



ACE CONSULTING



TE TIRITI O WAITANGI AUDIT OF APEC 2021



15 JUNE 2022

PREPARED FOR

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SECURITY STATUS

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An example of one of the virtual backgrounds created for APEC 2021 illustrating the weaving together the people of the world.

1. SUMMARY

This report sets out the results of a Tiriti o Waitangi (tiriti) audit of New Zealand's hosting of the Asia-Pacific Economic Cooperation (APEC) between November 2020 and November 2021. Te Rangitūkupu, a structured relationship between Māori and the Crown, commissioned this tiriti audit. The audit was completed between March and April 2022. A tiriti-based framework developed by Ngā Toki Whakarururanga was used as the methodology. The audit involved a document review, interviews with participants in APEC 2021, and an analysis of the findings using the tiriti audit framework.

APEC is an economic forum comprising 21-member economies, established in 1989 to promote free trade and investment in the Asia-Pacific region. APEC economies are home to 2.9 billion people, including 270 million Indigenous peoples, generating US\$52 trillion in GDP in 2020. The hosting of APEC changes annually. APEC 2021 was hosted by the Prime Minister, the Rt Hon Jacinda Ardern, as APEC economic leader, supported by the Minister of Foreign Affairs, the Hon Nanaia Mahuta, and the Minister for Trade and Export Growth, the Hon Damien O'Connor. The Ministry of Foreign Affairs and Trade (te Manatū Aorere or MFAT) led the planning, preparation, and delivery of APEC 2021. While APEC 2021 was expected to host 22,000 people, the Covid-19 pandemic caused a change to a virtual hosting of APEC in June 2020. A rapid restructuring of APEC activity and resources at te Manatū Aorere followed.

Māori engagement was considered critical to APEC 2021, but te Manatū Aorere lacked the capability to develop and sustain Crown-Māori relationships. A unit comprising a principal adviser Māori and a small team in te Manatū Aorere was established, focussed on Māori success. Early engagement with Māori evolved into a co-governance arrangement known as Te Rangitūkupu. Te Rangitūkupu comprises eight Māori entities and te Manatū Aorere, which was formed in June 2021 to facilitate Māori participation in APEC 2021. The kaupapa of Te Rangitūkupu is treaty-based and adherence to tikanga Māori.

Despite the constraints of time and resource, and differences in views about the treaty, the tiriti audit found that Te Rangitūkupu was an effective model for partnering with the Crown on APEC 2021. The audit found Te Rangitūkupu should continue to partner with the Crown on trade policy and may represent a model for treaty-based relationships with Māori in other sectors. The model could be strengthened by diversifying its membership, balancing the legalistic method with relational approaches, and exploring models for establishing its own operational capacity such as commissioning. The audit also found that the treaty relationship between Te Rangitūkupu and the Crown on APEC 2021 was an unequal one. This is inconsistent with the kaupapa of Te Rangitūkupu, which envisages shared decision-making, equitable access to resources, and distinct Māori authority. Ambiguity about the meaning of treaty partnership led to conflict about roles, responsibilities, resourcing, and a project-based approach rather than a longer-term relationship. Despite the constraints, Māori success was evident in terms of Māori leadership, Māori participation in APEC, Indigenous inclusion in the APEC agenda, and Māori perspectives influencing the Indigenous Peoples Economic and Trade Cooperation Arrangement (IPETCA).

Māori and Indigenous participation in APEC and trade policy could be improved by collecting quality data on Indigenous peoples and Indigenous economies. Supporting an increase in mātauranga Māori capability at te Manatū Aorere, and more refined measurement of Māori participation and outcomes in APEC activity would also improve the ability to assess treaty compliance. Rangatahi involvement in APEC 2021 events was limited, but there is potential for greater rangatahi involvement. The ringa raupā, the working group of Te Rangitūkupu, provided high quality advice and analysis, but was constrained by resource and timing challenges.

2. RECOMMENDATIONS

It is recommended that you:

Tiriti o Waitangi audit

- a. **Note** that the purpose of the Tiriti o Waitangi (tiriti) audit was to provide insights and recommendations on how New Zealand's hosting of APEC 2021 honoured te Tiriti o Waitangi
- b. **Note** that the audit was to be conducted by an independent external auditor using a framework and methodology developed by Ngā Toki Whakarurunga for Te Rangitūkupu
- c. **Note** that the tiriti audit involved a review of relevant documents, and interviews with 17 Māori and non-Māori who were involved in the planning and delivery of APEC 2021 and participated in its events and activity
- d. **Note** that the tiriti audit was conducted in close contact with and under direction of Te Rangitūkupu co-chairs, and with technical and administrative support provided by te Manatū Aorere officials.

Te Rangitūkupu

- e. **Note** that, despite the constraints of time, resource limitations, and administrative impediments, Te Rangitūkupu was an effective model for partnering with the Crown on Māori participation in and outcomes from APEC 2021, founded on a treaty-based kaupapa
- f. **Note** that Te Rangitūkupu should continue to fulfil its role as a treaty-based relationship for the Crown in relation to APEC and trade policy generally, consistent with te Tiriti o Waitangi
- g. **Note** that Te Rangitūkupu may be considered a model for treaty-based partnerships with Māori in other sectors, and its lessons applied in other contexts
- h. **Note** that there is scope to improve Te Rangitūkupu as a model of treaty-based co-governance by:
 - diversifying its membership to include rangatahi, business, and academic members
 - recalibrating the balance between legal, tikanga-based, and business processes
 - exploring a commissioning agency model as a way to build independent Māori capacity
- i. **Agree** to consider leading or initiating whakawhanaungatanga and kotahitanga

processes to address apparent disunity among Māori and iwi entities in relation to trade and other policy domains.

Tiriti relationship of Te Rangitūkupu and the Crown

- j. **Note** that te Tiriti o Waitangi/the Treaty of Waitangi is advanced as a foundation for trade policy
- k. **Note** that the Māori experience of APEC 2021 is one in which the treaty partnership was hierarchical between kāwanatanga and rangatiratanga
- l. **Note** that a treaty-based partnership means shared decision-making, equitable access to resources and opportunity, and Māori authority over Māori people and kaupapa Māori
- m. **Agree** that Te Rangitūkupu approach te Manatū Aorere to co-develop revised training materials and processes for officials as a partnership-based resource for treaty training
- n. **Note** the contrasting interpretations of treaty partnerships as enduring versus time-bound project-based collaborations affected the Te Rangitūkupu relationship with the Crown
- o. **Note** that a treaty-based partnership between Māori and the Crown on trade policy might include a framework that involves seeking a mandate on trade policy from Māori and the Crown at the same time
- p. **Agree** to explore ways to improve treaty-based partnerships in respect of APEC and trade policy to address inequalities and uncertainty in what partnering with Māori means for the public service, including legislation
- q. **Agree** that Te Arawhiti and Cabinet manual guidance on te Tiriti o Waitangi/the Treaty of Waitangi is reviewed and updated to ensure it complies with and incorporates Māori perspectives, including lessons from the APEC 2021 hosting experience.

Engagement with iwi taketake

- r. **Note** that that APEC members' Indigenous peoples vary widely in their socioeconomic status, state relations, and access to infrastructure and trade
- s. **Note** that Indigenous to Indigenous cooperation on trade must consider differences in Indigenous

capabilities, and learning and sharing with humility and respect

- t. Note** that Indigenous inclusion in the Aotearoa Plan of Action and the Indigenous Peoples Economic and Trade Cooperation Arrangement (IPETCA) are significant achievements, which offer frameworks to advance Indigenous empowerment for trade
- u. Note** that advancing Indigenous economic cooperation and trade requires practical considerations to be addressed, including:
- policies on Indigenous data sovereignty to protect Indigenous data and intellectual property
 - expanding membership of IPETCA
 - resourcing for IPETCA implementation
 - addressing the risk of delayed progress without supportive future APEC hosts
 - a longer-term Indigenous leadership term of IPETCA to maintain momentum

Māori participation in general APEC activity

- v. Note** that Māori participation in APEC 2021 was affected by ambiguity about the meaning of treaty partnership leading to unfavourable outcomes, including:
- conflict about roles, responsibilities, and processes
 - inadequate and delayed access to resources
 - missed opportunities for Māori participation indicated by an underspend on Māori success
 - incomplete measures of and data on Māori participation in APEC activity
- w. Note** that despite the constraints on the treaty partnership, favourable outcomes were achieved in relation to Māori participation in APEC 2021, including:
- Māori leadership at ministerial, business, official, and Māori partnership entity levels
 - Māori participation across APEC events and activity
 - Indigenous inclusion in the Aotearoa Plan of Action
 - negotiating and concluding the IPETCA
- x. Agree** to explore whether and how to change APEC's approach using passive approaches, which show the value and quality of indigeneity in APEC members' economics and Indigenous trade

- y. Note** that Māori success represented a specific build-up of mātauranga Māori capability in te Manatū Aorere that achieved considerable success under challenging conditions
- z. Note** that the Māori capability of the Māori success team could have been redeployed to address low Māori representation in te Manatū Aorere
- aa. Agree** to support increasing Māori representation in the governance and senior leadership of te Manatū Aorere, which is consistent with its goal to increase Māori capability and the needs of APEC
- ab. Note** that measuring and communicating the relevance, value, and impact of APEC to Māori is complicated by the long-term and intangible nature of its outcomes
- ac. Agree** to support the collection and analysis of data on Indigenous peoples and economies within APEC and IPETCA, and apply Indigenous data sovereignty and standardisation principles to this
- ad. Note** to explore the possibility of creating high quality cultural online environments for APEC and trade policy and negotiation using Māori and non-Māori technology firms
- ae. Agree** to explore standardisation in Māori engagement policies and processes and tikanga that support fast-paced decision-making for trade policy

Rangatahi activity

- af. Note** that talented rangatahi who are proficient in te ao Māori and te ao whānui were supported to participate in APEC 2021, but their presence was limited and their experience negative
- ag. Note** that rangatahi participation in APEC and trade policy should be expanded to support Māori and Indigenous peoples on trade and inclusion in Te Rangitūkupu

Ringa Raupā Rōpū

- ah. Note** that the ringa raupā rōpū provided high quality analysis and advice, whose role was affected by time and resource constraints
- ai. Note** that the ringa raupā should explore the development of capability and tikanga for its role in providing ongoing support to Te Rangitūkupu
- aj. Note** that a review of Cabinet manual guidelines should be undertaken on the resourcing of Māori as treaty partner and on the proper resourcing for technical services to support Māori in these roles.

3. CONTENTS

Acknowledgements	2	7. Findings	32
Contacts	2	7.1 The meaning of APEC	32
Security status	2	7.2 Indigenous engagement in APEC 2021.....	32
Disclaimer	2	7.3 Strengths of APEC 2021.....	34
1. Summary	3	7.4 Weaknesses of APEC 2021	35
2. Recommendations	4	7.5 Māori participation in APEC 2021	36
3. Contents	6	7.6 Benefits and outcomes	37
3.1 Tables	6	7.7 Improvements.....	39
3.2 Figures.....	6	7.8 Māori success.....	39
3.3 Abbreviations.....	7	7.9 APEC 2021 performance.....	40
3.4 A note on writing conventions.....	8	7.10 Te Tiriti o Waitangi and APEC 2021.....	43
3.5 Independent review	8	7.11 Te Rangitūkupu.....	46
3.6 Independent auditor.....	8	8. Discussion	48
4. Introduction	9	8.1 Role and functioning of Te Rangitūkupu.....	48
4.1 Purpose	9	8.2 Tiriti relationship of Te Rangitūkupu and the Crown...	48
4.2 Background	9	8.3 Engagement with iwi taketake	50
4.3 Tiriti audit of APEC 2021.....	9	8.4 Māori participation in general APEC activity.....	50
5. Methodology	10	8.5 Rangatahi activity	52
5.1 Audit framework.....	10	8.6 Ringa Raupā Rōpū.....	52
5.2 A six-step audit process.....	11	8.7 Honouring te Tiriti o Waitangi in APEC 2021	53
5.3 Kaupapa Māori research	13	9. Conclusion	57
5.4 Interview process.....	13	10. References	58
5.5 Interview participants.....	14	Annex 1 APEC member economies	60
5.6 Engaging with co-chairs and officials	15	Annex 2 Te Tiriti o Waitangi audit framework.....	61
5.7 Interview questions and audit framework	15	Annex 3 Introductory letter.....	74
5.8 Document review process	16	Annex 4 Information sheet.....	75
6. Document review	20	Annex 5 Consent form	76
6.1 Overview of the document review	20	Annex 6 Interview questions.....	77
6.2 Manatū Aorere/Ministry of Foreign Affairs and Trade	20	3.1 Tables	
6.3 Treaty of Waitangi and trade policy	21	Table 1 Tiriti o Waitangi audit process.....	11
6.4 Asia-Pacific Economic Cooperation	23	Table 2 Participants.....	14
6.5 APEC 2021	26	Table 3 Meetings with officials and Te Rangitūkupu....	15
6.6 Virtual APEC 2021.....	27	Table 4 Interview questions	15
6.7 ABAC 2021.....	27	Table 5 Documents reviewed	17
6.8 APEC leaders' statements.....	27	Table 6 Participant views on success of APEC 2021 ..	41
6.9 APEC 2021 outcomes	28	Table 7 Tiriti audit findings summary	54
6.10 Māori success.....	29	3.2 Figures	
6.11 Outcomes for Māori.....	30	Figure 1 Independent reviewer's summary.....	8
6.12 Te Rangitūkupu.....	30	Figure 2 Map of APEC members	24
6.13 Indigenous Peoples Trade and Cooperation Arrangement	31	Figure 3 Structure of APEC	25

