is improved, move to identify and rectify any ethnic pay gaps by no later than the 2022-2023 financial year.*

### Comment

125. Consistent with the requirements of the Public Service Act 2020 and the Ministry's own Mātauranga Māori and diversity ambitions, efforts must continue to ensure that MFAT's composition reflects the make up of New Zealand society.
126. The above recommendations are proposed for action by PEP, given PEP's responsibility for recruitment, performance and progression processes, and oversight of aspects of the Māori Engagement Strategy and also the Diversity and Inclusion Strategy. Many of the present recommendations derive from the latter Strategy.
127. Renewed initiatives to attract Māori into the organisation have seen a striking increase in the number of Māori recruits. There is no need to reinvent the wheel. The Ministry should continue and expand these initiatives, including recruitment drives (universities, high schools, other agencies, iwi, etc), use of Māori staff in recruitment efforts and panels, and the Aorere internship programme. Other initiatives could include targeted advertising (advertising vacancies in Te Reo,

utilising Māori media),<sup>117</sup> outreach to Ministry Māori alumni,<sup>118</sup> and offering prizes to encourage consideration of MFAT as career path.<sup>119</sup>

128. The Ministry's success measures for Māori representation are +/-6% of national percentages by 2023, and +/-3% by 2028.<sup>120</sup> These goals are so broad as to lack credibility and ambition. This report proposes three steps be taken: (1) the Ministry move immediately to improve its ethnicity data (see below); (2) based on new data, the Ministry revise its goals for Māori representation to be more ambitious and measureable, and (3), reflecting the new goals, the Ministry set specific Māori recruitment targets to be reviewed and recalibrated annually.<sup>121</sup> There should also be clear accountabilities for delivery of the targets and goals.
129. A further success measure set out in the MFAT Diversity and Inclusion Strategy is that the percentage of Māori staff in above-the-line positions is in line with New Zealand workforce national percentages by 2025.<sup>122</sup> According to PEP, opportunities are being sought to recognise talented Māori staff and those with strong knowledge of Mātauranga Māori. This report proposes PEP should first clarify the relevant workforce national percentages in this context, and then formulate an overall game plan to ensure MFAT achieves those percentages within the next four years. On specific activities, the plan might include greater use of the Aspiring Leaders Programme and Diversity Fellowships, use of specialist providers to deliver bespoke Māori leadership development courses,<sup>123</sup> and mentoring and shadowing opportunities for Māori staff with SLT and other senior leaders.
130. Te Pou Māori has long noted that the Ministry frequently draws on staff with strong Mātauranga and cultural skills (for powhiri, MIM waiata, etc), but its systems do not always recognise or value those capabilities and contributions. As well, managers need to be equipped so they can properly assess and acknowledge such contributions. The MFAT Diversity and Inclusion Strategy has signalled the Ministry's intention to re-design the Performance Management system to recognise diversity and inclusion contributions.<sup>124</sup> This report urges that the Ministry ensure the performance process (and managers) can systematically give recognition to contributions by staff with Mātauranga Māori capabilities.

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<sup>117</sup> MFAT Diversity and Inclusion Strategy 2018-2028, page 18 (point 2.3).

<sup>118</sup> MFAT Māori Engagement Strategy 2017-2021, page 9.

<sup>119</sup> For example, a prize might be offered by an SLT member for the best essay by a student written in English or Te Reo on a foreign policy subject considered through a Treaty of Waitangi lens.

<sup>120</sup> MFAT Diversity and Inclusion Strategy 2018-2028, page 20.

<sup>121</sup> Consistent with the action already agreed in point 2.8 of the MFAT Diversity and Inclusion Strategy 2018-2028.

<sup>122</sup> MFAT Diversity and Inclusion Strategy 2018-2028, page 14.

<sup>123</sup> One example of a specialist provider is Indigenous Growth Ltd. This company has led a successful programme providing development for emerging Māori leaders at New Zealand Post. There are normally around 16 participants per course, the course is run part-time over a 6-9 month period, and involves workshops (often at marae), coaching in between workshops, and smaller groups working on specific projects.

<sup>124</sup> MFAT Diversity and Inclusion Strategy 2018-2028, page 13.

131. A further concern is that Māori staff not be left behind as the capability of the whole Ministry is lifted. As referred to elsewhere in the report, it will be important for Ministry succession planning that interested staff have professional and training opportunities to deepen Treaty partner expertise within their MFAT career development. Opportunities could include long-term immersion Reo training and secondments to iwi.
132. More diverse panels have reduced the impact of unconscious bias in this stage of MFAT's recruitment and appointment processes. Other stages of the recruitment process could similarly be examined for unconscious bias, including stages which eliminate large numbers of candidates based on set criteria and psychometric testing.<sup>125</sup> Long-standing recruitment settings, such as a double or advanced degree for foreign policy recruits, may discount candidates with strong Mātauranga Māori capability. Diverse candidates are likely to offer diverse skill profiles. PEP and representatives of the Ministry's staff networks could review MFAT recruitment, performance and progression processes to identify systemic bias that works against the Ministry's diversity objectives.
133. To promote high quality and consistent workforce information, the Public Service Commission expects agencies to collect data on their staff including their age, sex/gender and ethnicity. Agencies are also expected periodically to remind staff of the importance of their providing the information, and give staff guidance and time to do so.<sup>126</sup> The information is disclosed by staff on a voluntary basis.
134. According to Public Service Commission data, MFAT's rate of ethnicity disclosure is the worst in the Public Service (see the PSC chart in Annex 7). At 76.2% in 2020, MFAT was 18.1% below the Public Service average of 94.3%. This casts considerable doubt on MFAT's statistics and affects the quality and accuracy of its people data reporting. It could also hinder the Ministry's planned analysis of any ethnic pay gap (see below).
135. The fact that many agencies achieve 100% ethnicity disclosure shows this is a very solvable issue. MFAT already has a goal to improve the collection and analysis of Ministry diversity data (while maintaining privacy),<sup>127</sup> and PEP recently asked MFAT managers to encourage staff to review and update their personal information through the HR Kiosk.<sup>128</sup> (Over the past 12 months, 65% of new hires have not provided any ethnicity detail.) This report recommends PEP launch an urgent, proactive and full scale campaign towards a 100% ethnicity disclosure rate within 12 months.

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<sup>125</sup> For example, MFAT's psychometric test measures the ability to select a nuanced synonym in English but does not pose questions in Te Reo or offer the option to sit the test in Te Reo. This privileges candidates raised in a Pākehā English-language environment and disadvantages candidates steeped in Te Ao Māori and Te Reo.

<sup>126</sup> Standards of Workforce Information for Agencies in the State Services: Issued by the State Services under the State Sector Act 1988, section 9, page 1.

<sup>127</sup> MFAT Diversity and Inclusion Strategy 2018-2028, page 12.

<sup>128</sup> People Division (PEP) HUDO – Issue 3, 26 July 2021, page 7.

136. To address potential bias in remuneration, the Diversity and Inclusion Strategy set the objective of analysing any ethnic pay gap by 2020 and using annual performance and pay processes to reduce any in-band pay gaps identified.<sup>129</sup> That analysis work has not yet been undertaken.
137. Pay equity initiatives are still supported by the Public Service Commission despite the current pay restraint. Therefore, as soon as MFAT's ethnicity data is more complete, the Ministry should move to identify and rectify any ethnic pay gaps by no later than the 2022-23 financial year.

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<sup>129</sup> MFAT Diversity and Inclusion Strategy 2018-2028, page 28.

## Capability

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### Recommendations

*Task PEP to accelerate work on the Ministry's strategy to build individual Mātauranga Māori capability, including:*

*Complete a mapping exercise to specify what the Mātauranga Māori capability expectations contained in the MFAT Capability Framework require and how they are to be demonstrated at different professional levels;*

*Progress a comprehensive Māori cultural competence programme that is fully aligned to the MFAT Capability Framework and maps Mātauranga Māori learning and development requirements across the Ministry/job families/levels;*

*Embed and validate the Mātauranga Māori capability expectations contained in the MFAT Capability Framework by aligning them to wider Ministry processes on performance, promotions, appointments, and remuneration.*

*Assign to PEP primary responsibility for MFAT's participation in Te Arawhiti's Whāinga Amorangi process, including oversight of the preparation of MFAT's individual capability plan to be submitted to Te Arawhiti by 31 August 2021, as well as implementation, follow-up and reporting.*

*Consolidate oversight and administration of the Ministry's Mātauranga Māori and Te Reo learning and development into PEP as part of the Division's core business.*

*Ensure appropriate transition arrangements and that PEP is properly resourced, including appropriate Māori and tikanga expertise, to oversee and administer the Ministry's Mātauranga Māori learning and development.*

*Establish an inhouse coordination mechanism (Advisory Group), led by PEP and with participation from PEP units, MPU, CLU and other divisions, to provide ongoing support to PEP to ensure a coherent and tikanga-sensitive Ministry approach to Mātauranga Māori learning and development and the Whāinga Amorangi process.*

*Develop a Ministry-wide process for periodically measuring capability in Mātauranga Māori.*

*Commission a review that will: produce a clear statement of the Ministry's business requirements for Te Reo Māori; facilitate a mapping of requirements for different job families; and support development of an overall Te Reo strategy with ambitious timeframes and a range of learning and development options.*

*Initiate a process, drawing on professional Reo Māori expertise and Ministry experience, to establish a body of consistent diplomatic terminology in Te Reo that reflects an Ao Māori of New Zealand diplomacy.*

## Comment

138. There are legislative requirements on the Ministry to develop and maintain the capability of staff to engage with Māori and understand Māori perspectives. The Minister has expressed her expectation around a tirohanga lens.
139. The above recommendations are proposed for lead action by PEP, given the clear focus on capability building. It is assumed that PEP will coordinate strongly across its different units and with other parts of the Ministry (especially MPU, CLU, LGL, TPEU and others). It is also assumed that PEP will be appropriately resourced<sup>130</sup> and obtain necessary staffing, including Māori-based expertise, to take forward the work. The last point is crucial; oversight of Mātauranga Māori capability building must include genuine knowledge of Māori perspectives and tikanga.

### Lifting Mātauranga Māori capability

140. The Ministry has set expectations for staff but has still to complete other key parts of its strategy to lift individual Mātauranga Māori capability (e.g, mapping exercise, progressing a competence programme, embedding the expectations into wider Ministry processes). It is recommended that PEP accelerate this work (particularly because it is also linked to MFAT's participation in the Whāinga Amorangi process, see below). Through this work, an ambitious capability transformation plan and measureable, practical targets can be designed and incorporated into the Ministry's core professional development and progression processes.
141. It is recommended that PEP is the logical division to have carriage of the Whāinga Amorangi process, and particularly preparation of MFAT's Phase One individual capability plan to be submitted to Te Arawhiti by 31 August 2021 (for implementation starting January 2022). Given the suggestion that this plan (and the related organisational plan to be submitted to Te Arawhiti by 30 June 2022, see below) will succeed the MFAT Māori Engagement Strategy, PEP will need to work jointly with MPU to ensure a smooth transition.
142. PEP, supported by MPU, should make urgent contact with Te Arawhiti to confirm a process for completing the individual capability plan. Te Arawhiti has advised that agencies may base their plans on existing efforts. In this regard, MFAT already has a capability vision,<sup>131</sup> capability expectations,<sup>132</sup> a range of learning and development products, and will be progressing its capability mapping exercise. **In any MFAT plan to be submitted, the critical factor will be ensuring that there is no winding back of ambition from levels the Ministry has already set itself.** MFAT also

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<sup>130</sup> In this regard, the following comment is noted from the HR & PCA Functional Review Decision Document of October 2020 (page 30): "The confirmed structure of the Capability, Culture and Programmes team has been designed to ensure it has the in-built agility to support the implementation of the next phase of the mahi to strengthen our commitment to Mātauranga Māori and Māori engagement."

<sup>131</sup> "Our people have the capability and confidence to use Mātauranga Māori in their mahi in a way that brings mana to our Ministry and represents Māori interests with authenticity."

<sup>132</sup> As set out in the MFAT Capability Framework Mahere Pukenga.



needs to explore the extent to which its mapping exercise can be facilitated by the Whāinga Amorangi framework and tools.

143. It is noted that PEP will not be well-placed to lead on MFAT's Phase Two organisational plan for Whāinga Amorangi, to the extent that this plan will go beyond capability aspects and include broader focus on such topics as leadership, governance, structures and engagement. It is expected that the Phase Two plan will require cross-Ministry participation and direct Deputy Secretary-level oversight (Deputy Secretary-Treaty Partnership).
144. It is recommended that oversight and administration of the Ministry's Mātauranga Māori and Te Reo learning and development be consolidated into PEP as part of the Division's core business. This will rationalise the present situation in which multiple divisions are delivering various and sometimes overlapping training products (and there seems to be minimal coordination). It may also facilitate the creation of a centralised data system for recording which staff have completed Mātauranga Māori courses. As well, it will help efforts to refine MPU's work programme so it can maintain a core focus on policy work. Consolidation will relate to oversight; other divisions may still be involved in designing course content and delivery of courses.
145. It is proposed to establish an inhouse Advisory Group, led by PEP and with participation from PEP units, MPU, CLU, and other Divisions, to support PEP on an ongoing basis to ensure a coherent and tikanga-sensitive Ministry approach to Mātauranga Māori learning and development. The Group could consider the following types of matters: ensuring that training activities are tightly aligned to the MFAT Capability Framework; deciding what courses are required and how they are best delivered (and by whom and when); ensuring consistency of content across the different training products; observing appropriate tikanga and kawa; and avoiding duplication of effort. The Advisory Group will also serve as the Ministry's coordinating mechanism on Whāinga Amorangi, particularly Phase Two where MFAT must prepare a plan to transform the organisation to improve Māori-Crown relations.
146. The recommendation to develop a Ministry-wide process for periodically measuring capability in Mātauranga Māori is repeated from the MFAT Māori Engagement Strategy.<sup>133</sup> It is still to be actioned. The process could include an anonymous survey asking all staff to self assess their confidence in areas such as proficiency in Te Reo Māori, tikanga Māori, Māori practices and protocols, Treaty of Waitangi, knowledge of major iwi Māori and their locations, and the ability to organise and conduct a Māori welcome.

#### Te Reo Māori

147. The MFAT Capability Framework sets expectations that professional staff levels, including senior leaders, should "display proficiency in Te Reo Māori."<sup>134</sup> In Ministry

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<sup>133</sup> MFAT Māori Engagement Strategy 2017-2021, page 13.

<sup>134</sup> MFAT Capability Framework Mahere Pukenga.

core documents on language training,<sup>135</sup> 'proficiency' is discussed as S3/R3<sup>136</sup> or professional fluency, which equates to 'capable' on the Whāinga Amorangi framework.<sup>137</sup> This is an appropriate expression of ambition for public servants representing New Zealand, and is similar to expectations of public servants in bilingual counterpart Canada. It would also be a strong MFAT contribution to the Maihi Karauna Māori Language Revitalisation Strategy. However, given current low levels of Reo capability across the Ministry, and the significant time and financial resource required to bring staff to proficiency, it is more realistically a long-term goal.

148. The Ministry needs a deliberate plan articulating short and medium term objectives to get to the long term Te Reo Māori goal. There were MFAT language training policy reviews completed in 2012 and 2016. However, these were focused on business needs in terms of conducting business with other countries. Neither review contemplated Te Reo Māori as a professional language for New Zealand diplomats.
149. It is recommended that SLT commission a review with a focus on the Ministry's business requirements for Te Reo Māori. The review should be informed by the following considerations: Māori is an official language of New Zealand and is the language of the Treaty partner; the Ministry needs a level of Te Reo competence to support its work internationally (e.g, representing the Treaty partnership overseas) and locally (e.g, to facilitate domestic engagement with Māori stakeholders); and, the Ministry is not starting from scratch - it has already articulated Te Reo capability expectations and is delivering Reo learning and development opportunities to staff.
150. Beyond these considerations, the review should be guided by exactly the same key principles that have guided previous language training reviews, including:
  - 150.1. Focus the development of language capability to enable the Ministry to meet current and future strategic goals;
  - 150.2. Be cost effective, affordable and fit for purpose;
  - 150.3. Recognise that developing any language capability is a long term investment for the Ministry;
  - 150.4. Ensure that decisions to invest in language training for selected staff are informed by the aptitude and attitude of the individuals concerned;
  - 150.5. Draw on, and build existing capacity;

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<sup>135</sup> Including the MFAT Language Training Review Decision Document October 2012 and MFAT Language Capability Stocktake 2016.

<sup>136</sup> According to the adapted Australian Foreign Service Language Proficiency ratings (AFSLPR).

<sup>137</sup> On the Arawhiti spectrum of Unfamiliar-Comfortable-Confident-Capable, MFAT's definition of proficiency aligns most closely with Te Arawhiti's Capable rating, which is described as: Proficient in conversational Te Reo Māori (Te Taura Whiri Level Finder Exam Levels 3 and above). Can converse with Te Reo Māori speakers in familiar social situations and cope with some less familiar ones; use Māori language patterns spontaneously; take part in general conversation with speakers of Te Reo Māori; and understand most of what is said and contribute relevant comments.