3.3 Abbreviations

ABAC	APEC Business Advisory Council	MPI	Ministry of Primary Industries
APEC 2021	APEC events and activity hosted by the New Zealand government	MPU	Māori Policy Unit
APEC NZ	APEC New Zealand, a unit within MFAT	MSME	micro, small and medium enterprises
APEC	Asia-Pacific Economic Cooperation	MWDI	Māori Women's Development Incorporation
APEC21	Abbreviated form of APEC 2021	SLT	Senior Leadership Team
ASEAN	Association of Southeast Asian Nations	SME	small and medium enterprise
CPTPP	Comprehensive and Progressive Agreement for Trans-Pacific Partnership	SOM	Senior Officials Meeting
EU	European Union	SRO	Senior Responsible Owner
FOMA	Federation of Māori Authorities	T3W	Te Tira Whakangao
G2G	government-to-government	TPK	Te Puni Kōkiri
GDP	gross domestic product	UK	United Kingdom
HDI	Human Development Index	UNDRIP	United Nations Declaration on the Rights of Indigenous Peoples
I2I	Indigenous-to-Indigenous	US	United States of America
IPETCA	Indigenous Peoples Economic and Trade Cooperation Arrangement	USD	United States dollar
MFAT	Manatū Aorere/Ministry of Foreign Affairs and Trade	VoF	Voices of the Future Youth Summit
MoU	memorandum of understanding	WTO	World Trade Organization



3.4 A note on writing conventions

Writing style and referencing conform to APA 7 (American Psychological Association, 2020). This means no footnotes are used and lowercase is used unless there is specific guidance to capitalise them. For example, the Treaty of Waitangi and te Tiriti o Waitangi are proper nouns and capitalised when written in full, but lowercase is used when they are abbreviated to treaty or tiriti. Further, lowercase is used when referring to position titles (e.g., chair) and organisations (e.g., ministry). Some cited material in this report is subject to MFAT confidentiality procedures. Enquiries regarding unpublished official documents should be addressed to the Senior Responsible Owner for APEC NZ Andrea Smith. Uncommon Māori words are followed by an equivalent English word in brackets the first time the Māori word

is used. Macrons are used as per Te Aka (Moorfield, 2011). United Kingdom (UK) spelling is used, unless quotes or proper nouns use other spelling.

3.5 Independent review

This report was independently reviewed by treaty expert Associate Professor Veronica Tawhai of Te Pūtahi-ā-Toi, Massey University, Palmerston North, New Zealand. An excerpt of the independent reviewer's report follows in Figure 1.

3.6 Independent auditor

Ace Consulting Limited (Ace) director Dr Jason Paul Mika conducted the audit. Ace is a New Zealand company providing Māori management consultancy services.

FIGURE 1 INDEPENDENT REVIEWER'S SUMMARY

Summary

As presented in the review results tables, the audit report provided by Dr. Mika successfully addressed each of the 76 elements requested for audit by Te Rangitūkupu in *NTW APEC 2021 Tiriti audit* (2022, Jan 25) regarding methodology and reporting of results.

Further to the requirements of the audit, Dr. Mika has provided an exemplary background summary of Te Tiriti and trade policy, the differing interpretations of Māori and the Crown concerning Te Tiriti and Treaty provisions, and how these tensions are arising in trade policy and activities such as APEC 2021. As these tensions characterise the context within which Te Rangitūkupu undertook their work, the inclusion of this material contributes to the comprehensiveness of the report and to a deeper understanding of the challenges encountered. Actionable recommendations are also clearly articulated in terms of how developments can be progressed in future.

Tēnā, he mihi nunui ki a kōtou ngā rangatira o Te Rangitūkupu, ā, ki a Tākuta Mika hoki nāna ngā take, ngā māharahara, ngā hua i hopu i tana rīpoata hei whakaarotanga mō tātau, hei whaitanga mā Te Karauna, ā ngā rā kei te tū mai. E Rongo, whakairia ake ki runga, kia tina!

4. INTRODUCTION

4.1 Purpose

This report presents the findings and recommendations of a Tiriti o Waitangi audit of APEC 2021 commissioned by and for Te Rangitūkupu. The purpose of the audit is to provide insights and recommendations on how New Zealand's hosting of APEC 2021 honoured te Tiriti o Waitangi.

4.2 Background

On 11 June 2021, the Ministry of Foreign Affairs and Trade (MFAT) and eight Māori entities entered into a memorandum of understanding (MoU) called Te Rangitūkupu. The purpose of Te Rangitūkupu was for MFAT and Māori to work together to enhance Māori participation in the New Zealand government's hosting of APEC as chair of the forum between November 2020 and November 2021 (Te Rangitūkupu & Manatū Aorere, 2021). The eight entities of Te Rangitūkupu are:

1. Te Taumata
2. Iwi Chairs Forum – Pou Tahua
3. Federation of Māori Authorities (FOMA)
4. Māori Women's Development Incorporation (MWDI)
5. Whāriki Māori Network
6. Te Tira Whakangao (T3W)
7. Digital Council for Aotearoa
8. Ngā Toki Whakarururanga

Te Rangitūkupu refers both to the MoU and to the entity consisting of MFAT and the eight Māori entities.

4.3 Tiriti audit of APEC 2021

Te Rangitūkupu agreed to pilot a Tiriti o Waitangi (tiriti/treaty) audit of APEC 2021. The purpose of the tiriti audit is to provide insight and recommendations on how the APEC 2021 programme honoured te Tiriti o Waitangi in the planning and delivery of New Zealand's hosting of APEC 2021. A tiriti audit framework developed by Ngā Toki Whakarururanga for Te Rangitūkupu was to be used (Ngā Toki Whakarururanga, 2022). The audit framework is outlined later in this report and is shown in full in Annex 2.

Ngā Toki Whakarururanga is a group co-chaired by Pita Tipene and Moana Maniapoto representing claimants of a Waitangi Tribunal claim (Wai 2522) on the Trans-Pacific Partnership Agreement (Waitangi Tribunal, 2016). The tribunal claim was settled by mediation with the Crown in December 2020 from which the group Ngā Toki Whakarururanga was formed (Waitangi Tribunal Claimants & Manatū Aorere, 2020).

On 25 March 2022, Te Rangitūkupu co-chairs Pita Tipene and Traci Houpapa, with the assistance of MFAT officials Kerry-Lynn Sorrell, Tane Waetford, and Selena Natoli, engaged Dr Jason Paul Mika of Ace Consulting Limited (Ace) as an independent external auditor. The audit involved a document review and interviews with 17 people who participated in the planning, delivery, and events of APEC 2021. Under the terms of reference, the auditor was required to produce an audit report peer reviewed in terms of both its methodology and content by a person whose calibre and credentials are the same or similar to those of the auditor.



5. METHODOLOGY

5.1 Audit framework

The Tiriti o Waitangi audit framework of Ngā Toki Whakarururanga is comprehensive (see Annex 2). The framework sets out a methodology for the audit of APEC 2021 that honours a Māori perspective of te Tiriti o Waitangi consistent with claimants' views expressed in relation to the Trans-Pacific Partnership Agreement claim (Wai 2522) (Waitangi Tribunal, 2016) and the Waitangi Tribunal's stage 1 report on the Te Paparahi o te Raki inquiry (Wai 1040) (Coxhead et al., 2014).

The tiriti audit framework comprises four parts: (1) an overview of the methodology; (2) the four articles of the Treaty of Waitangi and the kaupapa (purpose) of Te Rangitūkupu; (3) a template for the audit; and (4) audit questions. The purpose of the framework is to evaluate New Zealand's hosting of APEC 2021 against te Tiriti o Waitangi and the tiriti-based kaupapa of Māori entities associated with Te Rangitūkupu. Accountability, quality assurance, tiriti-based approaches, and extending Māori involvement in international activity are also underlying aims of the audit.

In practical terms, the audit was to involve a review of relevant documents and interviews with Māori entities, contractors, advisors, officials, Māori APEC

participants, and Indigenous representatives. The result is an audit report that addresses the two audit criteria – first, the four Tiriti articles, and second, Te Rangitūkupu kaupapa – as they relate to seven key aspects of APEC activity:

1. The role and functioning of Te Rangitūkupu in relation to APEC 2021
2. Tiriti relationship of Te Rangitūkupu and the Crown
3. Engagement with iwi taketake
4. Māori participation in general APEC activity
5. Rangatahi activity
6. Ringa Raupā Rōpū for the Indigenous Peoples Economic and Trade Cooperation Arrangement (IPETCA).

A peer review of the report by a suitably qualified and experienced person with the same or similar attributes as the auditor is an expectation of the audit. The peer review covers both the methodology and the content of the audit report.



5.2 A six-step audit process

A six-step process was used to complete the tiriti audit (see Table 1). The tiriti audit was completed

between 25 March and 30 April 2022. The delivery date of the audit report to early May 2022 was amended by agreement.

TABLE 1 TIRITI O WAITANGI AUDIT PROCESS

STEP	ACTIVITY AND DELIVERABLES	STATUS
1. Project planning	<p>Goal: Project is established and underway.</p> <p>Key tasks</p> <ul style="list-style-type: none"> • Project plan presented to Te Rangitūkupu • A list of up to 30 interviewees (names, contacts, and organisations) is provided • An introduction letter by Te Rangitūkupu for the auditor is prepared and signed-off • A list of documents to be made available is provided by officials • Information protocol and data platform (e.g., MS Teams) agreed • Ethics forms completed, including consent form, information sheet, and interview schedule (questions) • Briefing meeting held with Te Rangitūkupu co-chairs and auditor <p>Deliverable # 1 A project plan, ethics forms, and document and interviewee lists.</p>	Completed
2. Document review	<p>Goal: All relevant documentation is received and reviewed.</p> <p>Key tasks</p> <ul style="list-style-type: none"> • Key documents requested and received, include: <ul style="list-style-type: none"> – Meeting minutes, correspondence with officials and ministers, and outcome reports – APEC 2021 plans and reports on implementation and outcomes, including reports on Māori participation and success – APEC programme documents, agendas, statements, and speeches, including those focusing on Māori and Indigenous activity, events, and outcomes • An Endnote library is created for all documents • A systematic review of relevant documents is conducted, covering: <ul style="list-style-type: none"> – APEC 2021 planning (from 2018 to 2020) – APEC 2021 delivery (2021) <p>Deliverable # 2 A short report reviewing relevant documents indicating planned and actual APEC 2021 activity in relation to tiriti articles and six reference points is completed.</p>	Completed

STEP	ACTIVITY AND DELIVERABLES	STATUS
3. Interviews	<p>Goal: Up to 20 interviews conducted, analysed, and documented.</p> <p>Key tasks</p> <ul style="list-style-type: none"> • Arranging and confirming interviews via Zoom, MS Teams, or by phone with up to 20 people including: <ul style="list-style-type: none"> – Māori entities – Contractors – Advisors – Officials – Māori APEC participants – Indigenous representatives • Conducting, recording, and transcribing interviews using transcribing software, and checking transcripts, including notes from interviews • Analysis of interviews in relation to tiriti articles and six reference points, identifying: <ul style="list-style-type: none"> – Positive and negative experiences – Proposals for tiriti-compliant approaches for APEC activity – Lessons for Māori and the Crown <p>Deliverable # 3 A short report of interview findings indicating planned and actual APEC 2021 activity in relation to tiriti articles and six reference points is completed.</p>	Partially completed, 17 interviews were conducted, one written comment received, and five hui with co-chairs and officials held at which relevant data on the audit was exchanged.
4. Reporting	<p>Goal: A draft report is completed</p> <p>Key tasks</p> <ul style="list-style-type: none"> • Discussing and agreeing expectations and preferences for report form, length, and writing conventions • Writing a draft of the report covering: <ul style="list-style-type: none"> – Summary – Recommendations – Purpose and context – Methodology – Assessment findings – Discussion and implications – Conclusion • Proof-reading by an independent editor to check for writing quality <p>Deliverable # 4 A draft final report is produced and ready for review.</p>	Completed