- 150.6. Use best practise learning models that allow for a variety of modes of learning;
  - 150.7. Provide the Ministry with the ability to measure, track and evaluate language capability development on an ongoing basis;
  - 150.8. Be based on good practise in developing language capability; and
  - 150.9. Be well understood by all staff.<sup>138</sup>
151. The review should result in a clear statement of the Ministry's business requirements for Te Reo. It should facilitate a mapping of Te Reo requirements and competence needs for different job families, including identifying particular roles and positions where a higher level of language competence may be required (e.g, Deputy Secretary-Treaty Partnership; MPU Director; PRD Senior Kaumatua role, etc). It should enable a strategy to be developed that includes ambitious timeframes and allows for use of a wide range of learning and development modes and techniques (e.g, online training and maintenance courses, immersion courses, use of external tutors and/or hiring of fulltime tutors, making resoures available on the MFAT Te Aka intranet, phone app, etc).
152. MFAT is the only diplomatic service to use Te Reo Māori. This means the Ministry's official terminology for diplomatic roles, divisions, posts, actions and events will become authoritative in influencing the development of the language. As a first step towards diplomatic bilingualism, the Ministry should develop a glossary of diplomatic and international language, involving specialists in both Te Reo and foreign policy, and benchmarking best practice by other public service and professional organisations, to ensure terms reflect authentic ao Māori understandings.

#### Suggestions for early action

153. While this report is focused on systems and structures, the following additional ideas are presented as opportunities for early action to generate increased momentum in the Ministry's efforts on Mātauranga Māori. These ideas are especially geared towards ensuring strong flow of information throughout the Ministry, and particularly to overseas posts:
- 153.1. **Internal Communications Plan:** Establish an internal communications plan to publicise the Mātauranga Māori capabilities set out in the MFAT Capability Framework and SLT's expectations in this regard (e.g., Te Aka blogs, posters, etc). (PEP, CMD)
  - 153.2. **MFAT Te Ao Māori app:** Ensure appropriate funding and prioritise for completion within 3 months the Ao Māori app proposed in the MFAT Māori Engagement Strategy 2017-2021. This app should be made available to staff onshore and offshore (including staff employed at post), and the general public, and should provide minimum basic information on Te Reo,

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<sup>138</sup> MFAT Language Training Review Decision document: October 2012, page 7.

New Zealand history, Treaty of Waitangi, Māori culture and protocols, the Māori economy, and the Ministry's role in supporting Māori-Crown relations. (MPU, CLU, CMD)

- 153.3. **Marae stays:** Consider organising marae stays for Ministry staff, in similar fashion and format to NZTE's Kia Kaha course. In the Kia Kaha course, all new NZTE staff (including staff employed at post brought to New Zealand specifically to attend the course) experience staying on a marae and learning about Māori culture, people, values, Te Reo, Treaty of Waitangi and Māori business. PEP and MPU could explore opportunities to run 2-3 courses as pilots over the next 12 months, with the focus being on senior leaders and Divisional Managers. (PEP, MPU)
- 153.4. **Treaty of Waitangi basic information:** Prepare and circulate a 2-3 page outline of the Treaty of Waitangi to ensure all staff in the organisation have the same factual awareness of the Treaty, its historical and constitutional significance for New Zealand, and its relevance to the Ministry. This initiative will be additional to recent Treaty training developed by CLU. It recognises that while Treaty information is already available on MFAT's Te Aka intranet, uptake is not uniform. (MPU, CLU, LGL)
- 153.5. **Information tools:** Explore opportunities to include news items from Te Ao Māori in existing information tools (e.g, MFAT press clippings, Executive news summaries) to give greater network visibility of Māori news stories and issues of interest. (ESD, MPU)
- 153.6. **Non-MFAT information materials:** Keep Ministry staff informed of useful Mātauranga Māori-related materials available from non-MFAT sources. Some examples may include websites of Te Arawhiti, Te Puni Kōkiri, National Library of New Zealand, Te Ara New Zealand History, Te Papa. (ESD, MPU)
- 153.7. **Core materials into Te Reo:** Consider the utility and practicality of translating core Ministry materials into Māori, for example the MFAT Strategic Intentions. Consider preparation of MFAT bilingual templates, for example email signatures and business cards. (SAPD, ESD, MPU)
- 153.8. **Signage:** As part of the Mahi Anamata project, update Ministry signage to be bilingual. (AMD)
- 153.9. **Information Panels:** Establish an ongoing series of information panels in which visitors are invited to MFAT to discuss their specialty areas. Some examples could include: Te Arawhiti to brief on Whāinga Amorangi and the Government's goals for Māori-Crown relations; Te Puni Kōkiri to brief on the Te Pae Tawhiti process; former MFAT staff member and current Kaiwhakahaere Matua (Director) Mana Wahine at the Ministry for Women, Dr Nicola Ngawati, to give a presentation on her doctoral thesis *Use of Māori (People, Images and Practices) in New Zealand's Diplomacy: An Examination*

*of Symbolism*; Hinewehi Mohi to lecture on her “Waiata” project (in which New Zealand artists recorded their iconic hits in Te Reo). This initiative would add to MPU’s lecture series that bring senior Māori leaders to the Ministry. (MPU, CMD)

- 153.10. **Internal Information Sessions:** Organise internal information sessions where colleagues share insights on recent Māori-related activities. As examples: DS-TEG and Director MPU could talk about the Ministry’s engagement work with the Taumata; CLU could discuss recent deliberations by the Waitangi Tribunal (including on Wai 262 and 2522); APEC21 could host a panel discussion involving staff and Māori stakeholders on how they set joint outcomes and developed progressive partnership models.

## Structure

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### Recommendations

*Realign MPU to the new Deputy Secretary-Treaty Partnership, refocus MPU's responsibilities to support the Deputy Secretary, and ensure the Unit is adequately staffed and resourced so it can provide Māori-related policy advice on Ministry issues and guidance on engagement to other parts of the organisation.*

*With appropriate transition arrangements, redistribute other current MPU duties as follows:*

*Māori-related learning and development – to PEP;*

*Taumata – to Trade and Economic Group (TEG);*

*Tikanga/Ceremonial duties – to PRD.*

*Establish a senior Kaumatua Tikanga position in PRD to support high-level, inward and outward visits and events, and to provide guidance to both the diplomatic corps and Ministry staff on appropriate ceremonial kawa and tikanga.*

### Comment

154. These recommendations are linked to the recommendation to establish a new Deputy Secretary-Treaty Partnership position.
155. It is recommended that MPU be realigned to support the new Deputy Secretary-Treaty partnership. In addition to the Unit's core work of maintaining strong networks with Māori, providing policy advice on Ministry/Māori issues, and offering guidance on Treaty engagement, MPU could particularly focus on supporting the Ministry's ability to apply a tirohanga lens across its policy and processes. Oversight of a Ministry-wide calendar of engagement with Māori could help MPU monitor the breadth and frequency of MFAT contact with interlocutors. It is crucial that MPU is properly staffed and resourced.
156. It is recommended that the opportunity be taken further to rationalise MPU's work programme. This report has proposed separately the consolidation of MFAT's Mātauranga Māori and Te Reo learning and development into PEP. As well, it is recommended that MPU's logistical support for the trade Taumata be returned to TEG, which has a specific unit to manage outreach. This action would also be consistent with the general Ministry principle that responsibility for engagement sits with the policy owner. In all instances, it will be important to ensure that the transition of responsibilities is carefully and deliberately managed, in ways that preserve the Ministry's relationships with Māori.
157. The appointment of a senior Kaumātua Tikanga into PRD will help to ensure the Ministry's extensive ceremonial requirements for events and inward and outward

visits are consistently embedded. The Kaumātua could also lift this specific capability across PRD and VELU, and be the primary contact for foreign diplomats and individual MFAT staff preparing to undertake ceremonial activities. The position could hold stewardship of Te Whare including protocols, greetings and farewells, mihi and powhiri. Separating Tikanga responsibilities from MPU will help ensure both workstreams are appropriately resourced and able to maintain continuous focus, regardless of travel or other obligations. Further work will be required to develop the scope and job description of the Kaumatua position.

## Engagement

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### Recommendations

*Utilise current work efforts, including in the context of the Trade for All Agenda and inter-agency Te Pae Tawhiti/Wai 262 process, to establish consistent Ministry-wide engagement practices that realise a genuine Treaty partnership and enable Māori interests and perspectives to be embedded in New Zealand foreign policy.*

### Comment

158. Leadership of this work sits with MLG and TEG in the first instance.
159. As discussed, under the Trade for All Agenda, MFAT has been directed to report back to the Minister of Foreign Affairs and other relevant ministers on issues relating to New Zealand's treaty making process by the end of March 2022. Additionally, MFAT will also be expected to play a leading role in considerations in the Te Pae Tawhiti process on how the Crown should work with Māori as its treaty partner to identify Māori interests, and the nature and strength of those interests, when negotiating international instruments.
160. It is recommended that MFAT move early to consider the engagement-related aspects of these issues, and particularly those engagement practises that extend beyond 'consultation', so the Ministry is well-placed to play its leading role. MFAT can utilise these processes to establish consistent Ministry-wide engagement practices that will allow Māori interests and perspectives to be embedded in New Zealand foreign policy.



## **PART FOUR: CONCLUDING COMMENTS**

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## Concluding comments

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161. As its numerous reviews on Māori issues prove, MFAT has grappled for many years with the question of how to incorporate New Zealand's bicultural foundations and identity into its work. In that period, expectations of the public service have continued to shift. Options that would have seemed forward-leaning a decade ago would now be viewed as modest.
162. Realising the Mātauranga Māori capability to represent New Zealand authentically requires not only a significant lift in the proficiency of individual staff, but a paradigm shift in the way the Ministry operates. This entails changes to MFAT systems and structures, dedicated resourcing, and new thinking about how the Ministry conceptualises and undertakes foreign policy.
163. The primary risks are taking no action or taking ineffective action. This report has shown that there are multiple channels indicating change is required – legislation, directions from the Minister, policy guidance from the Public Service Commission and Te Arawhiti, polling and survey outcomes, and views from Ministry staff. Change is necessary so MFAT responds to these requirements and also delivers on its own expectations of Mātauranga Māori capability.
164. Notwithstanding efforts under the MFAT Māori Engagement Strategy, the Ministry still faces a significant workload to lift individual and organisational capability on Mātauranga Māori. Considerable resourcing is required coupled with clear signalling of priority from SLT. Resources are especially required in terms of: establishing a new Deputy Secretary-Treaty Partnership position and supporting apparatus; establishing engagement opportunities on MFAT's strategic planning process; ensuring adequate resourcing and staffing to MPU; ensuring adequate resourcing and staffing to PEP (including to oversee Mātauranga Māori learning and development, lead MFAT's engagement in Phase 1 of the Whāinga Amorangi process, and service the proposed inhouse Advisory body); realigning the Taumata back to TEG; and establishing new senior Kaumatua position in PRD.
165. It is proposed that recommendations with clear budget implications are worked up in further detail and submitted to Resources Committee once SLT has pronounced on next steps.
166. New Zealand has the opportunity to reflect a mature bicultural and diverse society on the world stage, provided MFAT can rise to the challenge. Getting this right will make for a stronger foreign service, better able to represent all New Zealanders. The ability to draw on the knowledge and skills of two worldviews can help New Zealand diplomats move more astutely, creatively and sensitively in an increasingly contested global environment.
167. The Ministry has set out its role in supporting Māori-Crown relations and has committed to a substantial work programme. A further logical step will be for MFAT

to articulate a Mātauranga Māori vision for the next decade, in order to inform and measure its direction of effort and ensure its systems are match-fit.

168. The task of defining a Mātauranga Māori vision for the Ministry sits elsewhere. But, as examples, the Ministry could envisage that ten years from now:

168.1. MFAT's staffing composition, at all levels, fully reflects the Treaty partnership;

168.2. MFAT's leaders have a high level of Te Reo, are completely versed in the Treaty and New Zealand history, and can readily engage in marae, business and international settings;

168.3. MFAT systems and engagement practices reflect a genuine partnership with Māori, are viewed as authentic by Māori, and allow the Ministry to portray a true Treaty partnership through the New Zealand diplomatic network and to easily cast a tirohanga lens across all parts of foreign policy; and

168.4. Mātauranga Māori is a competency as fundamental to the Ministry's operations as writing and policy analysis.

## **PART FIVE: ANNEXES**

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## Annex 1: List of recommendations

<b>Leadership</b>	
1.	Establish a new position at Deputy Secretary level (DS-Treaty Partnership) with responsibilities for bringing advanced Mātauranga Māori and Treaty partner expertise to the SLT table, defining the Ministry's Treaty partnership vision, developing the Ministry's tirohanga, and promoting overall coherence, prioritisation, delivery and accountability in the Ministry's efforts on Māori issues and Mātauranga Māori.
2.	Set timeframes for leaders to realise the Mātauranga Māori capabilities set out in the MFAT Capability Framework, and establish eligibility thresholds for appointment to foreign policy leadership positions.
3.	Establish professional foreign policy opportunities enabling Māori and other staff to develop deep Treaty partner expertise to strengthen succession planning for future SLTs.
<b>Governance</b> (DCE-P Lead)	
4.	Establish a formal process to ensure Māori/Treaty partner expertise is captured in the composition of the Ministry's governance bodies, including the MFAT Board and its committees.
<b>Strategic Planning Process</b> (SAPD Lead)	
5.	Establish an ongoing engagement process providing genuine opportunity for Māori/the Treaty partner to participate in, and contribute to, the Ministry's strategic planning process.
<b>Composition</b> (PEP Lead)	
6.	Accelerate and expand current efforts to attract Māori into the Ministry and into the different job families.
7.	Revise current goals for Māori representation in the Ministry to be more ambitious and measureable and, based on the revised goals, set specific recruitment targets to be reviewed and recalibrated annually.
8.	Develop initiatives to ensure the percentage of Māori staff in above-the-line positions is in line with New Zealand workforce national percentages by 2025.
9.	Ensure performance review processes recognise the contribution by staff with Mātauranga Māori capabilities, and that managers can identify and acknowledge such contributions.
10.	Review standard Ministry settings to identify and reduce points in the recruitment, performance and promotion processes that may hinder MFAT diversity goals.

11.	Launch an urgent and proactive campaign to improve the Ministry's ethnicity data, with a goal to achieve a 100% ethnicity disclosure rate within 12 months.
12.	As soon as MFAT's ethnicity data is improved, move to identify and rectify any ethnic pay gaps by no later than the 2022-2023 financial year.
<b>Capability (PEP Lead)</b>	
13.	<p>Task PEP to accelerate work on the Ministry's strategy to build individual Mātauranga Māori capability, including:</p> <ul style="list-style-type: none"> <li>• Complete a mapping exercise to specify what the Mātauranga Māori capability expectations contained in the MFAT Capability Framework require and how they are to be demonstrated at different professional levels;</li> <li>• Progress a comprehensive Māori cultural competence programme that is fully aligned to the MFAT Capability Framework and maps Mātauranga Māori learning and development requirements across the Ministry/job families/levels;</li> <li>• Embed and validate the Mātauranga Māori capability expectations contained in the MFAT Capability Framework by aligning them to wider Ministry processes on performance, promotions, appointments, and remuneration.</li> </ul>
14.	Assign to PEP primary responsibility for MFAT's participation in Te Arawhiti's Whāinga Amorangi process, including oversight of the preparation of MFAT's individual capability plan to be submitted to Te Arawhiti by 31 August 2021, as well as implementation, follow-up and reporting.
15.	Consolidate oversight and administration of the Ministry's Mātauranga Māori and Te Reo learning and development into PEP as part of the Division's core business.
16.	Ensure appropriate transition arrangements and that PEP is properly resourced, including appropriate Māori and tikanga expertise, to oversee and administer the Ministry's Mātauranga Māori learning and development.
17.	Establish an inhouse coordination mechanism (Advisory Group), led by PEP and with participation from PEP units, MPU, CLU and other divisions, to provide ongoing support to PEP to ensure a coherent and tikanga-sensitive Ministry approach to Mātauranga Māori learning and development and the Whāinga Amorangi process.
18.	Develop a Ministry-wide process for periodically measuring capability in Mātauranga Māori.