STEP	ACTIVITY AND DELIVERABLES	STATUS
5. Review	<p>Goal: Draft report is reviewed.</p> <p>Key tasks</p> <ul style="list-style-type: none"> • A draft of the report is reviewed by Te Rangitūkupu co-chairs • Report is updated based on feedback from Te Rangitūkupu co-chairs • A draft of the report is peer reviewed, and the report updated based on reviewer feedback • APEC NZ review of the revised is completed (for errors of fact only). <p>Deliverable # 5 Final report is peer reviewed and reviewed by Te Rangitūkupu</p>	Completed
6. Final report	<p>Goal: Final report is published.</p> <p>Key tasks</p> <ul style="list-style-type: none"> • Report text is finalised, all references and information are checked for accuracy and completeness • Report is graphically designed, and logos and images sought from Te Rangitūkupu • A final designed version of the report is received by Te Rangitūkupu and signed off for publication • A summary of the report's findings is prepared for inclusion is a relevant press release. • An electronic version of the report (compressed) is ready to be published by Te Rangitūkupu <p>Deliverable # 6 Electronic copy of final designed report is ready to be published.</p>	Report is ready for publication.

5.3 Kaupapa Māori research

A kaupapa Māori approach was used for the audit. This approach is based on Māori philosophy and incorporates Māori culture, Māori language, Māori institutions, and Māori aspirations as foundations for research design, processes, and outcomes (Smith et al., 2012; Smith, 1999). Participants were provided with an introductory letter from the Te Rangitūkupu co-chairs (Annex 3), an information sheet (Annex 4) outlining the process, a consent form (Annex 5), and an interview schedule comprising interview questions based on the audit framework (Annex 6). The audit report is intended to promote Māori ways of knowing, being, and doing, and benefit Māori through the work of Te Rangitūkupu and the Māori entities which are associated with it.

5.4 Interview process

Interviews ranged from 30 to 90 minutes. Interviews were in te reo Māori and te reo Ingarihi (English). The audit report is written in English. Whakawhanaungatanga (establishing relationships) is the first step in kaupapa Māori interviews. This process involves karakia (prayer) and mihimihi (introductions). Mihimihi questions follow where they were born and raised, what their role was, how they came to the role, what their relationship was to Māori and trade, and to APEC 2021. This process is essential to establish rapport consistent with tikanga of respecting the mana (dignity) of each person. Interview questions adhered to the te Tiriti audit framework but were arranged for interviews of 60 minutes. The audit involved 17 interviews. All interviews were conducted online between 6 and 14 April 2022. Interviews were recorded with written and verbal consent. Interview notes were taken, and automated transcripts produced for some interviews using the video conferencing software.

5.5 Interview participants

The audit framework requires “[i]nterviews with each of the participating Māori entities [of Te Rangitūkupu], key contractors, technical advisers, MFAT negotiators and officials, with a sample of Māori participants in the APEC 2021 activities, and with indigenous representatives from other countries who participated in the activities under review”.

APEC New Zealand officials and Te Rangitūkupu co-chairs prepared a list of about 30 participants. An introductory letter about the audit from the co-chairs was sent to participants. Table 2 sets out a list of participants. Interviews were confidential, allowing

participants to speak freely about their experiences. Participants are, therefore, not named. Instead, reference to comments in the audit findings are attributed to a participant number in Table 2.

Of the 17 participants, 12 identify as Māori. Twelve of the 17 participants are non-officials, people who are not employed in the public service. Participants include a minister, career diplomats, Māori managers or advisors from several government departments, contractors, including management consultants, event manager, Māori leaders from business and iwi organisations, and an academic.

TABLE 2 PARTICIPANTS

#	ENTITY	ROLE	IDENTITY	INTERVIEW DATE
1	Manatū Aorere	Official	Non-Māori	7 April 2022
2	Te Rangitūkupu	Contractor	Māori	6 April 2022
3	Te Rangitūkupu	Ringa raupā	Māori	14 April 2022
4	Te Rangitūkupu	Member	Māori	14 April 2022
5	Te Puni Kōkiri	Official	Māori	6 April 2022
6	Te Rangitūkupu	Member	Māori	13 April 2022
7	Te Rangitūkupu	Ringa raupā	Non-Māori	14 April 2022
8	Manatū Aorere	Contractor	Non-Māori	11 April 2022
9	Ministry for Primary Industries	Official	Māori	13 April 2022
10	Manatū Aorere	Contractor	Māori	5 April 2022
11	Manatū Aorere	Official	Non-Māori	11 April 2022
12	Manatū Aorere	Non-official	Māori	13 April 2022
13	Te Rangitūkupu	Ringa raupā	Māori	14 April 2022
14	Te Rangitūkupu	Member	Māori	8 April 2022
15	Manatū Aorere	Official	Māori	8 April 2022
16	Te Rangitūkupu	Member	Māori	12 April 2022
17	Manatū Aorere	Official	Non-Māori	8 April 2022

5.6 Engaging with co-chairs and officials

During the audit, discussions were held with Te Rangitūkupu co-chairs and APEC NZ officials (see Table 3). A written comment was received from a rangatahi participant.

TABLE 3 MEETINGS WITH OFFICIALS AND TE RANGITŪKUPU

#	DATE	WHO	WHAT
1	16-Mar-22	Tane Waetford, Jason Mika	About APEC
2	25-Mar-22	Pita Tipene, Traci Houpapa, Kerry-Lynn Sorrell	Audit approach
3	29-Mar-22	Pita Tipene, Jane Kelsey, Jason Mika	Te Rangitūkupu
4	8-Apr-22	Pita Tipene, Jason Mika	Update on audit
5	27-Apr-22	Pita Tipene, Traci Houpapa, Jason Mika	Update on audit

5.7 Interview questions and audit framework

The audit framework was used to develop a set of questions for the interviews (see Annex 6). The relationship between the audit questions and the interview questions is explained in Table 4.

TABLE 4 INTERVIEW QUESTIONS

INTERVIEW QUESTIONS	RELEVANT SECTION OF THE AUDIT FRAMEWORK	COMMENT
1. About you 2. Where were you born and raised? 3. What is your role and how did you come to the role? 4. What is your relationship to Māori and trade? 5. What is your relationship to APEC 2021?	The audit framework method required: “Interviews with each of the participating Māori entities, key contractors, technical advisers, MFAT negotiators and officials, with a sample of Māori participants in the APEC 2021 activities, and with indigenous representatives from other countries who participated in the activities under review.”	This step in the interview process is about whakawhanaungatanga, establishing the person’s connection to the kaupapa that falls within the audit, and helps to frame supplementary questions based on their perspective and experience.
About APEC and Māori 5. What does APEC mean to you? 6. What are the strengths of APEC for Māori? 7. What are the weaknesses of APEC for Māori? 8. How have Māori participated in APEC? 9. How have Māori benefitted from APEC? 10. What future outcomes for Māori do you anticipate from APEC?	At page 3, the audit framework states: “The report also needs to identify: <ul style="list-style-type: none"> • positive initiatives that should be built upon; • negative experiences that must not happen again; • proposals for Tiriti-compliant approaches to ongoing and future APEC activities, 	To address these broader aims of the audit, the interview questions ask participants for their reflections on APEC, Māori participation, benefits, outcomes, positive and negative experiences and lessons for Māori and the Crown, and how the APEC hosting process could be done differently.
About APEC 2021 11. What is your overall impression of APEC 2021? 12. What were some positive initiatives? 13. What were some negative aspects? 14. What are some lessons for Māori? 15. What are some lessons for the Crown?	<ul style="list-style-type: none"> • proposals for new approaches or activities; • lessons for Māori; and • lessons for the Crown.” 	

INTERVIEW QUESTIONS	RELEVANT SECTION OF THE AUDIT FRAMEWORK	COMMENT
<p>Tiriti o Waitangi and APEC 2021</p> <p>16. What is your view on te Tiriti o Waitangi and trade?</p> <p>17. What was the role of te Tiriti o Waitangi in APEC 2021?</p> <p>a. How did kāwanatanga (Crown authority) apply?</p> <p>b. How did rangatiratanga (Māori authority) apply?</p> <p>c. How did oritētanga (equity and parity) apply?</p> <p>d. How did whakapono (equal status of philosophies and faith) apply?</p> <p>18. How well did APEC 2021 provide for and honour te Tiriti o Waitangi?</p> <p>19. How well did APEC 2021 provide for mana Māori, tikanga Māori, mātauranga Māori?</p> <p>20. How well did APEC 2021 provide for and protect Māori treaty rights and interests?</p>	<p>This section of the interview focuses on Part B of the audit framework, which covers the two criteria of the audit:</p> <p>“1) the four articles of Te Tiriti o Waitangi, and 2) the Tiriti-based kaupapa of the Māori entities set out in Te Rangitūkupu”</p> <p>The questions address part C questions of the audit and allow participants to discuss their views on the principles as they relate to APEC 2021.</p>	<p>These questions allow participants to indicate their view of the treaty and its application to trade – to APEC in particular – and explain specifically, how each of the four articles applied.</p>
<p>Te Rangitūkupu</p> <p>21. What is your understanding of the role of Te Rangitūkupu?</p> <p>22. Through the role of Te Rangitūkupu, how well and in what ways was:</p> <p>a. APEC 2021 informed by kāwanatanga and rangatiratanga?</p> <p>b. Mana tuku iho (inherited mana) and mana whakahaere (exercise of inherited mana) preserved?</p> <p>c. tikanga-based trading relationships to Māori provided for?</p> <p>d. Information provided for effective Māori participation in decision-making?</p> <p>e. A new approach to trade policy that gives effect to te tiriti achieved?</p> <p>f. Te tiriti/the treaty recognised as a relationship of equals?</p>	<p>These questions relate to criteria two of the audit framework and the Te Rangitūkupu role, which is set out on pages 5–6 of the framework.</p>	<p>These questions help participants explain their experience of Te Rangitūkupu, its role, and how that role was performed.</p>

5.8 Document review process

The primary purpose of the document review was to assess the extent to which New Zealand’s hosting of APEC 2021 and the associated programme of activity and events provided for and honoured te Tiriti o Waitangi. A secondary purpose was to provide evidence to support the audit of APEC 2021 in its planning, preparation, delivery, and outcomes for Māori, consistent with the tiriti audit framework.

In the methodology, the document review preceded the interviews. This was to ensure interviews were informed by an understanding of APEC and Te Rangitūkupu. In practice, however, interviews commenced first due to the

proximity to the Easter and ANZAC Day holidays. No material disadvantage was evident in changing the order for pragmatic purposes. The document review relied on published and unpublished official documents the APEC 2021 team supplied in both electronic and print form and public records, including websites and reports (see Table 5). The auditor received a briefing on MFAT's information security procedures prior to receiving documents.