19.	Commission a review that will: produce a clear statement of the Ministry's business requirements for Te Reo Māori; facilitate a mapping of requirements for different job families; and support development of an overall Te Reo strategy with ambitious timeframes and a range of learning and development options.
20.	Initiate a process, drawing on professional Reo Māori expertise and Ministry experience, to establish a body of consistent diplomatic terminology in Te Reo that reflects an Ao Māori of New Zealand diplomacy.
<b>Structure</b>	
21.	Realign MPU to the new Deputy Secretary-Treaty Partnership, refocus MPU's responsibilities to support the Deputy Secretary, and ensure the Unit is adequately staffed and resourced so it can provide Māori-related policy advice on Ministry issues and guidance on engagement to other parts of the organisation.
22.	With appropriate transition arrangements, redistribute other current MPU duties as follows: <ul style="list-style-type: none"> <li>• Māori-related learning and development – to PEP;</li> <li>• Taumata – to Trade and Economic Group (TEG);</li> <li>• Tikanga/Ceremonial duties – to PRD.</li> </ul>
23.	Establish a senior Kaumatua Tikanga position in PRD to support high-level, inward and outward visits and events, and to provide guidance to both the diplomatic corps and Ministry staff on appropriate ceremonial kawa and tikanga.
<b>Engagement (MLG Lead)</b>	
24.	Utilise current work efforts, including in the context of the Trade for All Agenda and inter-agency Te Pae Tawhiti/Wai 262 process, to establish consistent Ministry-wide engagement practices that realise a genuine Treaty partnership and enable Māori interests and perspectives to be embedded in New Zealand foreign policy.
<b>Other suggestions for early action</b>	
<ul style="list-style-type: none"> <li>• <b>Internal Communications Plan:</b> Establish an internal communications plan to publicise the Mātauranga Māori capabilities set out in the MFAT Capability Framework and SLT's expectations in this regard (e.g., Te Aka blogs, posters, etc). (PEP, CMD)</li> <li>• <b>MFAT Te Ao Māori app:</b> Ensure appropriate funding and prioritise for completion within 3 months the Ao Māori app proposed in the MFAT Māori Engagement Strategy 2017-2021. This app should be made available to staff onshore and offshore (including staff employed at post), and the general public, and should provide minimum basic information on Te Reo, New Zealand history, Treaty of Waitangi, Māori culture and protocols, the Māori economy, and the Ministry's role in supporting Māori-Crown relations. (MPU, CLU, CMD)</li> </ul>	

- **Marae stays:** Consider organising marae stays for Ministry staff, in similar fashion and format to NZTE's Kia Kaha course. In the Kia Kaha course, all new NZTE staff (including staff employed at post brought to New Zealand specifically to attend the course) experience staying on a marae and learning about Māori culture, people, values, Te Reo, Treaty of Waitangi and Māori business. PEP and MPU could explore opportunities to run 2-3 courses as pilots over the next 12 months, with the focus being on senior leaders and Divisional Managers. (PEP, MPU)
- **Treaty of Waitangi basic information:** Prepare and circulate a 2-3 page outline of the Treaty of Waitangi to ensure all staff in the organisation have the same factual awareness of the Treaty, its historical and constitutional significance for New Zealand, and its relevance to the Ministry. This initiative will be additional to recent Treaty training developed by CLU. It recognises that while Treaty information is already available on MFAT's Te Aka intranet, uptake is not uniform. (MPU, CLU, LGL)
- **Information tools:** Explore opportunities to include news items from Te Ao Māori in existing information tools (e.g, MFAT press clippings, Executive news summaries) to give greater network visibility of Māori news stories and issues of interest. (ESD, MPU)
- **Non-MFAT information materials:** Keep Ministry staff informed of useful Mātauranga Māori-related materials available from non-MFAT sources. Some examples may include websites of Te Arawhiti, Te Puni Kōkiri, National Library of New Zealand, Te Ara New Zealand History, Te Papa. (ESD, MPU)
- **Core materials into Te Reo:** Consider the utility and practicality of translating core Ministry materials into Māori, for example the MFAT Strategic Intentions. Consider preparation of MFAT bilingual templates, for example email signatures and business cards. (SAPD, ESD, MPU)
- **Signage:** As part of the Mahi Anamata project, update Ministry signage to be bilingual. (AMD)
- **Information Panels:** Establish an ongoing series of information panels in which visitors are invited to MFAT to discuss their specialty areas. Some examples could include: Te Arawhiti to brief on Whāinga Amorangi and the Government's goals for Māori-Crown relations; Te Puni Kōkiri to brief on the Te Pae Tawhiti process; former MFAT staff member and current Kaiwhakahaere Matua (Director) Mana Wahine at the Ministry for Women, Dr Nicola Ngawati, to give a presentation on her doctoral thesis *Use of Māori (People, Images and Practices) in New Zealand's Diplomacy: An Examination of Symbolism*; Hinewehi Mohi to lecture on her "Waiata" project (in which New Zealand artists recorded their iconic hits in Te Reo). This initiative would add to MPU's lecture series that bring senior Māori leaders to the Ministry. (MPU, CMD)



- **Internal Information Sessions:** Organise internal information sessions where colleagues share insights on recent Māori-related activities. As examples: DS-TEG and Director MPU could talk about the Ministry's engagement work with the Taumata; CLU could discuss recent deliberations by the Waitangi Tribunal (including on Wai 262 and 2522); APEC21 could host a panel discussion involving staff and Māori stakeholders on how they set joint outcomes and developed progressive partnership models.

## Annex 2: MFAT: Context

This annex recalls the Ministry's context including its purpose, values, value propositions, functions and New Zealand connections. The text is reproduced directly from the Ministry's document *Strategic Intentions 2020-2024* (pages 4, 5, and 9).<sup>139</sup>

### ***Our purpose***

The Ministry acts in the world to build a safer, more prosperous and more sustainable future for New Zealanders.

Kia hāngai ake e te Manatū he ao-haumarū, ao-tōnui, ao-pūmau, ki te ora ngā tonutanga mō Aotearoa whānui.

A safer, more prosperous and more sustainable future for New Zealanders depends on the conditions in, and our connections with, the wider world. We must therefore engage with and seek to influence other countries in line with New Zealand's values and our interests in:

- A rules-based international order that supports New Zealand priorities;
- A security environment that keeps New Zealand people and activities safe;
- International conditions and connections that enable New Zealanders to prosper;
- Global action on sustainability issues that matter to New Zealand.

Protecting and advancing these interests is the purpose of New Zealand's diplomacy.

### ***Our values***

Our values guide how we interact with people within and outside of the Ministry. They also reflect to our global partners and to New Zealanders the qualities of the country we represent: a tolerant, diverse, inclusive and welcoming society.

Our values support the Public Service Commission's focus on spirit of service, and help us deliver to New Zealanders in an increasingly challenging global environment.

- *Kotahitanga* – We draw strength from our diversity.
- *Manaakitanga* – We honour and respect others.
- *Impact* – We achieve for New Zealand everyday, everywhere.
- *Courage* – We do the right thing.

<sup>139</sup> MFAT Strategic Intentions 2020-2024 - <https://www.mfat.govt.nz/en/about-us/our-strategic-direction/>

### ***Our value propositions: how we contribute to New Zealanders' wellbeing***

In line with our purpose, the Ministry exists to deliver value to New Zealanders and contribute to their wellbeing. Our four value propositions are:

- *Kaitiakitanga* – Generations of New Zealanders benefit from sustainable solutions to global and regional challenges.
- *Security* – New Zealanders are able to live, do business, travel and communicate more safely at home and offshore.
- *Prosperity* – New Zealanders have better job opportunities and incomes from trade, investment and other international connections.
- *Influence* – New Zealanders have confidence their country can influence others on issues that matter to them, now and in the future.

The contribution we make to New Zealanders' wellbeing in these four areas is at the heart of our Strategic Framework and is linked to the four capitals in the Living Standards Framework (LSF).

The Ministry's principal contribution to wellbeing as defined in the LSF is through the four capitals (natural, human, social, financial/physical) – the "foundations of wellbeing that together generate wellbeing now and in the future."

New Zealand's interdependence with other countries and the impacts of a shifting global environment mean that the Ministry's role in establishing and maintaining strong international connections, effective relationships with a diverse range of partners, a voice in international fora and a range of robust rules and norms that serve our interests is important to build capital stocks and manage risks related to them. For our wellbeing, New Zealand relies on global public goods, such as the atmosphere, economic stability and global institutions, rules and agreements. We both invest in and benefit from these international assets.

In turn, New Zealand's value proposition internationally is underpinned by the domestic strengths and values that make up the wellbeing capitals. These include our commitment to democracy and the rule of law, the integrity of our public service and governance institutions, the strength of our economic and environmental management, and our values of fairness, openness and tolerance. We leverage these intrinsic advantages to promote New Zealand's interests in the world.

### ***Our functions***

The Ministry is the Government's principal agent for pursuing the country's interests and representing New Zealand internationally. We build connections with and influence other countries to advance New Zealand's interests, project New Zealand values and secure outcomes that matter to New Zealand. We pursue the Government's international priorities and provide advice to the Government on the implications for New Zealand of what is happening in the world.

We lead the New Zealand government diplomatic network, a unique national asset, safeguarded by international law, able to speak with an authoritative voice, and with heads of mission and post formally charged with representing the state.

We are the Government's specialist foreign, trade and development policy adviser, international legal adviser and negotiator. We are responsible for delivering New Zealand's international development cooperation and for providing consular services to New Zealanders overseas and coordinating offshore emergency responses.

### ***Māori/Crown relationship***

See separate annex.

### ***Our New Zealand connections***

The Ministry's performance as a New Zealand public sector agency and our success in pursuing New Zealand's interests internationally rely on strong connections at home.

The Ministry is committed to a systematic, collaborative and transparent approach to working with New Zealand partners and engaging with Māori, other stakeholders and the New Zealand public.

Our partnership with other government agencies with external interests ("NZ Inc") is critical to delivery of results for New Zealanders. The Ministry leads and supports an integrated NZ Inc approach, both onshore and offshore, to maximise collective impact in pursuing the Government's objectives internationally. Our work with NZ Inc agencies involves strategic leadership on international issues and engagement, a high level of collaboration on delivery of shared objectives, and practical services for agencies with staff offshore, many of whom are located in Ministry offices.

With domestic and international policy increasingly linked, the Ministry collaborates with NZ Inc agencies and many other agencies in New Zealand by contributing to cross-agency coordination and policy-making on Pacific policy, economic policy, the national security system and climate change/natural resources. The growing complexity of international relations, and the increasing interplay between foreign and domestic policy, are deepening

this collaboration. Notably, COVID-19 has increased demand for rapid policy development in new areas and brought new domestic interdependencies to the fore.

The Ministry has extensive engagement with New Zealand stakeholders across business, Iwi, non-government organisations (NGOs), local government, Pasifika and Asian communities, and academia in order to inform development of policy and negotiating objectives and to pursue mutually beneficial partnerships.

## Annex 3: MFAT: Leadership and governance

This annex recalls aspects of the Ministry's leadership and governance structures. The information is drawn from the Ministry's website, MFAT Te Aka intranet, and MFAT Governance Framework Terms of Reference. The content was sighted by the Office of the Chief Executive.

### ***Senior Leadership Team and management tiers***

The Ministry's Senior Leadership Team (SLT) includes the Chief Executive, 2 Deputy Chief Executives (one responsible for Policy, the other for People and Operations) and 6 Deputy Secretaries, responsible for specific geographies (Americas and Asia; Europe, Middle East, Africa and Australia; Pacific and Development) or thematic workstreams (Multilateral and Legal Affairs; Trade and Economic Issues; APEC21). Members of SLT are also assigned as Senior Responsible Officers (SROs) for specific goals in the Ministry's Strategic Framework. Tier 1 is the Chief Executive, with the remaining members of SLT referred to as Tier 2.

Tiers 3 and 4 include Divisional Managers, Group Business Managers, Unit Managers, Heads of Mission/Post, Principal Advisors, Special Advisors, Directors, Team Leaders, and typically also include Lead Advisers, Counsellors and specific specialist roles. Where these positions relate to staff in the Foreign Policy job family, they are often referred to as "Above the Line," signalling they are appointments to role rather than rotational in nature.

### ***MFAT Governance Framework – MFAT Board and Committees***

The MFAT Governance Framework is a mechanism for exercising strategic governance of the Ministry and overseeing its organisational performance. The governance framework privileges the long-term over the immediate, and allocates responsibilities and resources to develop, implement and enable strategic performance, and to deliver Ministry operational outputs.<sup>140</sup>

Collectively, the framework refers to the MFAT Board, and its committees – the Strategy and Policy Committee (SPC), the Coordination and Performance Committee (CPC), the Resources Committee (RC) and the Health, Safety and Wellbeing Committee (HSW). It incorporates a range of meetings for making organisational-level decisions; prioritising effort and investment; providing assurance that key programmes and activities are being delivered as planned; and providing advice on matters of organisational significance.<sup>141</sup>

The Governance Framework is described in Terms of Reference agreed by the SLT in April 2016. The TORs set out the governance framework structure, its rules of procedure, and

<sup>140</sup> MFAT Governance Framework Terms of Reference, available on the Ministry's Te Aka Intranet.

<sup>141</sup> MFAT Governance Framework Terms of Reference.

support arrangements, in order to deliver good governance and superior organisational performance.

The MFAT Board and its committees govern the performance of the Ministry to achieve its 10-year strategic and organisational capability goals and 4-year deliverables, and to prepare the Ministry for the future:

- The **MFAT Board** oversees the Ministry's strategic and operational performance, with a focus on the future.
- The **Strategy and Policy Committee** oversees the development of strategies and plans, reviews developments in foreign and development policy, and manages Ministry strategic policy risk.
- The **Coordination and Performance Committee** oversees implementation of strategies and plans to deliver strategic objectives; coordinates the Ministry's effort within the Ministry, across government, and with partners and stakeholders; and manages Ministry organisational risk.
- The **Resources Committee** enables implementation of the Ministry's strategies and plans through the close management of organisational resources and investment.
- The **Health, Safety and Wellbeing Committee** oversees delivery of best practice programmes, services and strategic initiatives that support the health, safety and wellbeing of our people, in accordance with our strategic business objectives and compliance requirements.

Complementing this organisational governance, it is expected that:

- Ministry business groups will exercise good operational management of core activities and specified deliverables, in line with business plans; and
- Formally constituted projects and programmes will establish good and effective governance arrangements (the responsibility of the designated Senior Responsible Owner [SRO]).

The **Operational Management Committee** (OMC), not itself part of the governance framework, oversees day-to-day operational performance, focusing on immediate deliverables and emerging operational risks and presenting issues.

The MFAT Board comprises all members of SLT by virtue of their appointment to Tiers 1 and 2. Members of the governance committees are selected through an Expression of Interest process open to Tier 3 staff, with successful candidates approved by SLT, typically for a two-year term.

<b><i>MFAT Staff Identifying as Māori – Leadership in 2021 (at 9 March 2021)</i></b>				
<b>Leadership 2021</b>	<b>SLT</b>	<b>Governance Committees<sup>142</sup></b>	<b>Management<sup>143</sup></b>	<b>HOM/HOP<sup>144</sup></b>
	0%	4.16%	7%	13.8%
	0 of 9	1 of 24	17 of 243	8 of 58

<sup>142</sup> Data provided by PEP. As at 9 March 2021, there were 24 persons serving on the SLT Committees including SPC, CPC, Resources Committee, and HSW. One person self-identified as Māori. As at April 2021, there were 25 persons serving on the SLT Committees including two persons self-identifying as Māori.

<sup>143</sup> Wellington-based Foreign Policy staff Above the Line (6), Administration and Specialist Managers (9), and Development Managers (2).

<sup>144</sup> 5 posts in the network were without Heads of Mission/Post due to COVID.



## Annex 4: MFAT: Strategic planning process

This annex recalls aspects of the Ministry's strategic planning process. Component parts include the Strategic Assessment, Strategic Framework, and Strategic Intentions. The content of this Annex is drawn from the following: MFAT Annual Report 2019-20;<sup>145</sup> MFAT Strategic Intentions 2020-2024;<sup>146</sup> MFAT website; MFAT Te Aka intranet. The content was sighted by Strategy and Performance Division.

### ***Strategic Assessment (three-yearly; ten year horizon)***

The Ministry's three-yearly strategic assessments analyse the implications for New Zealand's foreign policy of shifts in our external operating environment. These assessments – which have a ten year horizon – provide a coherent strategic narrative to MFAT staff, inform changes to the Strategic Framework, and support Government decision-making that reflects a medium-term global outlook. The first Strategic Assessment was entitled *Building Our Future in a Disordered World: New Zealand Foreign Policy Strategic Assessment 2020-2030* and was developed and distributed internally in December 2019. It is a classified document, not available to the public.

Strategic Assessments are reviewed by the Strategy and Policy Committee and approved by the Ministry's Senior Leadership Team.

### ***Strategic Framework (three-yearly; ten year horizon)***

The Ministry uses the Strategic Framework to: "define our purpose and the impact we are seeking to make; set out how we're going to realise our purpose and achieve collective impact; and enable us to assess our collective performance" (Te Aka intranet). The Framework is refreshed on a three-yearly cycle linked to completion of a Strategic Assessment, with a light touch update in the two subsequent years. A comprehensive update of the Strategic Framework was undertaken in 2020 covering the period 2020-2030 and was informed by *Building Our Future in a Disordered World: New Zealand Foreign Policy Strategic Assessment 2020-2030* as well as subsequent COVID-19 impacts. A light touch update was undertaken in 2021 to reflect the Government's new priorities, the ongoing impact of COVID-19, and other changes in the global strategic environment.