TABLE 5 DOCUMENTS REVIEWED

DOCUMENT TYPE	#	IN-TEXT CITATION	DOCUMENT CITATION
Ministerial documents	1	(Peters, 2020b)	Peters, W. (2020). <i>Asia-Pacific Economic Cooperation (APEC) hosting options (CAB-20-MIN-0260 refers)</i> .
	2	(Peters, 2020c)	Peters, W. (2020). <i>Asia-Pacific Economic Cooperation (APEC) hosting update 2021 (CAB-20-MIN-0260 refers)</i> .
	3	(Peters, 2020a)	Peters, W. (2020). <i>Asia-Pacific Economic Cooperation (APEC 2021) Bill: Approval for change by supplementary order paper (CAB-20-MIN-0260 refers)</i> .
	4	(Peters, 2020d)	Peters, W. (2020). <i>Hosting a virtual Asia-Pacific Economic Cooperation (APEC) in 2021 (CAB-20-MIN-0363 refers)</i> .
	5	(Mahuta & O'Connor, 2020)	Mahuta, N., & O'Connor, D. (2020). <i>APEC 2021: Policy priorities, high-level meetings, and additional activities (CBC-20-MIN-0073 refers)</i> .
Outcomes reports	6	(Manatū Aorere, 2022a)	Manatū Aorere. (2022). <i>APEC21 programme closure report</i> . Ministry of Foreign Affairs and Trade.
	7	(Manatū Aorere, 2021d)	Manatū Aorere. (2021). <i>APEC21 Programme: Closure report – Māori success, 9 November 2021</i> . Ministry of Foreign Affairs and Trade.
	8	(Manatū Aorere, 2022b)	Manatū Aorere. (2022). <i>APEC21 Programme: CEO Summit closure report</i> . Ministry of Foreign Affairs and Trade.
Meeting minutes	9	(Tahana, 2020)	Tahana, T. (2019). <i>APEC 2021: Enabling success for Māori in APEC 2021: Discussion paper to the APEC21 Programme Board</i> . Manatū Aorere.
	10	(Tahana, 2020)	Tahana, T. (2020). <i>Enabling Māori success and Indigenous inclusion: Discussion paper to the APEC21 Programme Board</i> . Manatū Aorere.
	11	(Tahana, 2019)	Tahana, T. (2019). <i>Resourcing decisions for Māori success: Decision paper to the APEC21 Programme Board</i> . Manatū Aorere.
APEC planning documents	12	(Manatū Aorere, 2019)	Te Manatū Aorere. (2019). <i>New Zealand APEC 2021: The master plan version 1.0, 16 July 2019</i> . Ministry of Foreign Affairs and Trade.
	13	(Manatū Aorere, 2021i)	Te Manatū Aorere. (2021). <i>New Zealand APEC 2021: The master plan v2.0 virtual hosting dated 31 March 2021 [draft]</i> . Ministry of Foreign Affairs and Trade
	14	(Manatū Aorere, 2021h)	Manatū Aorere. (2021). <i>Leaders' week plan</i> . Ministry of Foreign Affairs and Trade.

DOCUMENT TYPE	#	IN-TEXT CITATION	DOCUMENT CITATION
Te Rangitūkupu	15	(Te Rangitūkupu & Manatū Aorere, 2021)	Te Rangitūkupu, & Manatū Aorere. (2021). <i>Te Rangitūkupu between Te Taumata, Iwi Chairs Forum - Pou Tahua, Federation of Māori Authorities (FOMA), Māori Women's Development Incorporation (MWDI), Whāriki Māori Network, Te Tira Whakangao (T3W), Digital Council for Aotearoa, the representatives of Ngā Toki Whakarururanga establishment process (together the Māori entities) and the Ministry of Foreign Affairs and Trade / Te Manatū Aorere signed on 11 June 2021</i> . Ministry of Foreign Affairs and Trade.
	16	(Te Rangitūkupu, 2021b)	Te Rangitūkupu. (2021). <i>APEC Māori partnership: Te Rangitūkupu hui, 29 October 2021</i> . Ministry of Foreign Affairs and Trade.
	17	(Te Rangitūkupu, 2021a)	Te Rangitūkupu. (2021). <i>APEC Māori partnership: Te Rangitūkupu hui, 10 December 2021</i> . Ministry of Foreign Affairs and Trade.
	18	(Te Rangitūkupu, 2021c)	Te Rangitūkupu. (2021). <i>Meeting notes Te Rangitūkupu, 8 October 2021</i> . Ministry of Foreign Affairs and Trade.
	19	(Manatū Aorere, 2021f)	Manatū Aorere. (2021). <i>Final terms of reference - Ringa Raupā iwi taketake July 2021</i> . Ministry of Foreign Affairs and Trade.
APEC statements and speeches	20	(Ardern, 2021)	Ardern, J. (2021). <i>Prime Minister Jacinda Ardern's full speech at the opening of the APEC CEO Summit 2021: New Zealand, 12 November 2021</i> . https://www.apec.org/press/features/2021/prime-minister-jacinda-ardern-s-full-speech-at-the-opening-of-the-apec-ceo-summit-2021
	21	(APEC, 2021a)	APEC. (2021). <i>2021 Leaders' Declaration, New Zealand: 12 November 2021</i> . https://www.apec.org/meeting-papers/leaders-declarations/2021/2021-leaders-declaration
	22	(Manatū Aorere, 2021b)	Manatū Aorere. (2021). <i>Annex: Aotearoa Plan of Action</i> . https://www.apec.org/meeting-papers/leaders-declarations/2021/2021-leaders-declaration/annex-aotearoa-plan-of-action
	23	(ABAC, 2021)	ABAC. (2021). <i>Report to APEC Economic Leaders: People, place and prosperity tāngata, taiao me te taurikura</i> . https://www.apec.org/publications/2021/10/abac-report-to-apec-economic-leaders
Organisational documents	24	(Rata, 2021)	Rata, P. (2021). <i>Mātauranga Māori at MFAT: Report to senior leadership team, 11 August 2021</i> . Manatū Aorere.
	25	(Manatū Aorere, 2021j)	Manatū Aorere. (2021). <i>Strategic intentions: 2021-2025</i> . https://www.mfat.govt.nz/assets/About-us-Corporate/MFAT-strategies-and-frameworks/MFAT-Strategic-Intentions-2021-2025.pdf
	26	(Manatū Aorere, 2021e)	Manatū Aorere. (2021). <i>Applying te Tiriti o Waitangi at MFAT: Te whakaū i te Tiriti o Waitangi i te Manatū Aorere</i> .



6. DOCUMENT REVIEW

6.1 Overview of the document review

The document review follows the chronology of APEC 2021 preparation, performance, and outcomes, with other relevant documents reviewed as needed to support the audit. The overall impression is that APEC 2021 is a Crown directed and controlled event that was to be hosted in accordance with its obligations as host economy. Initial uncertainty about how officials were to engage with Māori led to the appointment of a senior Māori official inside te Manatū Aorere, a change in narrative from engaging Māori to Māori success, and the formation of a structured relationship with Māori known as Te Rangitūkupu. While the Crown set out to promote the benefits of APEC for Māori and focus on positive outcomes, little attention is given in the documents about the risks for Māori in terms of the protection of Māori rights and interests under te Tiriti o Waitangi. While the Crown is not immune to critique, it does not tolerate failure or easily accept its shortcomings. The audit is intended to identify areas of both strength and weakness in the hosting of APEC 2021 and recommend improvements in the approach from a Tiriti o Waitangi perspective.

6.2 Manatū Aorere/Ministry of Foreign Affairs and Trade

The purpose of te Manatū Aorere is to act in the world to build a safer, more prosperous and more sustainable future for New Zealanders (Manatū Aorere, 2021j). Operationally, te Manatū Aorere manages \$642 million in assets, 1,826 staff, and 330 properties worldwide (Manatū Aorere, 2021c). Manatū Aorere (2021j) states that te Tiriti o Waitangi is “at the core” of its work (see page preceding page 1). Te Manatū Aorere elaborates that te Tiriti o Waitangi (the Treaty of Waitangi) represents a Māori-Crown partnership that the ministry is duty-bound to actively protect by fulfilling its obligations as a treaty partner and applying the principles of the treaty (Manatū Aorere, 2021j). The Māori-Crown relationship informs the ministry’s strategic approach to Māori development and incorporating Māori concepts into policy. This approach is reflected in the commitment of te Manatū Aorere to engaging with Māori as treaty partner according to a Māori engagement strategy and a framework to strengthen its mātauranga Māori capability (Manatū Aorere, 2021j).

Engaging Māori on trade policy

In 2020/2021, te Manatū Aorere reports that it actively engaged with Māori as treaty partner so Māori views are reflected in its work (Manatū Aorere, 2021c). This included engaging with Te Taumata, FOMA, Iwi Chairs and other te ao Māori interest groups especially in relation to trade policy (Manatū Aorere, 2021c). Te Taumata led four regional hui, which allowed ministers, Māori, and officials to hear each other’s views. Relationships between te Manatū Aorere and Māori as a treaty partner “sustains the social licence [for the ministry’s] work” (Manatū Aorere, 2021c, p. 40). Te Manatū Aorere is building mātauranga Māori capability to authentically reflect Māori interests, effectively engage with Māori, and bring mana to te Manatū Aorere and Aotearoa. Three capability building indicators are Te Pou Māori, a Māori employee-led network, Māori holding 10% of leader positions and 15% on non-leader positions, and 200 staff attending te reo classes (Manatū Aorere, 2021c). The senior leadership team (SLT) of te Manatū Aorere use te whare tapa whā as their model for well-being. The Māori Policy Unit (MPU) is also part of the operational capacity of te Manatū Aorere.

Mātauranga Māori capability

In 2021, an experienced Māori diplomat was engaged to assess the state of mātauranga Māori capability in te Manatū Aorere and provide recommendations for improving this. Rata (2021) identifies key reasons why MFAT’s needed to continue to build its mātauranga Māori capability:

- Public Service Act 2020 requires the public service to develop the capability to engage Māori
- A Te Arawhiti project to assist public service leaders to meet their legislative responsibilities
- Ministerial statements that the treaty provides the foundation for foreign policy
- Staff demand for treaty and mātauranga Māori knowledge and its application to their work
- Societal appreciation of New Zealand’s bicultural heritage as a treaty-based nation.

While initiatives show MFAT’s commitment to lifting its mātauranga Māori capability, Rata (2021) found that, in some key respects, the ministry is “not giving full effect to its commitment” to apply treaty principles and meet its treaty-based obligations. This is reflected in the following findings:

- No Māori presence on the Senior Leadership Team (SLT)
- No process for MFAT governance groups to include mātauranga Māori and treaty knowledge
- No process for routinely consulting Māori on MFAT's strategic documents
- Long term underrepresentation of Māori among MFAT's staff and senior managers
- The Māori Policy Unit's work is broad and it has not had the resources for this
- Engagement practice operates under a 'consultation paradigm'.

Rata (2021) makes several recommendations to build MFAT's mātauranga Māori capability. Whether and how those recommendations are being implemented is outside the scope of this report, suffice to say that the Rata (2021) report indicates a commitment to better engage Māori with and understand Māori perspectives.

6.3 Treaty of Waitangi and trade policy

A review of Te Tiriti o Waitangi/the Treaty of Waitangi literature is relevant because the audit framework for APEC 2021 is based on te tiriti. The treaty provides a framework for the roles of the Crown and Māori as treaty partners and for trade policy. Trade policy relies on the treaty principle of kāwanatanga (governance), the Crown's assertion of its right to govern, to define the terms by which New Zealand engages in and benefits from trade. The exercise of kāwanatanga must be balanced against the Crown's obligation to recognise and provide for rangatiratanga (self-determination). Trade policy implies then some degree of power-sharing. Guidance on what power-sharing looks like in the context of the treaty requires reference to what the Crown and Māori indicate it means for them.

Crown perspectives on the treaty

For the Crown, Cabinet's position on the Treaty of Waitangi is relevant. According to the Cabinet manual, the Treaty of Waitangi is "regarded as a founding document of government in New Zealand" (Department of the Prime Minister and Cabinet [DPMC], 2017, p. 1). And as such, the treaty "may indicate limits in our polity on majority decision-making" (p. 2) and in "some situations, autonomous Māori institutions have a role within the wider constitutional and political system" (p. 2). In other situations, the model of the treaty partners – Māori and the Crown – negotiating with each other and

agreeing on a course of action is appropriate (Department of the Prime Minister and Cabinet, 2017). The Crown's position is further indicated in recent Cabinet office advice for ministers involved in contemporary treaty issues (Webster, 2019a) and advice for policy makers (Webster, 2019b). The advice requires ministers to seek Cabinet agreement on their approach to treaty issues and before any discussions with Māori about significant changes to policy, regulation, or public services that are intended to improve outcomes for Māori (Webster, 2019a). Moreover, the Cabinet office advises that "no article of the Treaty stands apart... any situation will require consideration of the applicability of all articles" (Webster, 2019b, p. 2). Policy makers should turn to previous advice on the treaty, treaty jurisprudence, and legislation for further guidance.

Māori perspectives on the treaty

As an Indigenous people, an indication of what power-sharing looks like to Māori is to be found in treaty claims, treaty settlements, court decisions, and international instruments like UNDRIP (Durie, 1998; Katene & Taonui, 2018). The Waitangi Tribunal's (2014) stage 1 report on the Te Paparahi o te Raki inquiry (Wai 1040) is instructive. In this inquiry, the tribunal considered treaty claims about the meaning and effect of He Whakapūtanga o te Rangatiratanga o Nu Tirenī – the Declaration of Independence of New Zealand – and te Tiriti o Waitangi and the Treaty of Waitangi when they were first signed. The second stage of the inquiry will examine claims that Māori were prejudiced by the Crown in acting inconsistently with the principles of the treaty since 6 February 1840. Importantly, the tribunal found:

... that in February 1840 the rangatira who signed te Tiriti did not cede their sovereignty. That is, they did not cede their authority to make and enforce law over their people or their territories. Rather, they agreed to share power and authority with the Governor. They agreed to a relationship: one in which they and Hobson were to be equal – equal while having different roles and different spheres of influence. In essence, rangatira retained their authority over their hapū and territories, while Hobson was given authority to control Pākehā. (Coxhead et al., 2014, p. xxii)

From an historical perspective then, the declaration clearly establishes that sovereignty – expressed as rangatiratanga, mana, and kīngitanga – over Aotearoa resided in the chiefs and that no form of government could be exercised except through them (Coxhead et al., 2014). While the political autonomy of hapū (subtribes) remained, the declaration also established te whakaminenga – a congress of rangatira – by which Māori would exercise their authority to make and enforce law for all. There was also provision for mutually beneficial relationships and protection between Māori and Britain.

In respect of the treaty, claimants argued that sovereignty was not ceded by rangatira, but some degree of power-sharing with the British Crown was envisaged. Crown counsel argued that sovereignty was fully explained and rangatira understood that this would be ceded to the Crown (Coxhead et al., 2014). The English text of the treaty reflects the practice and wording of treaties which Britain had earlier made with other Indigenous peoples. The Māori text of the treaty reflects in the preamble a commitment to protect ‘rangatiratanga’ – Māori authority. Article one conveyed kāwanatanga, or complete government, which was subordinate to rangatiratanga and kīngitanga. Article two guaranteed to Māori ‘te tino rangatiratanga,’ in effect their independence to the fullest extent possible over their ‘taonga,’ which was used to mean ‘all good things which you desire’ (Coxhead et al., 2014). There is also some doubt that the Crown’s policy of pre-emption was explained or understood. In article three, ‘tikanga katoa’ was used to describe ‘all the rights and privileges of British subjects’ granted to Māori.

The tribunal doubts that rangatira relinquished the mana and independence they asserted in the declaration by signing the treaty. The British view was that sovereignty had been ceded by the treaty, and once in place, could never be undone. In summary, the tribunal concludes that “the rangatira who signed te Tiriti o Waitangi in February 1840 did not cede their sovereignty to Britain”; the “rangatira agreed to share power and authority with Britain”; and that the “rangatira consented to the treaty on the basis that they and the Governor were to be equals” (Coxhead et al., 2014, p. 529). While the tribunal’s view is not binding on the Crown, it is persuasive. Moreover, the second stage of Te Paparahi o te Raki inquiry (Wai 1040), which will deal with prejudice against Māori since the signing of the treaty, has yet to be completed.

Power-sharing and trade policy

There are two main implications of Māori and Crown relations on power-sharing and trade policy. First, Māori and the Crown have differing interpretations of what the treaty means, and what it means for their relationship generally and on matters of specific policy. The Crown’s view is that through the treaty Māori ceded sovereignty, formation of a legitimate system of government followed, its authority to make and enforce law is qualified by an obligation to provide for rangatiratanga, which is different and separate to the Crown’s authority. Cabinet office guidance suggests the Crown’s focus is on compliance with the treaty, mitigating the risk of treaty breaches or creating new obligations to Māori. Treaty-based power-sharing, an implicit element of the principle of partnership, is not fully articulated. Thus, trade policy, inclusive of trade agreement negotiation, proceeds under the authority of the Crown’s sovereignty exercised by government in consultation with Māori as treaty partner.

Second, Māori do not accept that through the treaty rangatira ceded sovereignty and envisaged some form of power-sharing with the Crown. Rangatiratanga and kāwanatanga are, in this view, two different kinds of power and authority that came together to establish a basis for legitimate governance and a relationship of mutual advantage. One could not proceed without the other – kāwanatanga and rangatiratanga were equal parts and partners. This view asserts the right of Māori to retain and exercise rangatiratanga and to operate equally in relationship with the Crown as treaty partners. Whether or not this view is accepted, Māori believe, and treaty claims have consistently demonstrated, that in practice the relationship between Māori and the Crown is an unequal one – power, authority, and resources to effect a treaty-based partnership are unevenly distributed.

Given the differing positions between Māori and the Crown on the role of the treaty, it is unsurprising that officials might find it difficult to comprehend and apply partnership-based approaches that give maximum effect to treaty principles in policy processes and outcomes for Māori and non-Māori. This situation might be aided by discussing with Māori questions about how te tiriti and he whakapūtanga shape trade policy. MFAT has been doing just this through its relationship with Māori in Te Taumata (Te Taumata & Manatū Aorere, 2019), and more recently, with Ngā Toki Whakarurunga (Waitangi Tribunal, 2016), which have been extended to the role of Māori in New Zealand’s hosting of APEC 2021 through Te Rangitūkupu (2021b).

6.4 Asia-Pacific Economic Cooperation

Asia-Pacific Economic Cooperation (APEC) is a regional economic forum comprising 21 member economies (see Annex 1), established in 1989 to enhance economic growth and prosperity in the Asia-Pacific region by pursuing free and open trade and investment (Manatū Aorere, 2019). Each year APEC member economies take turns at chairing an annual programme of meetings. New Zealand took its second turn at hosting APEC between November 2020 and November 2021 under the theme “Join, Work, Grow. Together. Haumi ē, Hui ē, Tāiki ē” (Manatū Aorere, n. d., p. 1).

Since its formation in 1989, APEC has broadened its scope beyond free trade to promoting “balanced, inclusive, sustainable, innovative and secure growth [...] by accelerating regional economic integration” (APEC, 2021b, p. 1). APEC focuses on facilitating the movement of goods, services, investment, and people across borders through streamlined customs procedures, favourable business conditions, and aligning regulations and standards across the Asia-Pacific region. When Australian Prime Minister Robert Hawke formally broached APEC in 1989, it was not intended to be trading bloc that discriminates against non-members, but a vehicle for regional cooperation on economic policy and capacity building based on principles of openness, equality, and innovation that had worked in other regional groups (APEC, 2019).

Intergovernmental institutions like APEC tend to form in one of two ways. One way is formal and legalistic. This approach emphasises defined mandates, formalised work programmes, binding agreements to achieve agreed goals and is associated with Western-style institutions like the European Union (EU). The other way is less formal, associated with Asian institutions like the Association of Southeast Asian Nations (ASEAN), which emphasise conciliation, consensus-building, and exhortation (Hirano, 1996). APEC followed the latter, with a focus on annual ministerial meetings and the formation of seven working groups. A new vision for APEC was adopted in 2020, called the APEC Putrajaya Vision 2040. This vision seeks to achieve “an open, dynamic, resilient and peaceful Asia-Pacific community by 2040, for the prosperity of all our people and future generations” (Manatū Aorere, 2021i, p. 4). Three economic imperatives are to achieve this: (1) trade and investment; (2) innovation and digitalisation; and (3)

strong, balanced, secure, sustainable, and inclusive growth (Manatū Aorere, 2021i).

Additional formalisation appeared in 1991 in the Seoul Declaration whose 14 articles describe APEC’s aims, scope, operation, and the basis for participation (Hirano, 1996). In 1992, the fourth APEC ministerial meeting in Bangkok agreed to form a permanent secretariat. In 1993 at Seattle, the first informal economic leaders meeting was held, becoming an annual fixture from 1994 (Hirano, 1996). APEC does not have a charter, but relies on the Seoul Declaration for establishing APEC as an entity with “international personality” (Hirano, 1996, p. 21). Decision-making in APEC is by negotiation until consensus is reached and dispute resolution is advisory rather than binding (Hirano, 1996).

APEC membership

APEC members refer to one another as ‘economies’ because APEC members engage as economic entities focusing on economic activity and trade through a cooperative process (APEC, 2021b). The cooperative process is defined by three principles: all members have an equal say; decision-making is by consensus; and all commitments are voluntary and non-binding. APEC membership is decided by consensus of the existing members. In 1991, ministers declared that APEC participation would be “open, in principle, to those economies in the Asia-Pacific region which (a) have strong economic linkages in the Asia-Pacific region; and (b) accept the objectives and principles of APEC” (Senate Foreign Affairs Defence and Trade References Committee, 2000, p. 53). At the 1991 ministerial meeting, APEC was the first international organisation to admit the ‘three Chinas’ – the Peoples’ Republic of China, Chinese Taipei, and Hong Kong (Senate Foreign Affairs Defence and Trade References Committee, 2000). After Peru, Russia, and Viet Nam were admitted as members, a 10-year moratorium on new members was implemented from 1997. Non-member economies who aspire to APEC membership are encouraged to voluntarily demonstrate progress toward APEC goals.

APEC’s 21-member economies are shown in the map in Figure 2.

FIGURE 2 MAP OF APEC MEMBERS



Source: Treasury (2007)

According to APEC (2021d, p. 2) “an estimated 2.9 billion people, accounting for 38% of the global population, inhabited the APEC region in 2020”. Moreover, the APEC region “generated a nominal GDP of USD 52 trillion in 2020, accounting for 62% of the global nominal GDP... [and] 48% of global trade in goods and commercial services in 2020” (APEC, 2021d, p. 2). Annex 1 provides key data on APEC economies. A summary of APEC member economies’ vital statistics shows:

- China is the most populous economy with 1.397 billion people, followed by the United States with 328 million people, Indonesia with 271 million, and Russia with 144 million
- United States has the largest gross domestic product (GDP) at US\$21.4 trillion, followed by China with US\$14.2 trillion, Japan with US\$4.1 trillion, Canada with US\$1.7 trillion, and Russia with \$1.6 trillion
- In terms of total area (kilometres square (km²) in land and water), Russia has the largest at 17 million km². Canada (9.98 million km²), China

(9.707 million km²) and the United States (9.37 million km²) have the next largest total land areas. At 710 km², Singapore has the smallest

- In terms of Human Development Index (HDI), the highest three economies are Hong Kong (0.949), Australia (0.944), Singapore (0.938), while Papua New Guinea (0.555), Viet Nam (0.704), Philippines (0.718) are the three lowest.

While APEC members’ economies have grown considerably through international trade (from a combined GDP of US\$23.5 trillion in 1990 to US\$66.2 trillion in 2018), inequality and sustainability have worsened. The APEC agenda has consequently changed from economic liberalisation and human security in the 1990s and early 2000s toward environmental sustainability, inclusive economic growth, and digital economies (APEC, 2019). Pre-Covid-19 concerns for APEC economies included the impact of United States of America (US) and China tensions on trade, the slowdown of larger economies, and Brexit (APEC, 2019).

APEC programme

APEC’s objectives are to enhance economic growth and prosperity through trade and investment liberalisation. It does this by promoting tariff and trade barrier reduction, efficient economies, and trade facilitation. In this way, APEC functions to achieve regional integration as a “norm-making rather than a rule-making body” (Manatū Aorere, 2019, p. 4). The APEC Secretariat, based in Singapore, provides administrative, coordination, and project management support to APEC economies. APEC’s economic leaders set the policy direction based on advice from ministers, and who in turn receive advice from senior officials and the APEC Business Advisory Council (ABAC) (see Figure 3).