In addition to affirming the Ministry's purpose and value propositions, the Strategic Framework contains seven strategic goals that express the impact the Ministry aims to achieve for New Zealand in the world over a ten-year timeframe, and two organisational capability goals that set out the critical capability we need to sustain and develop in order

<sup>145</sup> MFAT Annual Report 2019-20 - <https://www.mfat.govt.nz/en/about-us/mfat-annual-reports/mfat-annual-report-2019-20/read-the-mfat-annual-report-2019-20/>

<sup>146</sup> MFAT Strategic Intentions 2020-2024 - <https://www.mfat.govt.nz/en/about-us/our-strategic-direction/>

to achieve our strategic goals (see details below); it also identifies MFAT's ten year outcomes and results and how the Ministry will deliver these through priority deliverables for the next four years. The Ministry also identifies a higher level set of priority initiatives and projects (PIPs) each year, which have a one year horizon.

The Ministry's seven strategic goals are:

- **International Rules and Institutions:** Strengthen, protect and use international rules and institutions to pursue New Zealand values and interests.
- **Economic Returns and Resilience:** Grow sustainable economic returns and resilience from trade, investment and other international connections.
- **Indo-Pacific:** Embed New Zealand as an active and integral partner in shaping an Indo-Pacific order that delivers regional stability and economic integration.
- **Pacific:** Promote a stable, prosperous and resilient Pacific in which New Zealand's interests and influence are safeguarded.
- **Environment and climate change:** Promote sustainable international solutions to global environment and natural resource challenges that impact on New Zealand.
- **Security and Safety:** Lead New Zealand's international action to advance and protect New Zealanders' safety and New Zealand's security.
- **International Relationships:** Build and leverage targeted international relationships to achieve our goals.

The Ministry's two organisational capability goals are:

- **New Zealand Connections:** Foster mutually beneficial relationships with NZ Inc partners, Māori, domestic stakeholders and New Zealanders.
- **Organisational Foundations:** Deliver optimal outcomes for New Zealand through our people, network, systems and services.

The Ministry's Senior Leadership Team approves the Strategic Framework, following a review by the Strategy and Policy Committee, and assesses performance against it.

### ***Strategic Intentions*** (annual; four year horizon)

Under the Public Finance Act, an agency's Strategic Intentions can last up to three years, but should be revised earlier if there has been a material change to the agency's functions or strategy, or if the Minister requires the agency to provide new information on its strategy. To date, the Ministry has produced a revised Strategic Intentions each year.

The content of the Strategic Framework is set out in the Ministry's Strategic Intentions publication. The publication is presented to Parliament and made available to the public. The most recent edition covers the period 2020-2024. The 2021-2025 edition is expected to be published in September 2021. The goals, outcomes, and results express the impact the Ministry is trying to achieve over a ten-year period. The Ministry delivers this through a combination of 'priority deliverables' over a rolling four-year period and enduring work streams, both of which are identified for each goal.

The Minister of Foreign Affairs approves the Ministry's Strategic Intentions as Responsible Minister.

### ***How is the Strategic Framework used and implemented?***

The Strategic Framework is used centrally and in a devolved way to drive and measure the collective impact the Ministry is targeting. It is also the basis for external accountability.

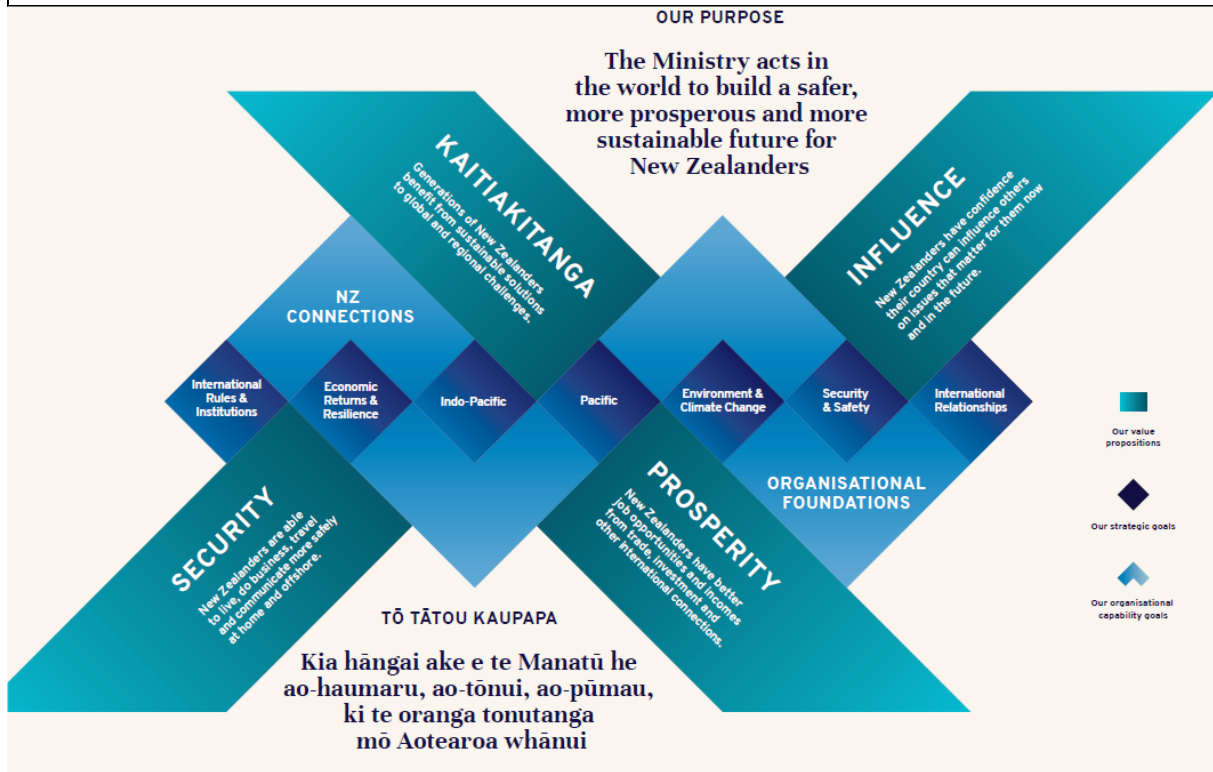
The MFAT Board conducts a twice yearly candid self-assessment of progress against the Framework and considers issues impacting on future delivery. The end of year assessment feeds into the Ministry's Annual Report. The Strategic Framework is also used as a reference point for resource prioritisation frameworks and decisions.

Individual SLT members are designated as Senior Responsible Owners (SROs) of each goal and are supported by a Planning Lead. SROs play a stewardship role that involves updating goal content as required; ensuring planning, resourcing and risk management are in place for delivery of the goal; monitoring delivery of the goal, with a particular emphasis on PIPs and priority deliverables; and undertaking twice yearly assessments.

The actual delivery of the Strategic Framework rests with the Ministry's 56 New Zealand units and 59 posts, overseen by their Deputy Secretaries. The contribution each division and post makes to particular goals cascades into annual business plans. In turn, individual contributions are set out in Performance and Development Plans.

The Ministry's accountability to Parliament and the New Zealand public is centred on the Strategic Framework. As an organisation with a \$1.5 billion budget and 1,800 staff, MFAT needs to explain what it is setting out to achieve and hold itself to account for this. The Strategic Framework helps the Ministry to do this and is reflected in the MFAT Strategic Intentions and Annual Report.

## Strategic Framework



## Annex 5: MFAT: Māori/Crown relations

This annex recalls recent key public pronouncements by the Ministry with respect to its contribution to the Māori/Crown relationship. These are contained in the MFAT Annual Report 2019-20 and MFAT Strategic Intentions 2020-2024, as reproduced below.

### ***MFAT Annual Report 2019-20: Our contribution to the Māori/Crown relationship***

"The Ministry recognises the importance of *Te Tiriti o Waitangi* as New Zealand's founding document and the basis of the relationship between the Crown and Māori. The principles of *Te Tiriti* – including partnership, good faith, and active protection – are at the core of our work. As the national and global landscape changes, we appreciate that how we interpret and apply those principles will need to adapt, but the relevance and importance of *Te Tiriti* will remain.

The Ministry is committed to delivering on our obligations as a Treaty partner with authenticity and integrity and to advancing Māori interests in our international work. We are conscious that the mana of *Te Tiriti o Waitangi* and the enduring relationship between Māori and the Crown makes New Zealand unique on the world stage.

The Ministry's Māori Engagement Strategy, which was adopted in 2017 with a four-year horizon, sets out our enduring commitment to and aspirations for our relationship with Māori.

In implementing the Strategy, we aim to improve the way we engage, partner and consult with Māori in order to ensure Māori are able to influence the development and implementation of Ministry-led issues and activities that affect them.

The Strategy also drives efforts to build Māori capability and capacity in the Ministry. We want our people to have the confidence to use *Mātauranga Māori* in their mahi in a way that brings mana to the Ministry and represents Māori interests with authenticity offshore. The Ministry is also actively working to attract and retain Māori staff.

In 2019, the Ministry entered into an agreement to establish *Te Taumata*, a unique engagement model involving a group of recognised leaders in Māori socio-economic and cultural development chosen by Māori to engage with the Ministry on trade matters.

We are committed to ensuring the Ministry is well placed to meet our obligation under the Public Service Act 2020 to support the Crown in its relationships with Māori under the Treaty and to build the Māori capability and capacity required to deliver this."

***MFAT Strategic Intentions 2020-2024: Māori/Crown relationship***

"*Te Tiriti o Waitangi* is New Zealand's founding document that established and governs the relationship between Māori and the Crown. The Ministry recognises its importance by applying the principles of *Te Tiriti* – including partnership, good faith, and active protection – at the core of our work. As the national and global landscape changes, we appreciate that how we interpret and apply those principles will need to adapt, but the relevance and importance of *Te Tiriti* will remain.

The Ministry's Māori Engagement Strategy sets out our enduring commitment to and aspirations for our relationship with Māori. In implementing the strategy, we aim to improve the way we engage, partner and consult with Māori in order to ensure Māori are able to influence the development and implementation of Ministry- led issues and activities that affect them."

## Annex 6: MFAT: Māori issues/Mātauranga Māori<sup>147</sup>

This annex provides a summary of past review and survey work on the Ministry of Foreign Affairs and Trade and Māori issues/Mātauranga Māori. It is not comprehensive<sup>148</sup> and does not cover every detail of each review. It has been prepared to illustrate the ongoing nature of concern on the Ministry's performance in this area, and to highlight some aspects of Ministry effort and response. We respectfully acknowledge the important work of past colleagues.

**1993**

### ***The Retention and Development of Māori Staff***

The paper was prepared by the Director of Kaupapa Māori Division (Ormsby). It was requested by the Secretary of Foreign Affairs and Trade (Nottage), reflecting a Senior Management concern about the future retention and development of Māori officers in the Ministry. The paper looked at the Australian experience in recruiting and retaining Aboriginal and Torres Strait Islander staff in the Department of Foreign Affairs and Trade (DFAT), examined State Services Commission material on the retention of Māori and Pacific Island staff in the wider New Zealand Public Service, and drew some conclusions for the Ministry against that background. It presented five recommendations covering possible secondments to Te Puni Kokiri, keeping comprehensive statistical records in a form from which reliable comparisons could be drawn, measuring the contribution of managers to biculturalism through their ability to develop Māori (and other) staff, extending whānau support beyond the Ministry's interview process, and the responsibility of staff members, including Māori, to plan their own careers proactively.

**1998**

### ***Strategic Directions for Responsiveness to Māori***

The Director of Kaupapa Māori Division (Waaka) was invited by the Secretary of Foreign Affairs and Trade (Nottage) to discuss *Strategic Directions for Responsiveness to Māori* at the Divisional Directors' meeting on 17 April 1998. Mr Waaka discussed the Division's work areas, Māori demographics, and Government policy and the Ministry. He observed (inter alia) that in managing its profile with regard to Māori issues, the Ministry had maintained a low-key approach which unfortunately looked less and less likely to work. He commented: "At the very least the Ministry needed to make Ministry-

<sup>147</sup> We wish to thank those colleagues who kindly read specific sections of this document including Deborah Panckhurst, Paula Wilson, Lucy Duncan, Ngawini Keelan, Jacqui Goodall, Rose Frendin. The content of the document remains our responsibility.

<sup>148</sup> For example, it does not capture review work in which Mātauranga Māori was one component part of a wider focus, for example Ministry efforts on recruitment and capability, and also the 2019 Report of the Trade for All Advisory Group.

	<p>specific statements regarding government policy relating to Māori (e.g. disparities and Treaty settlements), its Treaty framework, its interpretation of a Māori economic development framework and a Ministry approach to consultation with Māori.” On other aspects, Mr Waaka talked about the need for strong representation of Māori in both the policy and management areas of the Ministry (including recognition and reward for staff competency in responsiveness to Māori), and a need for the Ministry to specify, monitor and evaluate the way in which it is effective for Māori.</p>
<b>1999</b>	<p><b><i>Audit Review of Career Patterns for Māori Rotational Staff</i></b></p> <p>Following the Audit Committee’s consideration in April 1999 of AUD’s review of Wellington Rotation and Overseas Assignment Procedures and Policies, AUD undertook further analysis to determine the effect of these policies on Māori staff. The follow-up review looked first at the 1993 Ormsby Report on The Retention and Development of Māori Staff (see above) and examined progress against each of its five recommendations. It then analysed available data and organised a limited staff questionnaire in order to test several commonly held perceptions relating to rotation and postings. The review found inter alia:</p> <ul style="list-style-type: none"> <li>• The perception that Māori policy staff tended to be placed more frequently than non-Māori staff into divisions such as “DEV, SPA, IPD” etc in their initial rotations was not valid;</li> <li>• The perception that Māori policy staff tended to be among the last of their respective intakes to receive postings was understandable since, looking at individual recruitment years, Māori staff were posted later than non-Māori seven years out of ten. However, over the sample period the average extra time spent in Wellington prior to a first posting was probably statistically insignificant given the very small sample sizes;</li> <li>• The perception that Māori policy staff tended to be posted into the Pacific on their first posting more frequently than non-Māori (as opposed to other parts of the globe) appeared to be valid. (As an interesting contrast, AUD were surprised that no Māori EP staff recruited in the 10 year period 1987-1996 were assigned to Europe on a first assignment, given that region’s 24% share of overseas positions available for staff on first postings, and the fact that interest among Māori staff in European postings was close to the average.)</li> </ul>
<b>2006</b>	<p><b><i>Review of MFAT’s Business Needs for Policy on Māori Issues</i></b></p> <p>In August 2005, Senior Management Group directed that a review be conducted on how the Ministry could best meet its business needs for Tikanga Māori advice, consultation and support services. Staff members Tia Barrett and Deborah Panckhurst were appointed to undertake the review, in</p>