The senior officials meet five times over an APEC host year, with about 300 attendees at the informal senior officials meeting in December before the host year, and between 1,200 and 2,000 attendees at other meetings during the year, attending between 37 and 65 meetings over 2–3 weeks. Ministerial meetings usually involve 250–300 attendees over three days, covering sectoral ministers for trade, small and medium enterprise, finance, women and economy, food security, and finance. During leaders’ week the following meetings are held: the concluding senior officials meeting; APEC ministerial meeting; ABAC meeting; CEOs Summit held since 1996; Voices of the Future (VoF), which produces a youth declaration; APEC economic leaders’ meeting, which

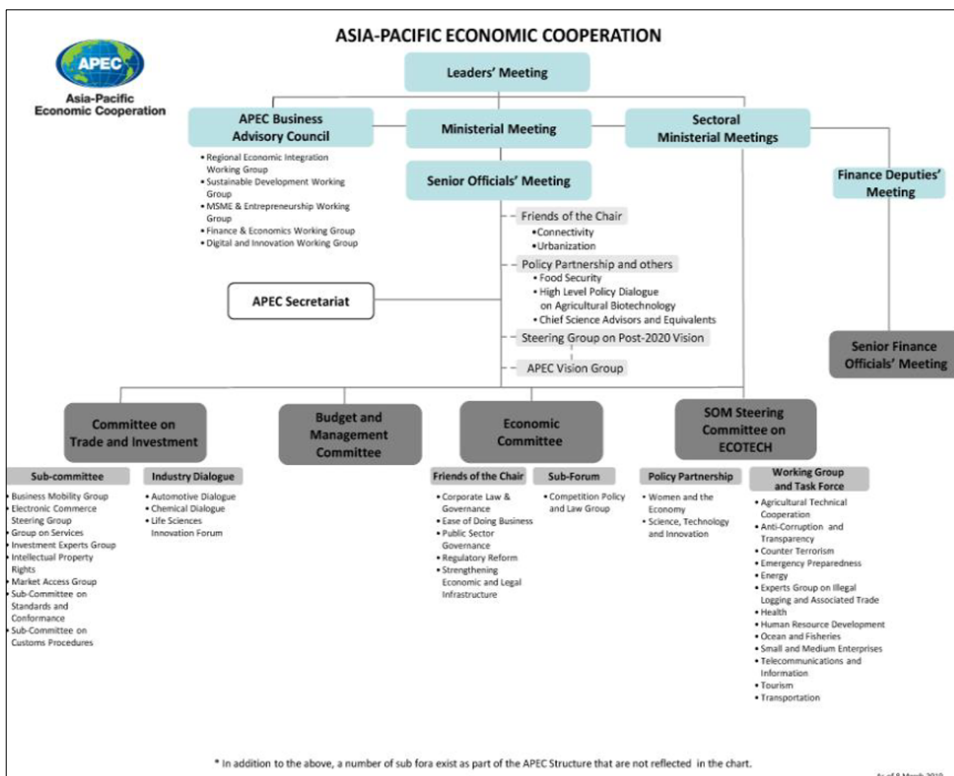
sets the policy agenda for the incoming host; media engagement; and spouses’ programme.

APEC structure

The main operating layers of APEC are set out in Figure 3, which include:

- Leaders’ meetings held annually since 1993 at which APEC’s direction and programme of action to achieve them are discussed and agreed, and allows for informal side meetings among leaders
- Ministerial meetings attended by foreign and trade ministers since 1989, approve APECs work programme and budget, and policy
- Senior officials’ meetings of government department heads occur regularly to implement APEC ministerial decisions and prepare for future meetings
- Several committees and subcommittees:
 - Trade and Investment Committee
 - Economic Committee
 - Budget and Administrative Committee
 - Ecotec Subcommittees
- Working groups on energy, fisheries, human resources, industrial science and technology, marine resource conservation, tourism, telecommunications, trade promotion, trade investment data, transportation.

FIGURE 3 STRUCTURE OF APEC



Source: Manatū Aorere (2019, p. 5)

APEC Business Advisory Council

In 1992, an Eminent Persons Group was established to articulate a vision for trade in the Asia-Pacific region, until it was disbanded in 1995. The APEC Business Advisory Council is an APEC forum that was established in 1995 as a permanent business advisory body, replacing the Pacific Business Forum (APEC, 2017). APEC leaders appoint up to three representatives from their respective economies to the council from the private sector (APEC, 2017). ABAC's objectives are to strengthen regional business ties to APEC, to advise APEC on its priorities from a business perspective, and to respond to requests for advice on reviews and specific issues (APEC, 2017). ABAC provides a report annually to ministerial and leaders' meetings. ABAC meets four times each year, with ABAC representatives also attending senior officials' meetings, the ministerial meeting, and sectoral ministerial meetings. The ABAC chair comes from the APEC host (ABAC, 2021).

6.5 APEC 2021

APEC 2021 was expected to involve hosting up to 22,000 people in a series of events. New Zealand's proposed approach to the hosting of APEC in 2021 is outlined in a master plan prepared by senior officials in July 2019 (Manatū Aorere, 2019). The plan was premised on APEC 2021 functioning as an in-person, physical event, with attendees travelling to New Zealand. The plan comprehensively defines the government's role and expectations as APEC host, and contains guidance on the concept and context of APEC, a plan for interagency cooperation on the delivery of APEC 2021, a financial plan on how the event was to be funded, and the financial and programme controls (Manatū Aorere, 2019). The plan makes clear New Zealand's ambition to deliver an integrated, well-organised, coordinated, and harmonised programme of events. Other aims were to ensure leaders and managers have a clear understanding of the event and the authority to establish and disestablish event capability, and to implement programme controls. The plan also stands as a 'legacy document' on how the APEC hosting was planned and organised in 2021.

Hosting is a once-every-20-years role for APEC members. The role allows the APEC host to inject host economy interests into the agenda and develop consensus on joint priorities and actions. In 2012, the New Zealand government confirmed its commitment to hosting APEC in 2021. Officials commenced business case preparation in 2017. Seven strategic objectives were set to guide APEC

preparation, including security, high-quality, prosperity, relationships, showcasing, leverage, and public support. Expected benefits of hosting APEC include value from trade and investment, regional security, well-being, social cohesion, and cultural identity.

Hosting APEC presents several constraints, namely, the one-off nature of the opportunity, the diffusion of activity across a large number of people and events, the difficulty of evaluating benefits which have a long-term maturation, and the high operational cost relative to benefits, which tend to be uncertain and distant (Manatū Aorere, 2019). A conservative approach to benefit realisation was used to manage expectations. While APEC is an all-of-government event calling on many agencies, centralised funding administered by the lead agency MFAT was required. Cabinet approved a 'bare minimum' budget of \$184 million, with agencies expected to meet their costs primarily through existing funding.

In the plan, demonstrating New Zealand's partnership with Māori and inclusiveness of Indigenous peoples were regarded as opportunities for New Zealand's hosting. Operationally, the APEC Policy Division and all matters relating to the hosting of APEC had been combined. This means that the Māori Success programme was under development from early 2019 and had staff in addition to the Principal Adviser from mid-2019. APEC New Zealand was formally called a 'unit' from the time MFAT restructured its APEC activity with the move to virtual hosting in mid-2020. Promoting the relevance of APEC and its enhanced themes, and the inclusion of Indigenous peoples and Māori success, were aims of MFAT's communications.

The APEC 2021 policy agenda focused on advancing New Zealand's long term prosperity, which is understood as best served by a "functioning liberal, rules-based order [and] liberalisation of services sectors and the exploitation of digital technologies" (Manatū Aorere, 2019, p. 20). Cabinet identified Indigenous economic development as one of five priorities for APEC in March 2018. The Cabinet Committee on External Relations and Security oversaw APEC hosting preparation.

APEC New Zealand (APEC NZ) was established as the group within MFAT to lead the delivery of the APEC 2021 programme. APEC governance comprised Cabinet, the ministers of Foreign Affairs, Trade & Export Growth, and Police, the APEC21 CEO Sponsoring Group (CEOs of key departments), and the APEC21 Programme Board of senior officials chaired by Deputy Secretary APEC21 Andrea Smith.

6.6 Virtual APEC 2021

In June 2020, Cabinet decided that New Zealand would deliver a virtual APEC programme in 2021. In March 2021, the master plan was updated to reflect New Zealand's virtual hosting (Manatū Aorere, 2021i). The plan set out the vision for APEC hosting and a roadmap to achieve this vision. The revised strategic objectives for APEC 2021, endorsed by Cabinet in August 2020, were to:

- lead a collaborative regional response to the economic impact of Covid-19
- demonstrate the relevance of APEC
- position New Zealand as an enabler of digital diplomacy.

In March 2021, two additional strategic objectives were added to reflect Cabinet's decision for APEC New Zealand to increase Māori and Indigenous participation in APEC and profile New Zealand's leadership of APEC (Manatū Aorere, 2021i). The objectives were to:

- demonstrate New Zealand's partnership with Māori and inclusive approach
- profile New Zealand to support our trade recovery strategy.

Without the need for travel, a virtual programme had the potential to allow more delegates to attend. Guidelines for the virtual hosting of APEC meetings did not exist. In August 2020, Cabinet set aside an initial budget of \$47 million for virtual hosting and a further \$4.16 million in November 2020. Thus, APEC 2021 became an opportunity to demonstrate New Zealand could host APEC virtually. The challenge was to host 300 meetings, with 21 economies, across 17 time zones with high quality, security and safety, and financial prudence, while using a functional, reliable, and engaging virtual platform. A strategy for virtual meeting environments and experiences that exceeds APEC members' expectations and New Zealand's strategic objectives was developed. An authentic New Zealand experience that includes "te ao Māori perspective[s]" (p. 27) and provides a platform for Māori to articulate "the benefits of APEC" (p. 28) was an expected element of this strategy (Manatū Aorere, 2021i).

6.7 ABAC 2021

In their most recent report, ABAC call on APEC economic leaders to put the well-being of people at the heart all their activity (ABAC, 2021). This means promoting universal and equitable access to vaccines, free trade in vaccines, and eventually safe border reopening. ABAC also encourages

APEC leaders to focus on economically empowering disadvantaged groups, including Indigenous peoples, as part of a Covid-19 Asia-Pacific economic recovery. ABAC further supports liberalisation of trade in environmental goods and services and cooperation on sustainable development and renewable energy in response to climate change and low carbon goals (ABAC, 2021). A focus on supporting an open multilateral trading system through the World Trade Organization (WTO) is a further goal.

During APEC 2021, ABAC held its first ever Indigenous Business Leaders dialogue with over 90 Indigenous participants from eight APEC economies (ABAC, 2021). The dialogue, which was held virtually on 7 July 2021, supported recommendations for APEC on Indigenous business. These recommendations urge APEC to prioritise Indigenous inclusion, partnering with Indigenous business, expanding Indigenous peoples' access to infrastructure, collecting relevant Indigenous data with free, prior, and informed consent (ABAC, 2021).

6.8 APEC leaders' statements

APEC economic leaders' declaration

The declaration is a statement that APEC economic leaders announce at their annual meeting in November on APEC's direction and proposed actions. The APEC economic leaders' declaration was announced on 12 November 2021 (Manatū Aorere, 2021a). In the declaration, APEC leaders state that in response to Covid-19 and its impact across the Asia-Pacific region that they are "taking steps to ensure growth rebounds quickly and to boost the global economic recovery" (Manatū Aorere, 2021a, p. 1). The leaders are committed to returning the Asia-Pacific region "to growth in a way that is more innovative, inclusive and sustainable" (Manatū Aorere, 2021a, p. 1). A major focus is on expanding the production and distribution of Covid-19 vaccines and associated medical supplies across borders and sharing information on facilitating safe cross-border movement of people, particularly transportation workers (Manatū Aorere, 2021a). Coordination on strengthening health systems is also a priority.

The declaration commits APEC members to accelerate work to deliver "a more open and predictable environment for access to services markets" by 2025 (Manatū Aorere, 2021a, p. 1). A long-standing commitment to the WTO is reiterated and priority given to market-based regional economic integration. A commitment to mutually supportive environmental and economic policies

is made, including energy resilience, security and access, and integration of climate change across APEC's work.

With a focus on groups with untapped economic potential, APEC economic leaders commit to the economic empowerment of "Indigenous Peoples and those in rural and remote areas, among others" (Manatū Aorere, 2021a, p. 1). In particular, the leaders agree to deepen their "cooperation in these areas, where relevant, to ensure their access to economic opportunities, including to improve access to global markets, and encourage the transition of economic actors from the informal to the formal economy" (Manatū Aorere, 2021a, p. 1). The leaders also endorse the Aotearoa Plan of Action as a "living document" to guide implementation of the Putrajaya Vision 2040 (Manatū Aorere, 2021a, p. 1).