	<p>consultation with Alan Williams (DSP5), and to report to Senior Management Group. The review methodology included a survey of staff as well as consultation with key internal and external stakeholders. The review document included substantive parts on: Aligning MFAT's core business with Māori interests; Government policy on Māori issues; Consulting and Building Relationships; and How do we meet our business needs? On the latter, the review observed: "Ensuring the Ministry meets its business needs in the area of Māori policy raises issues of staff recruitment and retention, training and development of staff, and MFAT organisational structure – namely the role of any Unit responsible for supporting delivery of the Ministry's needs." The review noted the many areas where Māori interests relevant to the Ministry aligned with MFAT's core business as set out in the Statement of Intent. Amongst its wide-ranging recommendations, the review sought Senior Management Group agreement that the Ministry's policy on Māori issues was best handled in-house and through a stand-alone division. The Division's responsibilities should inter alia include: developing and maintaining close links with key Māori stakeholders; providing advice and guidance to divisions wishing to consult with or conduct outreach to Māori; providing policy input to work undertaken by the Ministry relating to Māori views and perspectives; advising on cultural issues and related matters; and advising on staff recruitment, retention and training.</p>
<b>2011</b>	<p><b><i>How should the Ministry of Foreign Affairs and Trade reflect the Māori dimension in its work: a review</i></b></p> <p>Terms of Reference for the review were developed by the Chief Executive's office. The project was sponsored by the Chief Executive (Allen), and managed by his office (Wilson). It involved a Project Working Group chaired by MFAT staff member Mary-Anne Crompton. The scope of the review was to: re-examine and prioritise the Ministry's objectives in respect of Māori; examine how other comparable departments met their objectives in this area; and, make recommendations on how best to meet those needs in the Ministry in future (including whether they could be met by resource internally or externally). The review proposed three key objectives; specifically, the Ministry should: reflect Māori perspectives in its policy advice on international issues of interest to Māori; harness and support Māori economic development; and reflect a Māori dimension in its representational and public diplomacy activities. The review concluded that the work should be led at Senior Leadership Team level. The review also recommended "HRS and CMD adopt a specific focus upon aspects of the Ministry's work in respect of Māori, and that a Ministry kaumatua position be created to serve as a dedicated contact point able to provide advice on tikanga and Te Reo Māori." The review proposed certain questions be taken forward as part of the Ministry's MBM process, including with respect to the proposed kaumatua</p>

	position, where the in-house resources should be located in the new Ministry structure, and what administrative support would be required.
<b>2012 (Feb)</b>	<p><b><i>Ministry Business Model (MBM): Proposals on Māori Policy Unit</i></b></p> <p>Key proposals with respect to the Māori Policy Unit included:</p> <ul style="list-style-type: none"> <li>• Disestablish the Director and Deputy Director positions in the Māori Policy Unit</li> <li>• Establish a Working Group to oversee the development and implementation of a Māori Dimension Strategy</li> <li>• Establish a Māori Cultural Adviser position within Protocol Division</li> <li>• Appoint a Learning and Development Adviser (0.5 FTE) within HRS</li> <li>• Explore the option of employing a Kaumatua on contract to support the Ministry on high level ceremonial occasions</li> <li>• HRS to develop a strategy to recruit more Māori into the Ministry</li> <li>• HRS and the Māori Cultural Adviser to ensure Ministry staff can reflect the Māori dimension across all programmes and planning in respect of public diplomacy activities</li> <li>• HRS to integrate training in tikanga and Te Reo Māori into capability programmes.</li> </ul> <p>[Reviewer's note: while these proposals were consulted on internally, there is no information to indicate if wider consultation was carried out with Māori.]</p>
<b>2012 (May)</b>	<p><b><i>MBM: Decision Document: Decisions on Māori Policy Unit</i></b></p> <p>In summary, the Senior Leadership Team decided the Māori Policy Unit (and its positions) would remain until a Māori Dimension Strategy was completed (expected in October 2012), and that other proposals signalled in February 2012 would also await the completion of the Māori Dimension Strategy. A Working Group would be established to oversee the development and implementation of the Strategy as well as providing an external view to the Ministry.</p>
<b>2013</b>	<p><b><i>Māori Dimension: Policy Stocktake</i></b></p> <p>The project provided a stocktake on how the Ministry incorporates a Māori dimension into its policy work. The paper built on previous work and complemented other projects then underway in the Ministry, including on capability building and engagement with Māori. The project was undertaken</p>

	<p>by Strategic Policy Division (STR) in conjunction with the Māori Policy Unit (MPU). The paper focused on the following areas: a stocktake of recent MFAT experience in incorporating a Māori dimension in policy; insights from other government agencies; potential MFAT priority policy areas; and some draft tools for staff. The project involved consultation with MFAT policy divisions, Te Pou Māori, Policy Coordination Group, HRG, and other government departments. Concerning engagement, the stocktake commented "Consultative history between the Ministry and Māori appears to have been conducted in a piecemeal or unsystematic way with little follow-up. Consultation often happens at times of crisis or at the last minute. There is, as a result, a lack of relationship capital between large parts of Māoridom and the Ministry. Likewise, wins or successes are not shared or communicated back to iwi/Māori." As well, internal consultation showed that while Ministry staff were keen to incorporate a Māori dimension in their policy work, there was uncertainty about how to do this. The project concluded that the Ministry should focus on the following policy-related areas: leadership and direction; policy process and skills; expectations and accountability; and MFAT behaviour and culture. The paper put forward a working list of priority policy issues for possible engagement between the Ministry and Māori in the short and medium term - trade and economic, China and the "next China", foreign investment, enduring themes such as environment and indigenous matters, and MFAT's internal culture and behaviour. Amongst its recommendations, the paper proposed that Senior Leadership Team discuss the formation of an advisory panel of Māori business advisors. It further sought Senior Leadership Team agreement to commission the development of a Māori Dimension strategy or narrative document for the Ministry, weaving together work already under way.</p> <p>[Reviewer's note: the Stocktake did not address the structural questions postponed in the 2011 and 2012 reviews.]</p>
<b>2016</b>	<p><b><i>Scoping document: MFAT review of Māori engagement</i></b></p> <p>The document was prepared by the Māori Policy Unit through a process that included MFAT-wide meetings to inform thinking. It was subject to Senior Leadership Team and, if appropriate, Ministerial consideration. The purpose of the document was to scope: (1) the reasons why MFAT should review its approach to Māori engagement; (2) how the proposed framework could strengthen the wider MFAT Māori policy work; and (3) a sequence of priority initiatives to be performed in the immediate future. It set out multiple reasons why MFAT should review its approach to Māori engagement – to acknowledge the Treaty, support the Māori export economy, and help build the Ministry's relevance, relationships, capability, capacity, and engagement practise. The document particularly highlighted a need to review the 2001 Cabinet-mandated "Strategy for Engagement with Māori on International</p>

	<p>Treaties". The document offered a conceptual way forward – Te Whare Aorere – Te Ara Whakamua (The House of Aorere – the way forward). In this, the Ministry's proposed high-level objectives sit at the top of Te Whare Aorere and include the Crown's commitments to the Treaty of Waitangi, growing the Māori economic base, and building an appropriate level of capability and capacity. These objectives are supported by two pillars, Te Pou Waho comprising outwards-facing work focused on Māori engagement, and Te Pou Roto comprising internal work focused on building knowledge, capability and capacity across the organisation.</p>
<p><b>2017 (June)</b></p>	<p><b><i>Performance Improvement Framework (PIF): Review for MFAT</i></b></p> <p>MFAT sought this State Services Commission-led review as a chance to take stock of progress and to identify opportunities for improvement. On Māori aspects, the review observed: "Mention is made in virtually all of the Ministry's strategies and plans of the need to develop better engagement with Māori. For an organisation that is a leading face of New Zealand overseas, its responsibilities as a Treaty partner are not universally well understood or articulated, nor are they consistently applied. The Ministry urgently needs to develop a shared understanding of what its value proposition is for and with Māori. The relationship cannot be defined simply by ceremony for visitors or reliance on specialist advisers but embraced as a core part of how the Ministry does its business, including at offshore posts." The review also cautioned "The Ministry needs to shift its paradigm in relation to its responsibility as a Treaty partner and determine not only how it engages with authenticity and integrity but also develop a shared understanding of its value proposition for and with Māori." In response to the review, the Ministry committed to take a more coordinated and purposeful approach to its New Zealand engagement, including through a dedicated Māori engagement strategy (see below). The Ministry also committed to build staff capability for domestic engagement with Māori, businesses and civil society.</p>
<p><b>2017 (Nov)</b></p>	<p><b><i>MFAT Māori Engagement Strategy</i></b></p> <p>In July 2017, a Working Group was established by Deputy Secretary TEG (Vitalis) to formulate a Māori Engagement Strategy for the Ministry. The Working Group wrapped up in November 2017, having produced a draft strategy paper including recommendations. The draft strategy paper was peer-reviewed, presented to the SLT Coordination and Performance Committee (CPC), and approved in December 2017. Work on the Strategy was informed by (and responded to) a number of MFAT internal reviews in 2013 and 2016, a 2017 Colmar Brunton Review, and also the 2017 State</p>

	<p>Services Commission-led PIF review (see entries above). The need for the Ministry to improve on the way in which it engages and consults with Māori had also been highlighted during the strong public reaction around the Trans Pacific Partnership (TPP) and through proceedings of the Waitangi Tribunal (Wai 262 and, in 2016, Wai 2522). The Strategy reflects the conceptual approach proposed in the 2016 Scoping Document including an overarching ambition (“Māori have confidence in their partnerships with the Ministry”) and two supporting ambitions (pou) on engagement (“Our engagement with Māori has integrity, is delivering value for both partners, and enhancing our relationships with external agencies”), and capability (“Our people have the capability and confidence to use Mātauranga Māori in their mahi in a way that brings mana to our Ministry and represents Māori interests with authenticity.”). The Strategy has a four-year horizon (2017-2021); the work is based on 26 recommendations being delivered through five work-streams: Our Partnerships and Relationships; Our People; Our Stories; Our Taonga; and Treaty of Waitangi. The Māori Policy Unit has been working with the lead policy and operational divisions (including PEP, AMD, CLU, CMD) to ensure there is strong tikanga Māori and Mātauranga Māori foundation to this work.</p>
<b>2018</b>	<p><b><i>MFAT Diversity and Inclusion Strategy 2018-2028</i></b></p> <p>The Strategy sets out over a ten year timeframe a range of goals and targeted measures designed to deliver a more diverse workforce and inclusive workplace. At the core of the Ministry’s ambition is a focus on leadership, talent, training and development, and flexible work options.<sup>149</sup> Among the general principles that inform the Strategy is the need to: “acknowledge Te Tiriti o Waitangi as New Zealand’s founding document, recognise the continuing partnership it established between the Crown and Māori and do our part to deliver on the Crown’s commitments to Māori under Te Tiriti.” The Strategy as a whole has relevance for the Ministry’s efforts on Māori issues/Mātauranga Māori. Some (non-exhaustive) intended initiatives include: establish a Māori Advisory Board and appoint a Ministry kaumatua to provide direct advice to the Chief Executive; ensure recruitment panels are diverse and representative; set specific targets for the recruitment and retention of Māori (in line with the Ministry’s Te Tiriti o Waitangi obligations) to be reviewed and recalibrated annually; conduct and disseminate annual compensation gap analyses to confirm that biases based on (inter alia) ethnicity are dealt with appropriately; develop and/or seek</p>

<sup>149</sup> Specifically, the Strategy contains 74 initiatives (“How will we do this?”) and 40 goals (“How will we know we have been successful?”), based on five pillars of diversity and inclusion: Leadership and Accountability; Recruitment, Retention and Progression; Learning and Development; Flexible Work and Remuneration; and Outreach and Communications. The Strategy was regarded as a “gold standard” by *Diversity Works* and was highly ranked by the McGuinness Institute in the 2018 Government Department Strategies Handbook. It was launched to all staff in June 2018.

	<p>access to external programmes that support (inter alia) Māori staff into leadership positions; establish a comprehensive Māori cultural competence programme aligned to the Capability Framework and to the recommendations of the Māori Engagement Strategy; and reward participation in the Māori Policy Unit's Introductory Module and support the use of Te Ao Māori app. Among specific goals set out in the Strategy are the following:</p> <ul style="list-style-type: none"> <li>• SLT (and leaders at all levels) in its composition increasingly reflects the gender, bicultural, ethnic and cultural diversity make up of New Zealand;</li> <li>• Percentage of Māori staff in above-the-line positions are in line with New Zealand workforce national percentages by 2025;</li> <li>• By 2023 percentage of Māori, Pasifika, Asian and other ethnic minorities among staff employed in New Zealand is within [+/-6%] of national percentages;</li> <li>• By 2028 percentage of Māori, Pasifika, Asian and other ethnic minorities among staff employed in New Zealand is within [+/-3%] of national percentages.</li> </ul>
<b>2019</b>	<p><b><i>Te Tiriti o Waitangi: A report on the Survey results from the 2019 Treaty of Waitangi survey at MFAT: Corporate Legal Unit</i></b></p> <p>As part of MFAT's Māori Engagement Strategy (see above), and to position the Ministry in the best place to build knowledge and understanding of New Zealand's founding document and its significance to the Ministry, the Corporate Legal Unit conducted an all of staff survey in late 2019 to gain insight into staff's understanding and capability in respect of the Treaty and what tools or resources were needed to build and embed greater awareness and capability. Over five hundred MFAT staff from both onshore and offshore responded to the survey. The survey was divided into three parts: 1. The Treaty of Waitangi; 2. Activity Profile within MFAT of work with a Māori dimension; and 3. The 2001 Strategy for Māori Engagement. The key findings of the survey were: MFAT staff value the Treaty<sup>150</sup>; MFAT staff have a major gap between their acknowledgement of the importance of the Treaty and their capacity to apply it in their work<sup>151</sup>; MFAT staff generally</p>

<sup>150</sup> "Encouragingly, 86.29% of staff viewed the Treaty as very important to New Zealand demonstrating a clear understanding of the important status of the Treaty for New Zealand. In assessing how important the Treaty is to their work at MFAT, 79.73% of staff said the Treaty was either very important or important. This aligns with the overwhelming number of staff who said that having a good understanding of the Treaty of Waitangi was important to their role at MFAT..." (Page 4 of the CLU report.)

<sup>151</sup> "The survey results demonstrate that while our staff have a clear awareness of the significance of the Treaty and its importance to their roles, staff are less confident in respect of how best to apply the principles of the Treaty of Waitangi. In response to the question, do you feel able to apply Treaty

	<p>lack sufficient knowledge, experience, tools and resources to engage confidently with Māori as part of meeting MFAT's Treaty obligations<sup>152</sup>; and MFAT is most likely not meeting its Treaty obligations in respect of our engagement practises with Māori on International Treaties. The survey also made clear that staff want to see a greater commitment from senior leadership and the organisation as a whole to honouring the Treaty in its work.<sup>153</sup> The CLU report made a series of recommendations, summarised as follows:</p> <ul style="list-style-type: none"> <li>• Creating a culture shift in the Ministry: Shifting our emphasis on the Treaty and our relationship with Māori from the periphery to the mainstream;</li> <li>• Providing all staff (onshore and offshore) with access to guidance, tools and knowledge;</li> <li>• Resourcing: Responding adequately to staff need requires dedicated resourcing both in training and in staffing;</li> <li>• Centralisation: It is opportune that the Māori Policy Unit will now be part of the Office of the Chief Executive and report to the Deputy Chief Executive Policy. Central oversight and a clear line of responsibility is critical;</li> <li>• Te Pae Tawhiti: Te Pae Tawhiti represents an excellent opportunity for MFAT to reflect on the Tribunal's recommendations in Wai 262 on the Making of International Instruments and to consider further required changes;</li> <li>• Survey staff in 2022: If the recommendations of this survey are adopted then a subsequent survey in 2022 is recommended to measure any improvements.</li> </ul> <p>[Reviewer's note: this report has not yet been promulgated or circulated to staff.]</p>
<b>2019</b>	<p><b><i>Phase 1 Report: Mātauranga Māori Needs Analysis and Stocktake (Richard Jefferies Report)</i></b></p> <p>The 54 page report was prepared by consultant Richard Jefferies as a further follow-up to the MFAT Māori Engagement Strategy (see above). The report</p>

principles, where relevant, in your role? 30.89% of staff said no and 32.43% said they were unsure. This means that only just over a third of staff feel able to apply Treaty principles where relevant in their role." (Page 5 of the CLU report)

<sup>152</sup> "Staff are also less confident in their ability to assess what is of interest to Māori with only 22.48% saying they feel confident doing this. The ability to take requisite steps to assess Māori interests, including effective engagement, is a key objective given the importance of taking into account Māori interests in the development of Crown policy. Further, in response to a question concerning barriers to engagement, a lack of knowledge of who to engage with and also knowledge and experience of how best to do so was identified as an issue." (Page 5 of CLU report)

<sup>153</sup> See page 7 of the CLU report.

	<p>was designed to “Provide an analysis of the Ministry’s Mātauranga Māori capability requirements needed to achieve its strategic goals over the next 5 years with recommendations on how it might address capability gaps in the short, medium and long term through a stocktake of current capability and a gap analysis.” Preparation of the report involved the following components: review of key MFAT documents; face-to-face and phone interviews with a wide range of staff; group workshops with clusters of staff; an online survey of staff; meetings with staff working in a range of related areas to discuss their work; and attendance at staff functions and events. Amongst its conclusions, the report acknowledged that MFAT had begun a process of change towards lifting its capability and capacity to understand and utilise Mātauranga Māori in its work and to improve its ability to engage effectively with Māori, including through the MFAT Māori Engagement Strategy and also the announcement of Mātauranga Māori as an organisational priority for the next two years. It further acknowledged that there was a huge amount of goodwill and commitment amongst a majority of staff members, keen to be supported to learn more and do more in the Mātauranga Māori space. In this regard, most staff agreed that a basic level of Mātauranga Māori knowledge and experience is important to all public servants and is relevant and useful in the work of MFAT (“staff want to see more opportunities, resourcing and support so staff can lift their te reo Māori capability and Mātauranga Māori knowledge”). At the same time, MFAT had a low level of Mātauranga Māori capability across the organisation and staff development would require a significant lift in support and recognition of professional development targeted to the Mātauranga Māori needs of all staff, led from Senior Leadership Team and benchmarked against the levels established by the Mātauranga Māori Capability Framework integrated into the Ministry’s Capability Framework. The report contained a comprehensive set of recommendations with proposed short, medium and long term actions to lift the capability of all staff, lift organisational capability, and value, validate and utilise Mātauranga Māori. As <u>examples</u>, the report recommended: investment of more resources and staff time into Mātauranga and Reo Māori professional development for all staff as well as establishment of Mātauranga Māori competency, knowledge and skill benchmarks as prerequisites for staff working in key parts of the Ministry; establishment of a Mātauranga Māori and Māori Engagement Strategy role at Senior Leadership Team level to guide SLT and help provide organisational leadership; and engagement on a regular basis with Iwi and Māori, as Treaty partners, to ensure they have input to the development of the Ministry’s position in key policy and other work.</p>
<b>2020</b>	<p><b><i>MFAT Employee Engagement Survey</i></b></p> <p>The 2020 Staff Engagement Survey run by Kincentric asked employees to rate their experience of MFAT across a range of indicators. It included</p>



	<p>questions related to the Treaty of Waitangi and Mātauranga Māori. Only one third of staff (34%) agreed with the statement “The Ministry supports its staff to understand what The Treaty/Te Tiriti means for their work”, making it the fifth lowest-scoring issue in the survey. Equally concerning, regarding the statement “The Ministry supports its staff to increase, maintain and apply their understanding of Mātauranga Māori”, just 39% of staff agreed.</p>
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## Annex 7: MFAT: Staff identifying as Māori

This annex sets out the Ministry's data on staff with Māori ethnicity as at March 2021. The data is based on self-identification in the Ministry's HR Kiosk by staff employed in New Zealand (SNZ). SNZ refers to staff employed under New Zealand law including staff based in Wellington and Auckland and staff seconded offshore at post. The data was provided by People Division (PEP).

### **A word on the data**

Some important qualifiers to the data are as follows:

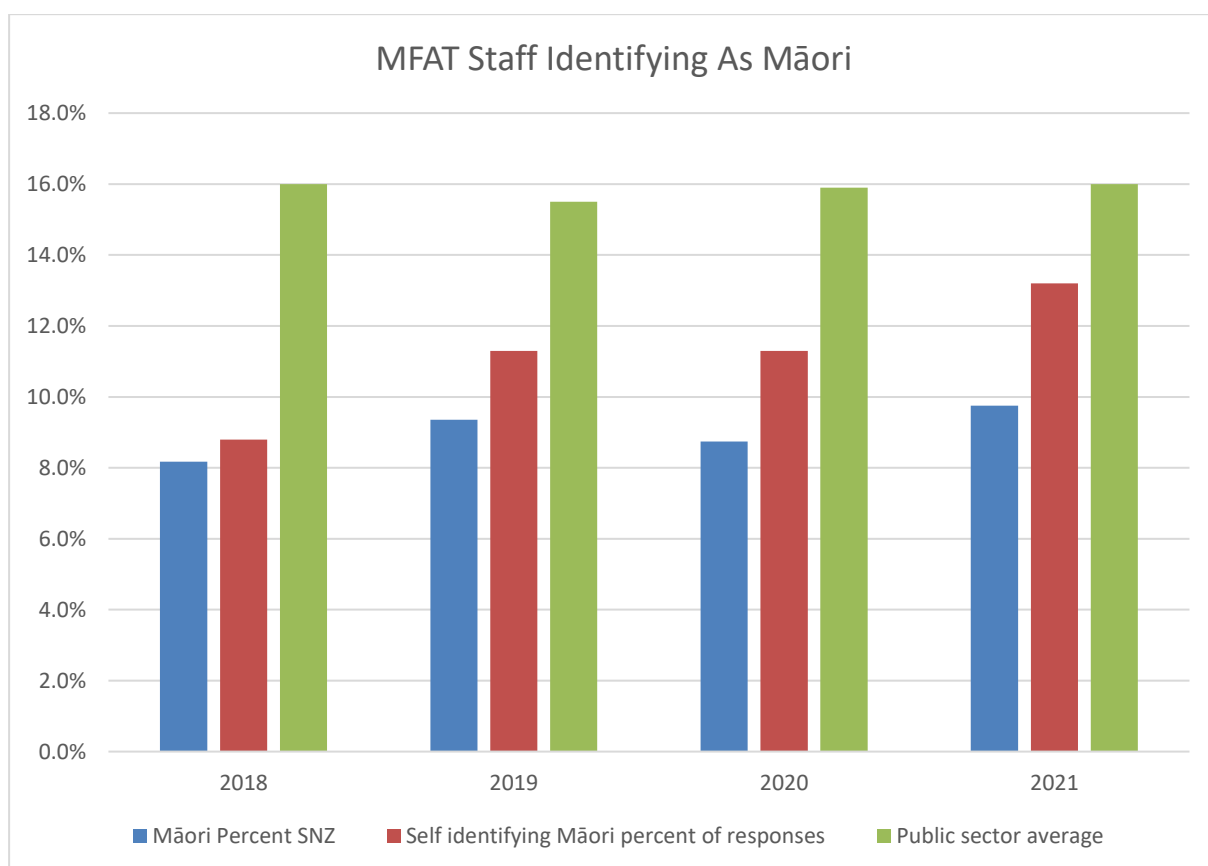
- MFAT diversity composition is difficult to assess due to the high number of staff either choosing not to disclose their ethnicity or not completing the information in the HR Kiosk. According to Public Service Commission workforce data, MFAT's rate of ethnicity disclosure is the worst in the Public Service (see PSC chart).<sup>154</sup> At 76.2% in 2020, MFAT was 18.1% below the Public Service average of 94.3%. This casts considerable doubt on MFAT's statistics.<sup>155</sup> Therefore, below we have provided MFAT statistics in two ways: (1) in accordance with Public Services Commission guidelines<sup>156</sup> - staff reporting Māori ethnicity as a percentage of the number of ethnicity responses; and (2) staff reporting Māori ethnicity as a percentage of the total number of SNZ.
- MFAT's ethnicity data counts staff who have identified with one or more ethnicity (so, for example, some staff might be captured in both Māori and non-Māori statistics).
- The data does not capture 88 staff currently on Leave without Pay or Parental Leave without Pay.

<sup>154</sup> <https://www.publicservice.govt.nz/our-work/workforce-data/drill-down-data-cubes/>

<sup>155</sup> "If less than 75% of your staff have disclosed their ethnicity, the quality of your ethnic information is poor. Agencies should aim to have ethnic information for at least 90% of their staff, which is the average rate across the Public Service. Many agencies achieve over 95% disclosure." From *Standards of Workforce Information for Agencies in the State Services*, issued by the State Services Commissioner.

<sup>156</sup> "SSC reports ethnicity as the percentage of staff who reported an ethnicity as a proportion of all staff who disclosed an ethnicity (i.e. excluding those who did not report an ethnicity from the calculation). SSC also reports the percentage of staff who did not disclose an ethnicity. This is an important indicator to monitor the quality of your agency's ethnicity information." From *Standards of Workforce Information for Agencies in the State Services*, issued by the State Services Commissioner.

<b>MFAT Staff Identifying as Māori</b>				
<b>Year Ending June</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>	<b>2021 (March)</b>
MFAT staff self-identifying as Māori (self-identifying/total no. of all SNZ)	76/930 <sup>157</sup>	100/1069 158	101/1155 159	117/1200 160
MFAT staff self-identifying as Māori (as a % of ethnicity disclosures/responses)	8.8%	11.3%	11.3%	13.2%
MFAT staff self-identifying as Māori <sup>161</sup> (as a % of all SNZ)	8.2%	9.4%	8.7%	9.75%
Public sector average <sup>162</sup> (as a % of responses)	16%	15.5%	15.9%	16% (Projected)



<sup>157</sup> PEP data: total number of SNZ, 930; total disclosed, 848; total identified as Māori, 76.

<sup>158</sup> PEP data: total number of SNZ, 1069; total disclosed, 886; total identified as Māori, 100.

<sup>159</sup> PEP data: total number of SNZ, 1155; total disclosed, 898; total identified as Māori, 101.

<sup>160</sup> PEP data: total number of SNZ, 1200; total disclosed, 889; total identified as Māori, 117.

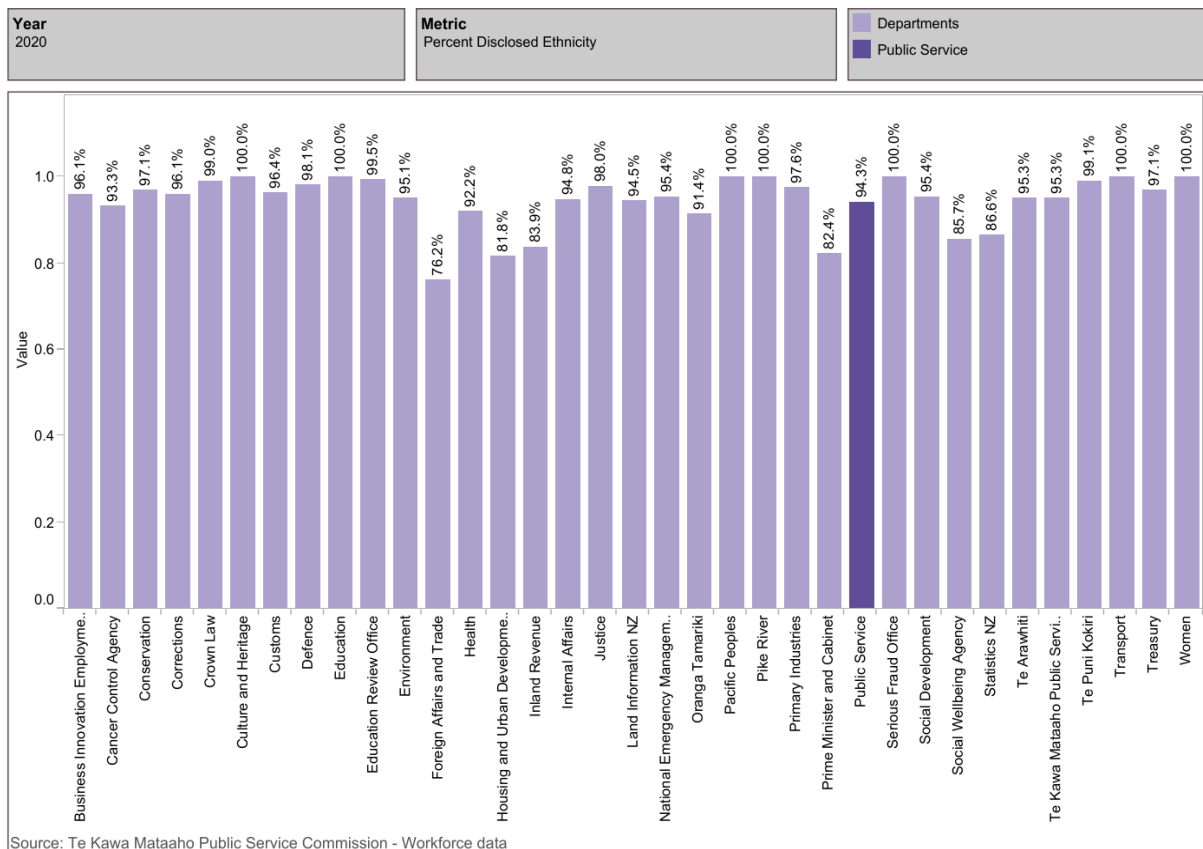
<sup>161</sup> Percentages calculated by the Reviewers based on the PEP data reflected in preceding footnotes.

<sup>162</sup> <https://www.publicservice.govt.nz/our-work/workforce-data/drill-down-data-cubes/>

<b>MFAT Staff Identifying as Māori – by Job Family in 2021</b>				
<b>By Job Family 2021</b>	<b>Administration</b>	<b>Foreign policy</b>	<b>Specialist</b>	<b>Development</b>
	13.2%	9.1%	7.4%	7%
	42 of 317	52 of 568	14 of 188	9 of 127

<b>MFAT Staff Identifying as Māori – Leadership in 2021 (at 9 March 2021)</b>				
<b>Leadership 2021</b>	<b>SLT</b>	<b>Governance Committees<sup>163</sup></b>	<b>Management<sup>164</sup></b>	<b>HOM/HOP<sup>165</sup></b>
	0%	4.16%	7%	13.8%
	0 of 9	1 of 24	17 of 243	8 of 58

### Compare Agencies



<sup>163</sup> Data provided by PEP. As at 9 March 2021, there were 24 persons serving on the SLT Committees including SPC, CPC, Resources Committee, and HSW. One person self-identified as Māori. As at April 2021, there were 25 persons serving on the SLT Committees including two persons self-identifying as Māori.

<sup>164</sup> Wellington-based Foreign Policy staff Above the Line (6), Administration and Specialist Managers (9), and Development Managers (2).

<sup>165</sup> 5 posts in the network were without Heads of Mission/Post due to COVID.

## Annex 8: Guidance on the Treaty and Mātauranga Māori

This annex references different sources of guidance and information on the Treaty, engagement practices and Mātauranga Māori, including from Government, the Ministry, and Waitangi Tribunal. The information is not comprehensive. It is provided to illustrate the range of guidance and material available to staff working in the Mātauranga space. The content was sighted by the Māori Policy Unit, Legal Division (GIL), Corporate Legal Unit, Communications Division.

### **Government guidance on the Treaty and engagement**

Some sources of Government guidance include:

- Public Service Act 2020 – The *Public Service Act 2020* provides legislative direction that public service leaders must develop and maintain the capability of the public service to engage with Māori and understand Māori perspectives. Te Arawhiti's new Whāinga Amorangi framework offers tools and guidance to assist public service leaders to meet their responsibilities under the Act.
- Cabinet Manual – The *Cabinet Manual (2017)* is the authoritative guide to central government decision making for Ministers, their offices and those working within government.<sup>166</sup> It provides high-level guidance on applying the Treaty.
- CabGuide – The *CabGuide* provides practical information and advice for public servants and Ministers' offices on the procedures and operation of the New Zealand Cabinet, Cabinet committees and the Executive Council.<sup>167</sup> It is intended to complement the procedural information available in the Cabinet Manual, Cabinet Office circulars and Notices. It provides practical advice on when the Treaty of Waitangi should be considered in the policy development process and Cabinet advice/papers.
- Cabinet Office Circulars – CO (19) 3 of 2 April 2019 (updated 9 October 2019) *Better Co-ordination of Contemporary Treaty of Waitangi Issues* sets out guidelines and requirements agreed by Cabinet for Ministers and departments involved in contemporary Treaty of Waitangi issues.<sup>168</sup> CO (19) 5 of 22 October 2019 *Te Tiriti o Waitangi/Treaty of Waitangi Guidance* sets out guidelines agreed by Cabinet for

<sup>166</sup> <https://dpmc.govt.nz/our-business-units/cabinet-office/supporting-work-cabinet/cabinet-manual>

<sup>167</sup> <https://dpmc.govt.nz/publications/cabguide>

<sup>168</sup> [CO \(19\) 3: Better Co-ordination of Contemporary Treaty of Waitangi Issues | Department of the Prime Minister and Cabinet \(DPMC\)](#)

policy-makers to consider the Treaty of Waitangi in policy development and implementation.<sup>169</sup>

- 2001 Strategy for Engagement with Māori on International Treaties – This Cabinet approved *Strategy* was prepared by MFAT and Te Puni Kōkiri and has the following objectives:
  - To identify areas of developing international law of relevance to Māori interests and the Crown’s Treaty of Waitangi relationship, and in particular, new international treaties which may make a potential impact on Māori.
  - To ensure that issues of relevance to Māori in international treaties are identified early, and that engagement with Māori on a particular treaty is appropriately tailored according to the nature, extent and relative strength of the Māori interest.
  - To ensure that engagement with Māori is effective and efficient in its use of government resources.
- Legislation Guidelines (2018) – The Legislation Design and Advisory Committee is responsible for the *Legislation Guidelines* (2018 edition) which are a guide to making good legislation.<sup>170</sup> The Guidelines have been adopted by Cabinet as the Government’s key point of reference for assessing whether draft legislation is consistent with accepted legal and constitutional principles. Chapter 5 of the Guidelines provides a step-by-step guide on the Treaty of Waitangi when developing legislation. It raises questions and provides advice that is equally applicable to policy development.<sup>171</sup>
- Government departments – Te Arawhiti is the Crown agency dedicated to fostering strong, ongoing and effective relationships with Māori across Government. Te Arawhiti assists agencies to improve their engagement with Māori by providing guidance and advice, including their Engagement Framework and Engagement Guidelines.<sup>172</sup> Te Arawhiti is leading the new Whāinga Amorangi capacity process.
- Te Puni Kōkiri is the Government’s principal policy advisor on Māori well-being and development. It publishes a range of resources including *He Tirohanga o Kawa ki te Tiriti o Waitangi* – a guide for policy analysts who are called upon to formulate policy and advise on the application of the Treaty principles.<sup>173</sup>

<sup>169</sup> [CO \(19\) 5: Te Tiriti o Waitangi / Treaty of Waitangi Guidance | Department of the Prime Minister and Cabinet \(DPMC\)](#)

<sup>170</sup> [Legislation Guidelines: 2018 edition | The Legislation Design and Advisory Committee \(ldac.org.nz\)](#)