Aotearoa Plan of Action

The Aotearoa Plan of Action sets out high-level objectives and actions that APEC economies voluntarily agree to work toward over the next 20 years to achieve the Putrajaya Vision of "an open, dynamic, resilient and peaceful Asia-Pacific community by 2040, for the prosperity of all our people and future generations" (APEC, 2021c, p. 1). It sets out objectives for three economic drivers: (1) free trade and investment; (2) innovation and digitalisation; and (3) and strong, balanced, secure, sustainable, and inclusive growth. Under the last of these drives, the plan states:

Building on APEC's work on supporting MSMEs'[micro, small and medium enterprises] and women's economic empowerment, and cooperate to further develop APEC's work on other groups with untapped economic potential, such as indigenous peoples as appropriate, people with disabilities, and those from remote and rural communities. (APEC, 2021c, p. 4)

6.9 APEC 2021 outcomes

APEC 2021 closure

APEC 2021 was an all-of-government programme that MFAT led to plan, prepare for, and deliver the APEC host year (Manatū Aorere, 2022a). The closure report for the programme describes what was achieved and how, and ensures the programme has been effectively concluded. Early governance of APEC 2021 at the agency chief executive and deputy chief executive levels established that other agencies had a stake in APEC, that involving Māori as the treaty partner in APEC was important, and that funding would be well managed and optimised. APEC NZ was established as a separate unit within

MFAT combining policy and operational functions of APEC hosting. Technology, accommodation, and venues, and enabling legislation were critical risks to be managed. An APEC security programme to deliver a safe and secure event led by Police was also a key feature of hosting under as a physical programme. When hosting APEC 2021 became a virtual event, the Police's role changed to a focus on managing threats from hosting a virtual event.

The value and need for Māori engagement during the host year was acknowledged as critical, but MFAT lacked the internal capability to develop and sustain the required Crown-Māori relationship. Amokura Consulting was engaged to provide advice on options for engaging with Māori. The Principal Adviser Māori position was created and Taria Tahana appointed as a result of this advice. The establishment of a team to focus on Māori outcomes and build mātauranga Māori capability across the APEC 2021 programme followed this role (Manatū Aorere, 2022a). The principal adviser led a change in the APEC 2021 narrative from Māori engagement to Māori success, allowing a broader range of benefits and outcomes to be realised from Māori participation. Outreach with the Māori entities and mana whenua revealed positive interest in APEC and a need to determine opportunities to participate.

The government's decision to change to a virtual APEC in July 2020 refocused objectives on collaborative responses to Covid-19, the relevance of APEC and enabling digital diplomacy. With four months until the first APEC meeting of senior officials in December 2020, APEC NZ quickly reorganised, closing functions no longer needed, including accommodation, travel, and physical security. New delivery capabilities were established, and modifications made to the contributions of key delivery partners.

Event and activity delivery during the host year was extensive, including:

- 1,000 hours on an APEC 2021 meeting platform involving 8,500 delegates
- Three clusters of officials' meetings and ad-hoc meetings
- Two leaders' meetings and 10 ministerial meetings
- 43 bilateral meetings
- VoF with 90 youth delegates and 45 New Zealand students in a parallel event
- CEO Summit delivered with 1,800 participants, and 3,000 livestream viewers.

MFAT reports that all five of the government's strategic objectives were achieved (Manatū Aorere, 2022a). A notable policy achievement te Manatū Aorere considered was “bringing a substantive APEC focus to Indigenous peoples, and connecting Māori with APEC's work” (Manatū Aorere, 2022a, p. 18). Advancing Indigenous economic inclusion in the APEC agenda, the launch of IPETCA with New Zealand, Canada and Australia, and the formation of Te Rangitūkupu were identified as unique contributions. Notable achievements of Te Rangitūkupu included leading an Indigenous to Indigenous dialogue, reflecting Māori interests in IPETCA, selecting rangatahi scholarships, and producing content exhibiting Māori businesses and culture (Manatū Aorere, 2022a).

6.10 Māori success

Achieving success for Māori was to be incorporated in policy, hosting, and leveraging activity, in an opportunities package developed with Māori for authentic, meaningful, and impactful contributions. In terms of policy, the inclusion of Indigenous economic empowerment would provide New Zealand with an opportunity to lead the conversation within APEC on Indigenous matters. It would also allow APEC to evaluate its potential as a forum for Indigenous economic cooperation on trade and investment. Māori had expressed interest in participating in APEC, showcasing excellence, sharing models of development, and te reo Māori and Māori artefacts as gifts for leaders. Māori expected that Māori cultural practices would be integrated into APEC events and activity, which is delivered with mana whenua.

Māori success framework

Māori success at APEC 2021 had been enhanced, which, according to Manatū Aorere (2021i), was framed around the four priorities of a Māori success framework:

- Māori virtual experience: Elevating Māori voices to recognise their status as tāngata whenua and to honour the treaty partnership
- Indigenous connections: Enabling Māori to participate actively and substantively in specific areas of interest and priority to New Zealand across the APEC21 agenda
- Indigenous policy inclusion: Recognising the importance of Indigenous peoples' knowledge, values and solutions in addressing the region's trade and economic recovery
- Māori communications and outreach: Sharing the unique value proposition of Māori economic activity through a Māori lens.

A virtual hosting was viewed as an opportunity to advance the inclusion of Indigenous peoples and their perspectives in APEC by pursuing “in-APEC opportunities” for Indigenous peoples and establishing an “APEC adjacent stream” as a way to foster Māori and Indigenous relationships (Manatū Aorere, 2021i, p. 30). Partnering with Māori to substantively influence policy that is of interest to Indigenous peoples using a ‘project approach’ and customising communications for Māori and Indigenous audiences and enhancing the delegate experience with cultural elements were also underpinning principles of the Māori success framework. Two key events that were planned for Leaders' Week were not able to be held: the signing of an Indigenous peoples' economic arrangement because it was not yet concluded; and a Māori partnership event, due to Covid-19 restrictions.

The Māori success unit was described as having the following function:

The Māori success programme will ensure Māori are able to contribute to New Zealand's hosting of APEC in 2021 in a way that is meaningful, authentic, and impactful. This will include authentic and moving cultural experiences for APEC delegates; showcasing the best of te ao Māori in a way that creates new economic value for Māori and strengthens our contribution to the Asia-Pacific; and leading an Indigenous conversation that demonstrates New Zealand's reputation as an inclusive society and leader in Indigenous development.
(Manatū Aorere, 2021i, p. 48)

Māori success project

A Māori success project plan was developed between February 2021 and its approval in April 2021, with various amendments made to July 2021 (Manatū Aorere, 2022c). The Māori success plan positions New Zealand's APEC 2021 hosting as an opportunity to advance Indigenous peoples' inclusion in APEC with a focus on Indigenous policy inclusion and Indigenous connections, underpinned by partnership with Māori. The Māori success project was guided by a strengths-based approach, valuing Indigenous knowledge, and partnering with Māori to share decision-making and resources to co-design and deliver Māori-led initiatives. Success would be measured by Māori voices being heard, Indigenous perspectives being reflected in APEC, and APEC economies joining the Indigenous inclusion journey. Māori success initiatives required thorough scoping, plans, budgets, capability, and accountability and controls.

A Māori success framework identified the Māori virtual experience, Indigenous connections, Indigenous policy inclusion, and Māori communications and outreach as priorities. A system of prioritising in and out of scope project activities was used to guide the project team. Out of scope was a budget for the Indigenous collaboration arrangement and an Indigenous subsidiary fund within APEC. Four key roles were identified for the Māori success team, including a principal adviser Māori, senior policy officer, senior communications adviser, and Māori adviser, along with project management support.

An initial budget of \$100,520 was originally approved for Māori success, but Cabinet approved an additional \$0.96 million in December 2020. Around \$550,000 of this funding was allocated to non-people resources and \$430,000 for people resources. This was not the only resource that was available for Māori-centred activity; there were other workstreams for which the funding of such activity was part of the baseline expectation (e.g., communication and engagement, CEO Summit).

6.11 Outcomes for Māori

In November 2021, MFAT reflected on the Māori success package as part of its closure of APEC 2021. The purpose of this work was “to advance Indigenous connections in the margins of APEC, create an impactful virtual Māori experience and develop a programme of activities in partnership with Māori to improve visibility of Māori economic contributions” (Manatū Aorere, 2021d, p. 4).

Despite resistance from some APEC member economies, New Zealand had “successfully launched an Indigenous agenda in APEC” (Manatū Aorere, 2021d, p. 4). This outcome is reflected in the establishment of an “in-APEC agenda” for Indigenous perspectives across a range of projects, including:

- The relationship between science and traditional knowledge
- Indigenous food security
- Measuring Indigenous economies
- Indigenous women’s economic empowerment
- Indigenous economic recovery from Covid-19.

The Māori success work culminated in APEC members committing “to cooperate on Indigenous economic inclusion over the next 20 years” in the Aotearoa Plan of Action, a plan for implementing the Putrajaya Vision 2040 (Manatū Aorere, 2021d, p.

4). Noted events and activity of the Māori success project include:

- A policy dialogue on understanding and valuing Indigenous economies within APEC during the first senior officials meeting
- An expert’s workshop during the third senior officials meeting on understanding the economic impact of Covid-19 on Indigenous peoples
- The development of an Indigenous Economic and Trade Cooperation Arrangement (IPETCA) focusing on Indigenous economic empowerment and trade in the Asia-Pacific region
- The signing in June 2021 of a partnership memorandum of understanding between MFAT and eight Māori entities called Te Rangitūkupu enabling Māori participation in APEC
- An Indigenous to Indigenous dialogue led by Te Rangitūkupu, and reports on valuing Indigenous economies and the pandemic’s impact on Indigenous peoples.

Te Rangitūkupu took longer to negotiate because it involved a shared approach to decision-making between Māori and the Crown, which was a first for MFAT. Over four months, Te Rangitūkupu held 30 meetings with officials and others providing advice covering digital diplomacy, trade negotiations, policy, rangatahi, the CEO Summit, and digital showcasing. Māori cultural content featured in meetings and in the gifts and leaders’ apparel, and in pōhiri for senior officials and ministerial meetings with the leadership and support of Te Ati Awa.

Māori success funding

Of the \$0.96 million funding for Māori success, \$0.62 million was actually spent. The underspend was explained as a consequence of the longer than expected negotiation of the memorandum with the APEC Māori partnership group (Te Rangitūkupu), that the Māori success project plan was not finalised till mid-2021, difficulties in securing people with the requisite knowledge and skills, and expediting contracts in a timely manner. With short time frames to deliver a programme with a wide scope, the core Māori success team found they were “stretched” despite support (Manatū Aorere, 2021d, p. 11).

6.12 Te Rangitūkupu

Te Rangitūkupu is a memorandum of understanding between eight Māori entities and te Manatū Aorere/ Ministry of Foreign Affairs and Trade that was signed in Tāmaki Makaurau on 11 June 2021 (Te Rangitūkupu & Manatū Aorere, 2021). MFAT set

out to partner with the listed Māori entities to enable Māori to participate in the delivery of APEC 2021 to achieve a “meaningful, authentic, impactful contribution to New Zealand’s hosting of APEC 2021 (Te Rangitūkupu & Manatū Aorere, 2021, p. 1). Te Rangitūkupu is co-chaired by Traci Houpapa and Pita Tipene.

Te Tiriti o Waitangi/the Treaty of Waitangi is recognised as the nation’s founding document and is the basis of Te Rangitūkupu. The partnership is between rangatiratanga and kāwanatanga which seeks to give effect to Māori rights and Crown obligations under te Tiriti/the Treaty. A precis of the principles by which the Māori entities entered into Te Rangitūkupu follow:

- Shared authority is informed by Māori-Crown relationship that endures from 1835
- Mana tuku iho and mana whakahaere need to be preserved
- Rangatira uphold the mana of hapū and the Crown represent tauwiwi
- Tikanga-based trading relationships are important to Māori
- The exercise of mana and tino rangatiratanga depend on information
- New approaches to trade policy that give effect to te Tiriti are needed
- Te Tiriti/the treaty is a relationship of equals involving two sovereign nations.

The principles MFAT recognises in Te Rangitūkupu are:

- Te Tiriti o Waitangi/the Treaty of Waitangi is New Zealand’s founding constitutional document and the basis for the continuing Māori-Crown partnership
- Māori and MFAT wish to develop a mana enhancing relationship that reflects tiriti principles, which acknowledges:
 - the rangatiratanga and status of Māori as treaty partners
 - the contribution of mātauranga Māori to policy and problem-solving
 - Māori resources and capability for achieving beneficial outcomes
 - Māori must have a role in determining how international trade affects them.

The Māori entities entered into the memorandum to actively protect Māori rights under te tiriti in relation to trade policy. This protection is achieved by the

exercise of tino rangatiratanga, mana motuhake, mana tuku iho, mana whakahaere, and Māori values. For its part, MFAT agrees to engage with Māori authentically and with integrity, and according to Māori and Pākehā values.