<sup>171</sup> <http://www.ldac.org.nz/guidelines/legislation-guidelines-2018-edition/constitutional-issues-and-recognising-rights/chapter-5/>

<sup>172</sup> <https://www.tearawhiti.govt.nz/te-kahui-hikina-maori-crown-relations/engagement/>

<sup>173</sup> <https://www.tpk.govt.nz/en/a-matou-mohiotanga/crownmaori-relations/he-tirohanga-o-kawa-ki-te-tiriti-o-waitangi>

- The Crown Law Office has provided all-of-government advice on Treaty principles and Government decision making and has published guidance on applying the Treaty of Waitangi in *Te Pouārahi The Judge Over Your Shoulder*.<sup>174</sup>

## **MFAT resources**

Some Ministry resources include:

- Ararua Two Pathways: Guidelines for Engagement with Māori – *Ararua* was prepared by MPU. It is designed to help the Ministry give practical effect to the 2001 Strategy for Engagement with Māori on International Treaties and pave the way for a more deliberate, coherent and coordinated system of engagement practice. It is also designed to improve access by Māori businesses to trade-related information, networks, products and services.
- International Treaty Making: Guidance for government agencies on practice and procedures for concluding international treaties and arrangements (September 2020 edition) – This *Guidance* was prepared by LGL in the interests of improving Government agencies' understanding of New Zealand's practice with respect to international treaties and arrangements. It includes a section on Domestic Consultation and Strategy for Engagement with Māori on International Treaties.
- Ngā Rauemi Stakeholder Engagement Guidance – This *Guidance* prepared by CMD helps staff to deliver consistent and purposeful stakeholder engagement in their work.
- International Policy Framework: Poutama Here Ki Te Ao: a common foundation for developing policy at MFAT – This *Framework* aims to establish a shared understanding in MFAT of what constitutes good policy advice and common access to the knowledge and tools that enable effective policy development. The framework as a whole is relevant to Ministry work on Māori issues and Mātauranga Māori. There are specific sections on Internal and external engagement (Section 3.1) and Māori engagement (Section 3.2).
- Applying Te Tiriti o Waitangi at MFAT Te Whakaū i Te Tiriti o Waitangi i te Manatū Aorere – This document prepared by CLU is a practical guide to help staff apply the Treaty in their work at MFAT. It dovetails with MFAT's International Policy Framework: Poutama Here Ki Te Ao. The document provides general advice and explains that each Division within MFAT is expected to develop more tailored guidance, practices, or tools on applying the Treaty relevant to their areas of responsibility. The document comments: "Delivering sound advice on the Crown's

<sup>174</sup> <https://www.crownlaw.govt.nz/publications/judge-over-your-shoulder/>

Treaty obligations requires a thorough process, a genuine understanding of te ao Māori, mātauranga Māori and tikanga Māori, and the ability to respectfully incorporate this into your advice and the way you work.”<sup>175</sup>

- Other resources - A key resource is the *MFAT Māori Engagement Strategy 2017-2021* (discussed separately). The aim of the Strategy is to provide a tikanga and Mātauranga Māori relationship foundation through which trust and confidence by Māori in the Ministry can flourish and the engagement interface between the partners has integrity, is meaningful, and delivers value for both sides. All efforts are informed by the Ministry’s values.
- *Learning and development offerings* – These opportunities are provided by different parts of the organisation including MPU, CLU, LGL, and PEP, through a variety of programmes (e.g. Foundations and Cultural Passport programmes, workshops, etc), through both in-house and external providers, and across such areas as Te Reo, the Treaty, Māori tikanga, Māori history, Māori geography, Māori politics, Māori economy, and engagement practices. Material is available on the Ministry’s Te Aka intranet.
- *Divisional support* – MPU is the Ministry’s principal adviser on Māori issues. Other divisions with particular areas of focus include (non-exhaustive) APEC21, CMD, CLU, ESD, LGL, PEP, TND, UNHC.

### ***Waitangi Tribunal***

The Waitangi Tribunal hears and determines claims brought by Māori that Crown policy, legislation, action or inaction is prejudicial and a breach of the Treaty of Waitangi. If the Waitangi Tribunal finds that there has been or may be a breach of the Treaty and it causes prejudice to the applicant, it makes recommendations to the Crown about what action it should take to remedy or remove the prejudice and what steps it should take to act consistently with the Treaty.

The Waitangi Tribunal has exclusive jurisdiction to determine the meaning and effect of the Treaty including resolving differences between the English and Te Reo Māori texts of the Treaty. The Waitangi Tribunal has published a guide to its practice and procedure and a more detailed guide aimed at potential applicants.

If there is a Waitangi Tribunal report that is relevant to the issue MFAT staff are working on, it should form part of their advice.

There are two reports of particular relevance to MFAT’s work: Ko Aotearoa Tēnei (the Wai 262 Report), and Wai 2522 (the Report on the Trans Pacific Partnership Agreement).

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<sup>175</sup> Applying Te Tiriti o Waitangi at MFAT: Te Whakaū i Te Tiriti o Waitangi i te Manatū Aorere, Feb 2021, page 7.



Chapter 8 of Ko Aotearoa Tēnei addresses the making of international instruments. The Tribunal made five recommendations, which will be considered as part of the Te Pae Tawhiti process. In the interim, the Chapter provides important guidance for MFAT's approach. Other parts of the Report are also relevant to MFAT policy positions, for example in relation to intellectual property.

The first and second Wai 2522 Reports do not contain any recommendations, but include significant commentary on the Crown's policy and engagement approaches. This commentary is specifically relevant to MFAT's current engagement practices. A final Report is expected shortly.

## Annex 9: Whāinga Amorangi: Individual Competency Matrix

Actions and measures for Whāinga Amorangi Phase One: Empowering People						
Competency areas Taken from the Māori Crown Relations Capability Framework	New Zealand history/ Treaty of Waitangi literacy	Te reo Māori	Tikanga/ kawa	Understanding racial equity and institutional racism	Worldview knowledge	Engagement with Māori
Outcome Statement To articulate why you are doing it	Te Tiriti o Waitangi/the Treaty of Waitangi is recognised and understood by our agency and there is space to discuss Treaty issues.	Te reo Māori is spoken, understood and valued in our agency.	Our agency adopts a culture where tikanga is welcomed and honoured.	Institutionalised racism is identified and addressed in our agency.	Te Ao Māori and other worldviews inform development of our work.	Our agency has the knowledge, skills and processes to engage with Māori. Māori are heard and their feedback influences the direction of our work.
	Staff participate in some form of training to develop understanding in Treaty of Waitangi and New Zealand history.	Staff participate in beginners te reo Māori classes/kura reo. Create a learning environment where staff are comfortable giving te reo a go.	Staff attend some form of training/experience to build their understanding of tikanga/kawa e.g. noho marae, attend a hui on marae.	Staff participate in some form of racial equity training or other equity trainings. Agency identifies issues and puts in place steps to address issues.	Staff participate in some form of intercultural awareness training or have exposure to different worldviews through experiences e.g. visiting marae.	Socialise and use Te Arawhiti Engagement Framework and Guidelines as a baseline for good practice.
	Create opportunities for staff to participate in history conferences and events. Develop enhanced knowledge and reflect this in the analysis of issues.	Staff participate in intermediate te reo Māori classes/kura reo. Provide opportunities for staff to practice te reo.	Staff attend more tailored Tikanga Māori course/ wānanga.	Plans are put in place to address issues and issues are resolved.	Staff participate in more specialised te ao māori training or experiences e.g. Mātauranga Māori training, noho marae or kura reo.	Staff participate in some form of engagement training where knowledge and skills are continued to be developed. Intercultural processes are developed, used and reviewed for input.
Action How you will get your people to the aspirations	Capable	Capable	Capable	Capable	Capable	Capable
Measure How you will know when you get to your aspiration	Create space for your people to discuss Treaty issues. Agency develops baseline analysis of Treaty issues to be part of decision making.	Staff participate in advanced te reo Māori classes/kura reo. Provide opportunities for staff to dialogue in te reo	Staff identified as champions can shadow Tikanga practitioners.	Create space for trusted facilitators to coach other staff how to address institutionalised racism. Plan is adopted to make this part of the culture of our agency.	Mentoring arrangements and secondments in place.	Create space for discussions about lessons learned from engagement focusing on how feedback has been used and impacts are enhanced.
	% staff who participate in some form of training to develop understanding in Treaty of Waitangi and New Zealand history.	% of staff who attend beginners te reo Māori classes/kura reo.	% staff who attend some form of training/experience to build their understanding of tikanga/kawa e.g. noho marae, attend a hui on marae.	% staff who participate in some form of racial equity training or other equity trainings. Plan of action is in place.	% of staff who participate in some form of intercultural awareness training or have exposure to different worldviews through experiences e.g. visiting marae.	% of staff awareness.
	% of staff attending history conferences and events. % of policy development/papers that have robust Treaty analysis.	% staff who attend intermediate te reo Māori classes/kura reo.	Staff attend more tailored Tikanga Māori course/ wānanga.	Plan of action is implemented, and issues resolved.	% staff who participate in 3 or more intercultural awareness training including more specialised te ao Māori training e.g. Mātauranga Māori training, noho marae or kura reo.	% staff who attend some form of engagement workshop. Processes are developed and used across the agency.
Capable	% staff able to include robust Treaty analysis and include there in the direction of advice and recommendations to all audiences.	% staff who attend advanced te reo Māori classes/kura reo.	Number of champions for staff to follow.	% staff who can coach other staff how to address institutionalised racism.	Number of mentoring arrangements and secondments in place.	Feedback from Māori shows good engagement practices in place and have resulted in better wellbeing outcomes for Māori. <b>6</b>

## Annex 10: Whāinga Amorangi: Māori Crown Relations Organisational Capability

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See following pages.

# Māori Crown Relations Organisational Capability

## Organisational Capability Component

Competency	Unfamiliar – little awareness of Māori Crown relationship or how to engage appropriately	Comfortable – knows basics, able to engage appropriately in a short term transactional setting	Confident – conducts self appropriately and with awareness of what it likely to be important to Māori	Capable – able to lead and advise others, has deep knowledge in their subject area *note these skills may only be relevant or appropriate for some agencies.
	Description of what unfamiliar looks like	Description of what comfortable looks like	Description of what confident looks like	Description of what capable looks like
<b>Governance</b>				
Understanding of Māori Crown relations (MCR) priorities	<ul style="list-style-type: none"> <li>- Limited understanding of importance of the Māori Crown relationship</li> <li>- MCR considerations are not visible in agency accountability documents</li> </ul>	<ul style="list-style-type: none"> <li>- The agency has a good understanding of its current relationships with Māori, commitments to Māori, Treaty of Waitangi responsibilities and Māori Crown relationship-related legislative requirements</li> <li>- The agency makes time to discuss and understand the impacts of its activities, and wider government activities, on the Māori Crown relationship</li> <li>- The agency is open to new ways to approach issues</li> <li>- MCR considerations are reflected in accountability documents</li> </ul>	<ul style="list-style-type: none"> <li>- The agency regularly applies a Treaty of Waitangi lens to its business (such as considering how the articles and principles of the Treaty of Waitangi apply to different parts of its business, how its business impacts rangatiratanga, and where there are opportunities to advance Treaty compliant approaches)</li> <li>- MCR priorities and Treaty of Waitangi responsibilities are clearly visible in agency strategic and accountability documents</li> <li>- The agency understands and has committed the resources needed to implement its MCR priorities</li> <li>- There is clear accountability for who is expected to implement the agencies MCR priorities and what they are expected to achieve (key performance indicators)</li> <li>- The agency actively looks for, and implements, ways to improve the Māori Crown relationship</li> <li>- Māori input directly into the agency's decision making, governance and work planning</li> <li>- The agency has a coherent evaluation framework to assess how well is it supporting the Māori Crown relationship</li> <li>- The agency (and sector) have joint work programmes with Māori partners</li> <li>- The agency openly and proactively shares its learning about how best to build individual and organisational Māori Crown relationship capability with other agencies</li> </ul>	<ul style="list-style-type: none"> <li>- The agency shares decision making, governance and work planning with Māori</li> <li>- The agency is able to meaningfully draw on te ao Māori frameworks to shape its business</li> <li>- The agency actively evaluates progress against its MCR priorities and Treaty of Waitangi responsibilities</li> <li>- The agency is open to making radical changes, including dismantling existing infrastructure and frameworks, to achieve changed outcomes and relationships</li> <li>- The agency tracks a broad range of input, output and outcome indicators of the impact of its work on Māori outcomes and opportunities, and makes changes to expedite the achievement of desired outcomes</li> <li>- Accountability documents have MCR considerations woven through them in a comprehensive way</li> <li>- Accountability and agency performance documents are accessible to, and used by, Māori</li> <li>- Māori consider that the agency understands and acts on its MCR priorities</li> </ul>



## Organisational Capability Component

Competency	Unfamiliar – little awareness of Māori Crown relationship or how to engage appropriately	Comfortable – knows basics, able to engage appropriately in a short term transactional setting	Confident – conducts self appropriately and with awareness of what it likely to be important to Māori	Capable – able to lead and advise others, has deep knowledge in their subject area <i>*note these skills may only be relevant or appropriate for some agencies.</i>
	<i>Description of what unfamiliar looks like</i>	<i>Description of what comfortable looks like</i>	<i>Description of what confident looks like</i>	<i>Description of what capable looks like</i>
<b>Relationships with Māori</b>				
Relationship management	<ul style="list-style-type: none"> <li>- Limited or no relationships with Māori and Māori organisations</li> <li>- Other than standard services, points of contact (for Māori) are difficult to find or non-responsive</li> </ul>	<ul style="list-style-type: none"> <li>- The agency has a range of relationships with Māori and Māori organisations and knows how to seek new relationships when needed</li> <li>- Formal Māori Crown relationship commitments are met</li> <li>- Waitangi Tribunal or other litigation in relation to the Treaty or the Māori Crown relationship managed in a coordinated, constructive and positive way</li> </ul>	<ul style="list-style-type: none"> <li>- Strong, proactive and responsive relationships with Māori and Māori organisations inform and influence agency</li> <li>- The agency works to resolve Treaty or the Māori Crown relationship issues proactively and without either party resorting to Waitangi Tribunal or other litigation</li> <li>- The agency supports Māori to access data and other information the agency holds about Māori</li> <li>- Relationships are managed at the appropriate levels and rangatira ki te rangatira relationships are upheld</li> <li>- The agency has strong relationships with manawhenua</li> <li>- Agency relationships with Māori are visible on a daily basis</li> </ul>	<ul style="list-style-type: none"> <li>- The agency has a deep network of relationships with Māori and Māori organisations, which are maintained, managed and updated</li> <li>- Maintaining relationships with Māori is highly valued and systems are in place to ensure continuity of personnel and knowledge</li> <li>- Tikanga Māori guides agency relationships with Māori</li> <li>- The agency regularly works with Māori to advance matters that are important or provide opportunities for Māori</li> </ul>
Engagement, partnerships and empowerment	<ul style="list-style-type: none"> <li>- Limited or no engagement or partnerships with Māori</li> </ul>	<ul style="list-style-type: none"> <li>- The agency engages with Māori in accordance with Te Arawhiti Engagement Framework and Guidelines</li> </ul>	<ul style="list-style-type: none"> <li>- The agency engages with Māori early, as a matter of course and in a way that is well coordinated with other agencies and engagements</li> <li>- Partnerships with Māori to develop policy, programmes and services are common and follow Te Arawhiti Partnership Principles</li> </ul>	<ul style="list-style-type: none"> <li>- The agency pro-actively looks for opportunities to enable and support rangatiratanga</li> <li>- Genuine partnerships with Māori are effective and visible on a daily basis</li> </ul>
Procurement	<ul style="list-style-type: none"> <li>- Limited or no consideration of how Māori enterprises take part in government procurement</li> </ul>	<ul style="list-style-type: none"> <li>- The agency has assessed its procurement processes, results and opportunities to ensure Māori enterprises are able to take part in government procurement</li> </ul>	<ul style="list-style-type: none"> <li>- The agency's procurement processes reflect potential downstream opportunities for Māori enterprises and service providers</li> <li>- The agency actively seeks and responds to feedback from Māori enterprises and service providers to make sure agency systems and approaches work for them</li> </ul>	<ul style="list-style-type: none"> <li>- The agency involves Māori in procurement processes as a matter of course</li> <li>- The agency receives consistently positive feedback from Māori enterprises and service providers</li> </ul>
<b>Structural</b>				
Enabling structures	<ul style="list-style-type: none"> <li>- MCR leadership and advice is provided by a limited number of individuals within the agency or isn't provided at all</li> <li>- High risk to loss of institutional knowledge.</li> </ul>	<ul style="list-style-type: none"> <li>- MCR leadership is actively developed and acknowledged across the agency</li> <li>- A central team provides MCR advice and guidance to rest of agency</li> <li>- An external Māori advisory body provides advice and guidance to agency</li> </ul>	<ul style="list-style-type: none"> <li>- MCR leadership is visible in the senior leadership team</li> <li>- All teams have MCR capability embedded within them with centralised MCR support in place</li> <li>- There are high levels of MCR capability in teams that work on subject areas that are of significant interest to Māori</li> </ul>	<ul style="list-style-type: none"> <li>- MCR leadership is distributed across all levels and are effective and confident role models for staff</li> <li>- There are high levels of MCR capability across the agency, and at all levels</li> <li>- Embedded succession planning and leadership</li> </ul>

## Organisational Capability Component

Competency	Unfamiliar – little awareness of Māori Crown relationship or how to engage appropriately	Comfortable – knows basics, able to engage appropriately in a short term transactional setting	Confident – conducts self appropriately and with awareness of what it likely to be important to Māori	Capable – able to lead and advise others, has deep knowledge in their subject area *note these skills may only be relevant or appropriate for some agencies.
	Description of what unfamiliar looks like	Description of what comfortable looks like	Description of what confident looks like	Description of what capable looks like
Addressing institutional racism	<ul style="list-style-type: none"> <li>- Limited awareness of institutional racism/structural discrimination</li> </ul>	<ul style="list-style-type: none"> <li>- The agency accepts that institutional racism is an issue across the public service and can recognise structural discrimination</li> <li>- The agency recognises that a one size fits all approach will not deliver racial equity</li> </ul>	<ul style="list-style-type: none"> <li>- The agency has open conversations about power imbalances and the impacts of different policies and approaches on different ethnic groups</li> <li>- Staff are active in identifying and addressing institutional racism/structural discrimination</li> <li>- Agency processes and systems have been analysed to identify structural discrimination and bias</li> <li>- Where needed, the agency sets and resources equity targets and has robust ways to measure progress towards equity</li> <li>- Leadership at all levels demonstrates commitment to address structural discrimination</li> <li>- The agency systematically considers ethnicity and racism in agency business, including in;               <ul style="list-style-type: none"> <li>o policy, programme and service design</li> <li>o its workforce and leadership profile</li> <li>o procurement processes</li> </ul> </li> <li>- The agency measures how structural discrimination affects outcomes and work environments</li> <li>- Where appropriate, the agency requires evidence of cultural safety as part of qualification and accreditation processes</li> </ul>	<ul style="list-style-type: none"> <li>- The agency has assessed its culture (the way things have always been done) and all policies, programmes, services to identify structural discrimination, and, regardless of the size of the issue, has taken action to address</li> <li>- The agency conducts regular audits across employment, procurement and real world outcomes to ensure institutional racism is identified</li> <li>- The agency proactively works with other agencies to address structural discrimination</li> <li>- The agency identifies and implements specific targeted programmes where required to address long standing structural discrimination</li> <li>- Cross-government processes and systems have been audited and revised to eliminate systemic racism and promote racial equity</li> <li>- The agency engages in ongoing self-reflection, holding themselves to account for addressing institutional racism</li> </ul>
<b>Workforce capability</b>				
Māori Crown relations capability planning	<ul style="list-style-type: none"> <li>- Limited understanding of current and future MCR capability needs</li> </ul>	<ul style="list-style-type: none"> <li>- The agency is aware of its current and future MCR capability requirements and mechanisms to build capability (including recruitment, upskilling, relationships with tertiary institutions and wananga and collaborative arrangements with other government agencies and with Māori organisations)</li> <li>- The agency implements a range of mechanisms to build capability</li> </ul>	<ul style="list-style-type: none"> <li>- Current and future MCR capability priorities are well understood, actioned and tested</li> <li>- MCR capability planning is reviewed on a regular basis, and revised according to need</li> </ul>	<ul style="list-style-type: none"> <li>- MCR capability planning is actively reviewed to assess effectiveness and impact, and revised according to need.</li> <li>- The agency is prepared for any changes to capability needs and has strategic relationships to support these</li> <li>- Māori agree the agency has appropriate capability</li> </ul>

## Organisational Capability Component

Competency	Unfamiliar – little awareness of Māori Crown relationship or how to engage appropriately	Comfortable – knows basics, able to engage appropriately in a short term transactional setting	Confident – conducts self appropriately and with awareness of what it likely to be important to Māori	Capable – able to lead and advise others, has deep knowledge in their subject area *note these skills may only be relevant or appropriate for some agencies.
	Description of what unfamiliar looks like	Description of what comfortable looks like	Description of what confident looks like	Description of what capable looks like
Leadership (formal)	<ul style="list-style-type: none"> <li>- No formal MCR leadership expectations</li> </ul>	<ul style="list-style-type: none"> <li>- Senior leaders are aware of and have, or are developing, the skills required for them to support the Māori Crown relationship, in accordance with the Māori Leadership as Practice complement to the LSP (under development)</li> </ul>	<ul style="list-style-type: none"> <li>- Māori are well represented in senior leadership roles and programmes are in place to cultivate and develop Māori leadership</li> <li>- Māori staff are actively mentored and provided opportunities to move into leadership positions</li> <li>- Senior leaders role model the skills and care required for them to support the Māori Crown relationship, in accordance with the Māori Leadership as Practice complement to the LSP (under development)</li> <li>- Senior leaders are comfortable to talk about race and racism and their implications</li> <li>- Senior leaders encourage staff to learn about te ao Māori and value Māori perspectives</li> <li>- Senior leaders are open to new ways to approach issues and actively look for opportunities to take partnership and te ao Māori approaches to issues</li> <li>- Senior leaders prioritise an environment where Māori perspectives, lived experiences and backgrounds are valued</li> <li>- Staff feel they can raise race-related concerns about the organisation and its policies and approaches without experiencing negative consequences</li> </ul>	<ul style="list-style-type: none"> <li>- Senior leaders have a high level of capability in skills required to support the Māori Crown relationship, in accordance with the Māori Leadership as Practice complement to the LSP (under development)</li> <li>- Senior leaders demonstrate their complete commitment to long term change and racial equity work</li> <li>- Māori have high representation in senior leadership roles</li> </ul>
Recruitment and retention	<ul style="list-style-type: none"> <li>- No MCR in recruitment and induction processes</li> <li>- High turnover of staff with MCR capability</li> </ul>	<ul style="list-style-type: none"> <li>- Jobs have been assessed to determine the desired level of MCR capability required</li> <li>- Recruitment and induction processes set out MCR expectations for staff</li> <li>- Moderate turnover of staff with MCR capability</li> <li>- Current staff attract others with similar capability to work at agency</li> <li>- Staff are appropriately recognised and remunerated for the MCR skills they bring, particularly those with high level tikanga Māori, te reo Māori and relationship skills</li> <li>- The agency actively considers how it can attract and retain staff with MCR capability (see Attachment 1)</li> </ul>	<ul style="list-style-type: none"> <li>- Recruitment processes demonstrate an understanding of the MCR skills required for specific roles</li> <li>- Induction processes demonstrate the agency's commitment to the MCR expectations for staff</li> <li>- Turnover of staff with MCR capability is low</li> <li>- The agency attracts people with MCR capability to work at agency</li> <li>- Staff engagement surveys include questions on staff inclusion and comfort, and are able to disaggregated to enable results to be interpreted on an ethnicity-basis</li> <li>- Institutional knowledge is held and maintained</li> <li>- Māori public servants feel comfortable and, if they desire, able to contribute, as Māori, in the agency (see Attachment 1)</li> <li>- The agency undertakes regular audits to identify and address where employment disparities exist (such as in recruitment, remuneration and promotion)</li> <li>- Māori (external and internal) are involved in recruitment decision making</li> </ul>	<ul style="list-style-type: none"> <li>- Succession planning is embedded to ensure the agency has continuity in its MCR capability</li> <li>- Agency recruits and retains high performing, knowledgeable and experienced staff with MCR capability work</li> <li>- The agency is well known outside the organisation as a great place for people with MCR capability to work</li> </ul>



## Organisational Capability Component

Competency	Unfamiliar – little awareness of Māori Crown relationship or how to engage appropriately	Comfortable – knows basics, able to engage appropriately in a short term transactional setting	Confident – conducts self appropriately and with awareness of what it likely to be important to Māori	Capable – able to lead and advise others, has deep knowledge in their subject area *note these skills may only be relevant or appropriate for some agencies.
	Description of what unfamiliar looks like	Description of what comfortable looks like	Description of what confident looks like	Description of what capable looks like
Training and development	<ul style="list-style-type: none"> <li>- No specific requirements for MCR capability outlined in job descriptions or PDPs</li> <li>- MCR capability training and learning opportunities are available on an ad hoc basis</li> </ul>	<ul style="list-style-type: none"> <li>- Language planning is in place as per the Maihi Karauna</li> <li>- Performance Development Plans outline MCR capability development requirements and approaches</li> <li>- Training provided to ensure staff have base level understanding of: <ul style="list-style-type: none"> <li>o why the Māori Crown relationship is important;</li> <li>o racial equity, personal bias and the existence and impact of institutional racism;</li> <li>o tikanga Māori;</li> <li>o te reo Māori;</li> <li>o te ao Māori and current Māori perspectives;</li> <li>o New Zealand history and the Treaty of Waitangi</li> </ul> </li> <li>- Wellington based staff spend time in the regions and vice versa</li> <li>- Open to secondments etc when staff proactively identify opportunities</li> </ul>	<ul style="list-style-type: none"> <li>- Māori staff are actively mentored and provided opportunities to enable them to undertake leadership positions</li> <li>- Performance Development Plans have MCR capability development requirements articulated throughout all relevant sections and at all levels</li> <li>- Development pathways are clearly articulated and promoted</li> <li>- MCR capability training and learning opportunities provided in a structured and strategic manner</li> <li>- The agency fosters a learning environment in which people are: <ul style="list-style-type: none"> <li>o encouraged and provided a range of opportunities to learn about te ao Māori and tauwi worldviews</li> <li>o encouraged to debrief after projects and share information on what worked and what can be done better</li> </ul> </li> <li>- Training provided to support staff gain appropriate levels of te ao Māori skills for their jobs</li> <li>- The agency assesses staff awareness of institutional racism/structural discrimination</li> <li>- The organisation seeks out opportunities for staff to gain experience in te ao Māori, engaging and partnering with Māori and addressing institutional racism</li> <li>- Secondments, internships and exchanges with iwi/Māori and other agencies are encouraged and supported by formal agreements and processes</li> <li>- Staff are supported to undertake study or other activities that support their understanding of te ao Māori</li> </ul>	<ul style="list-style-type: none"> <li>- MCR capability programmes are developed and tailored for individuals</li> <li>- MCR capability is widely accepted as a standard set of skills expected across the agency</li> <li>- Regular and flexible transfers of staff between agencies and iwi/Māori organisations take place to build capability for both parties</li> </ul>
<b>Environment</b>				
Physical environment	<ul style="list-style-type: none"> <li>- No visibility of te ao Māori in the workplace</li> </ul>	<ul style="list-style-type: none"> <li>- The agency's physical environment incorporates some recognition of te ao Māori (see Attachment 1)</li> </ul>	<ul style="list-style-type: none"> <li>- The agency can comfortably and appropriately host manuhiri for a wide range of events (see Attachment 1)</li> </ul>	<ul style="list-style-type: none"> <li>- The agency's physical environment provides a strong demonstration of the agency's commitment to te ao Māori (see Attachment 1)</li> <li>- Mana whenua consider the agency's physical environment adds to the local environment</li> </ul>



## Organisational Capability Component

Competency	Unfamiliar – little awareness of Māori Crown relationship or how to engage appropriately	Comfortable – knows basics, able to engage appropriately in a short term transactional setting	Confident – conducts self appropriately and with awareness of what it likely to be important to Māori	Capable – able to lead and advise others, has deep knowledge in their subject area *note these skills may only be relevant or appropriate for some agencies.
	Description of what unfamiliar looks like	Description of what comfortable looks like	Description of what confident looks like	Description of what capable looks like
Commitment to tikanga Māori	<ul style="list-style-type: none"> <li>- No evident commitment to tikanga Māori</li> </ul>	<ul style="list-style-type: none"> <li>- Some evident commitment to tikanga Māori (see Attachment 1)</li> </ul>	<ul style="list-style-type: none"> <li>- The agency has a clear commitment to tikanga Māori (see Attachment 1)</li> <li>- Kaupapa Māori activities are prioritised and common</li> </ul>	<ul style="list-style-type: none"> <li>- The agency is able to undertake all business in accordance with tikanga Māori (see Attachment 1)</li> <li>- Tikanga Māori is embedded into training and development</li> </ul>
<b>Policy and services</b>				
Policy processes	<ul style="list-style-type: none"> <li>- Little or no Māori input into policy processes</li> </ul>	<ul style="list-style-type: none"> <li>- The agency implements the MCR Engagement Framework and Guidelines and the te ao Māori aspects of the Policy Quality Framework</li> <li>- Communications strategies include specific MCR considerations and are tailored for Māori audiences where appropriate</li> </ul>	<ul style="list-style-type: none"> <li>- The agency rates highly in cross-government assessments for its incorporation of te ao Māori in policy processes, and is able to put te ao Māori at the centre of policy processes.</li> <li>- The agency actively considers how it can uphold the Treaty of Waitangi in policy processes, including applying Cabinet Office Circular (5) 19</li> <li>- Māori consider the agency engages with Māori appropriately</li> <li>- The agency is open to innovative approaches and willing to take risks to advance issues that are important to Māori</li> <li>- Data and insights used in analysis is the richest information possible and is used in ways that demonstrate an understanding of te ao Māori perspectives and critiques long-standing interpretations and beliefs</li> <li>- The agency collects and disseminates information on good practice in other agencies</li> </ul>	<ul style="list-style-type: none"> <li>- Te ao Māori is embedded at the centre of policy processes as a default</li> <li>- The agency is known for its ability to undertake Treaty of Waitangi analysis</li> <li>- The agency partners with, or empowers, Māori in the policy process</li> <li>- The agency is open to making radical changes, including challenging existing power structures, investments and frameworks, to achieve changed outcomes and uphold the Treaty</li> <li>- Māori have a high level of involvement in policy processes across the agency and sector</li> </ul>
Service design and delivery	<ul style="list-style-type: none"> <li>- Limited or no consideration of Māori access to services in their design and delivery</li> </ul>	<ul style="list-style-type: none"> <li>- The agency considers how Māori can access its services and has clear and reliable points of contact for Māori</li> </ul>	<ul style="list-style-type: none"> <li>- The agency works with Māori to design services from an effectiveness for Māori perspective, and then considers how that model can work for others</li> <li>- The agency reviews its services to ensure it provides the right services for Māori</li> <li>- TPK, through its monitoring work, provides a positive assessment of the adequacy of the services for Māori</li> </ul>	<ul style="list-style-type: none"> <li>- The agency partners with, or empowers, Māori to identify, design and deliver services</li> <li>- TPK, through its monitoring work, complements the adequacy of the services for Māori</li> </ul>

### Organisational Capability Component

Competency	Unfamiliar – little awareness of Māori Crown relationship or how to engage appropriately	Comfortable – knows basics, able to engage appropriately in a short term transactional setting	Confident – conducts self appropriately and with awareness of what it likely to be important to Māori	Capable – able to lead and advise others, has deep knowledge in their subject area *note these skills may only be relevant or appropriate for some agencies.
	<i>Description of what unfamiliar looks like</i>	<i>Description of what comfortable looks like</i>	<i>Description of what confident looks like</i>	<i>Description of what capable looks like</i>
Evaluation	<ul style="list-style-type: none"> <li>- Limited or no evaluations of effectiveness of agency work for Māori</li> </ul>	<ul style="list-style-type: none"> <li>- Impacts on Māori and the Māori Crown relationship are included in all evaluation processes as a matter of course</li> <li>- Māori are able to easily access agency evaluations</li> </ul>	<ul style="list-style-type: none"> <li>- The agency works with Māori to incorporate Māori views in evaluation design and processes</li> <li>- Evaluations take a holistic approach to the subject matter, considering issues across and between sectors</li> <li>- Evaluations of agency work actively include assessments of people's experience of discrimination in accessing and interacting with the agency</li> </ul>	<ul style="list-style-type: none"> <li>- Evaluation is undertaken by, or in partnership with, Māori</li> </ul>
Data and insights	<ul style="list-style-type: none"> <li>- Little or no consideration of Māori perspectives on data and insights</li> </ul>	<ul style="list-style-type: none"> <li>- The agency ensures it consistently collects and disaggregates data that shows how its work impacts on Māori</li> <li>- Māori are able to easily access agency data and insights</li> </ul>	<ul style="list-style-type: none"> <li>- The agency has data collection and management approaches that reflect the Indigenous Data Sovereignty principles</li> <li>- Māori are involved in how the agency develops and interprets data and insights</li> <li>- The agency supports the implementation of non-Western ways to gather evidence and feedback</li> </ul>	<ul style="list-style-type: none"> <li>- The agency is able to generate a wide range of Māori specific data and insights that are meaningful and useful for Māori and for the organisation</li> </ul>