The change to a virtual APEC hosting because of the Covid-19 pandemic is described as “a unique opportunity to extend the reach and advance Indigenous dialogue with APEC Members and related bodies...to influence the region’s trade and economic policy settings” (Te Rangitūkupu & Manatū Aorere, 2021, p. 4).

The parties – the eight Māori entities and MFAT – agreed to work together as representatives of the treaty partners in good faith on shared objectives and actions. MFAT’s obligation to consult beyond the Māori entities was understood. An ambitious set of objectives and actions were set for the period of the memorandum, which was to expire 30 November 2021, when New Zealand’s host year ends. Monthly meetings were scheduled to oversee progress, and ringa raupā rōpū or working groups were to be formed. Te Rangitūkupu provided for MFAT to contribute to meeting costs and the Indigenous to Indigenous Dialogue. A pilot tiriti audit was identified as a key action.

6.13 Indigenous Peoples Trade and Cooperation Arrangement

The Indigenous Peoples Trade and Cooperation Arrangement was developed between February and December 2021 by New Zealand and other APEC member economies as a “plurilateral” arrangement (Manatū Aorere, 2021g, p. 1) for APEC economies and Indigenous peoples to work together on Indigenous trade and economic connections (APEC, 2021e). The arrangement encourages cooperation on responsible business conduct, traditional knowledge, opportunities for enterprise, digital trade and e-commerce, and also reaffirms commitment to the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) (Manatū Aorere, 2021g).

The arrangement is open to non-APEC member economies to join who share in its aspirations for Indigenous trade and economic cooperation. The arrangement is intended to ensure Indigenous trade is part of APEC’s agenda. The IPETCA Partnership Council comprising Indigenous people and member economy representatives will oversee the IPETCA. Indigenous people, including Māori, were involved in developing the text. APEC member economies meet their own costs and contribute to the IPETCA costs.

7. FINDINGS

This section sets out the findings from interviews with participants in the tiriti audit. This section is organised as follows: first, a focus on the meaning of APEC, its strengths and weaknesses for Māori, Māori participation in APEC, and the benefits and outcomes for Māori.

7.1 The meaning of APEC

APEC a clash of world views

APEC is a testing ground for new ideas and methods of free trade [7]. APEC excludes subjects that inhibit or constrain its free trade agenda [7]. A key task for Māori was to develop a treaty-based framework around APEC, which highlighted tensions between the treaty and APEC agenda [7]. Few Māori would understand the context of APEC [7]. APEC and the treaty reflect a clash of world views on policy, rights, and decision rights, with officials working within a paradigm that limits understanding of treaty and Māori rights and interests [7].

APEC 2021 preparation and delivery

APEC 2021 occurred over several phases, initially focusing on defining it, building a business case to fund it, followed by interacting with stakeholders on their expectations, before the preparation phase [1]. Event management and security were critical knowledge and skills [1]. Preparation for APEC 2021 occurred over three years, but the team was restructured with the switch to a virtual event, following Cabinet's decision on this [1]. The first APEC meeting was December 2020 [1]. At its peak, the APEC NZ team size for the virtual event was about 90–100 staff, including contractors [1].

APEC 2021 was a once-in-20-year opportunity that was time-bound to the host year [15]. New Zealand's host year started when the Malaysia's leaders meeting ended in November 2020 and the informal senior officials' hui in December 2020 [17]. The host year role ended in January 2022 [17]. Key priorities for APEC 2021 were: (1) responding to the pandemic; (2) establishing green lanes for vaccines; (3) identifying a list of environmental services; and (4) adding climate change and Indigenous issues to the APEC agenda [17]. APEC 2021 eliminated tariffs on vaccines and PPE [17].

APEC is conservative, voluntary, non-interfering, non-binding, and consensus-based

APEC is a community of economies, so agenda-setting is constrained by the geopolitical nature of its members [7]. While APEC members agree not

to interfere with each other's economies, this is not always true as the APEC margins provide scope for important questions of policy to be resolved (e.g., East Timor) [7]. APEC is conservative, using consensus decision-making, which takes time to achieve results [11]. The challenge of APEC was asking Indigenous peoples to join a conversation for a long time not knowing the outcome or how Indigenous ideas might be received [11].

APEC is hierarchical, bureaucratic, and slow, but being part of it is about making a difference over time [15]. Māori must consider what can be achieved in the context of APEC versus other fora [15]. APEC is about compromise; everyone has to agree, and Māori involvement in that main programme was limited to cultural aspects and some leadership roles [6]. The work of Te Rangitūkupu was more in the adjacent programme, where Māori were able to lead more [6].

APEC is about sharing knowledge, building capability

APEC not a hard decision forum, it is a space to have conversation [9]. This means sharing stories and examples of Indigenous capability, progress and contribution, and the potential to help Indigenous people develop rather than reaching firm commitments on Indigenous trade [9]. It is about learning and sharing with humility because Indigenous peoples' situations differ [9].

7.2 Indigenous engagement in APEC 2021

Indigenous inclusion – participating under conditions of uncertainty and ambiguity

The reference to Indigenous inclusion in the Aotearoa Plan of Action, the APEC economic leaders plan for implementing APEC's goals was a first [1]. While some participants dismiss the wording as overly modest, for others this statement is remarkable because of APEC's consensus method where all 21 members must agree on decisions [1]. A reference to Indigenous inclusion provides a basis for Indigenous people, perspectives, and priorities to become established as part of the work of APEC [1]. The government wanted to use every APEC forum to open the kuaha (door) to a broader conversation inclusive of Indigenous people [12]. APEC is a government-to-government (G2G) forum [6]. This meant that the government had to balance APEC's membership framework and its own agenda on Indigenous people; this is the compromise that APEC requires [6].

In the APEC economic leaders' declaration, Indigenous people are lowly ranked [7]. APEC priorities have not included Indigenous and Māori interests; instead, categories of product are prioritised, particularly agricultural products [7]. APEC was not designed to benefit Māori because APEC can exclude Indigenous people from its agenda [7]. When APEC uses the term 'inclusiveness' this refers to the environment, women, labour, and digital trade, not to Indigenous peoples [7]. Indigenous-to-Indigenous (I2I) commitments depends on predisposition of the APEC host to Indigenous peoples [7]. The aspiration is to have an APEC caucus on Indigenous issues within APEC, but future hosts must advance this [7].

An aim of APEC 2021 was to make sure Indigenous inclusion was on the APEC agenda and Indigenous peoples were inside the room when discussing the work [11]. This was part of New Zealand's goal as host to include more business, Indigenous, and youth voices in APEC [11]. It is clear to this participant that Māori occupy a privileged position where they can make change, but it is difficult for other Indigenous people to have a similar impact [13].

Differences across Indigenous economies must be understood

Indigenous peoples in APEC economies have different constructs, different relationships with their governments, and different economies, which mean differences in process and outcomes are to be expected across APEC members [3]. In observing APEC members, it was clear that Māori are in a very different place relative to other Indigenous peoples, which was humbling and insightful [12]. Listening to the generosity of experience, Indigenous peoples are walking a broad path that Māori have walked, but each people is in a different place [12]. APEC members' attitudes and policies on Indigenous people were a stark contrast to those of Aotearoa [3]. The validating of indigeneity was a key challenge for Indigenous peoples [3]. Australia presented a sophisticated position on Indigenous peoples; other members were more cautious [3].

The value of the Crown acknowledging Māori cannot be underestimated [6]. Being able to have robust conversations with the Crown, having treaty rights, participating in APEC, and having Indigenous issues addressed – while these might seem like small things, compared to other APEC economies, some of which do not acknowledge Indigenous peoples, these are good outcomes [6].

Making best use of the 'margins' – the APEC adjacent programme

APEC adjacent activities enabled the IPETCA to be negotiated and concluded as part of APEC 2021 [1]. By operating alongside APEC, policy can be progressed by APEC members outside the constraints of the APEC forum's conservative approach and members' political sensitivities [1].

IPETCA is not a core part of APEC, and its potential is uncertain because there is no commitment from APEC members to resource and implement it [7]. IPETCA represents a generational chance for change in Indigenous trade [9]. APEC members need time to talk to their Indigenous people, which must be provided for in the implementation of IPETCA [9].

Māori were at the table on the IPETCA negotiation as they are in treaty settlements [5]. Officials found having Māori at the table beneficial [5]. APEC members are more interested in Indigenous peoples' issues, but Māori remain at the margins [5]. IPETCA is "next level" for Māori because it offers the prospect of multilateral Indigenous collaboration [5]. It is an arrangement that provides for long-term outcomes [5].

APEC 2021 was about encouraging APEC members to talk about Indigenous issues, which was aided by having a Māori minister [9]. As a vehicle for growing economic prosperity in the region, APEC has done this [11]. At APEC events, the chance for small group meetings with leaders of massive economies is "gold for us" [11]. These smaller meetings allow officials, ministers, and delegates to talk about the best way to develop their economies [11].

Sustainability, gender, inequality and small enterprise

In 1989, APEC's focus was on how to ensure developing Asian market economies adopt market-based ways of growing. Now the focus is on the lessons of economic growth, which are apparent in sustainability and inequality issues, as well as the position of women, small and medium enterprise (SME), and Indigenous issues [11]. APEC is about big business, but there is an increasing role for SMEs [16].

7.3 Strengths of APEC 2021

Māori leadership widely recognised and valued

Having a Māori minister added gravitas to what officials were doing [6] and was a unique aspect of APEC 2021 [15]. Māori would not have had the same impact without Minister Mahuta [14] – Māori and treaty input into APEC would have been tokenistic [7]. Minister Mahuta and Rachel Taulelei were visible Māori leaders advocating for things Māori [15]. Māori were fortunate with Minister Mahuta pushing and standing behind this [13]. Having a Māori woman with a moko kauae (traditional chin tattoo) is a huge boon because this is the first impression of anyone from overseas gains when engaging with Aotearoa New Zealand [13]. The minister was clear about what she wants for Māori, which is for Māori not to be at the back but at the front [13]. The minister is a strong Māori woman at the top of the game internationally [13]. APEC 2021 demonstrated New Zealand has successful Māori businesswomen leading businesses [17]. Māori leadership at the ministerial, business, and digital levels was impressive, but the Māori partnership group lacked diversity of Māori input from business and academics [2]. Māori leadership was evident across key aspects of APEC with Māori leading the APEC business advisory group [3]. The tenacity of Indigenous and Māori women at APEC was clear, whereas ministerial meetings were a very staged set of interactions [12].

Māori participation across all key events

Māori involvement and leadership in key events, particularly ABAC, the CEO Summit, and VoF were regarded as positive outcomes [1]. Additionally, Māori culture was represented in the collateral and language used during APEC 2021 [1]. The value of having Māori involved in APEC and its conversations was recognised and appreciated [1]. During the IPETCA negotiations, a breach of tikanga was challenged and the behaviour improved [7]. There is mutual respect now, but the same cannot be said about other parts of MFAT [7]. The MFAT negotiator on IPETCA took advice from the ringa raupā – the working group of Te Rangitūkupu – who was able to share updates without revealing members' positions [7]. Māori inclusion was positively received, but tangible benefits for Māori were needed [4]. However, if authentic Māori voices are expected, this requires adequate time and resource for Māori community engagement [4]. For Te Rangitūkupu, a culturally led APEC was the expectation, but the reality shows limitations of both Māori and the government in terms of their reach and impact into Māori community [6].

APEC's requirement for its events to be in English negated use of te reo, but it was still used wherever possible [8]. For instance, hosts were te reo speakers and the summit chair who is Pākehā used te reo as much as he could [8]. As hosts, Ngāti Whatua were still engaged as if it were a live event to open and close the event [8]. Digital Māori content for the welcome was also produced [8].

Māori partnership entity a strength

The formation of a partnership entity was a positive development, as was the formation and work of the Māori success team within APEC NZ [1]. Te Rangitūkupu offered a collective Māori voice with diverse membership, which its co-chairs effectively led [7]. The whakaruruhau and Te Rangitūkupu groups completed a year's work in half that time, and there is a desire for this effort not to be wasted for those these entities represent [13]. A profound impact was felt from the Indigenous forum [16]. Sharing knowledge and culture, and youth involvement through scholarships were highlights [16]. Some outstanding rangatahi gifted in te ao Māori (the Māori world) and te ao hurihuri (the modern world) were uncovered [16]. When Māori entity representatives first met with officials, it was uncomfortable for officials. We had some great leaders who were able to challenge MFAT [16].

Māori success narrative increases delivery expectation

The Māori success programme was a start-up role with a focus on determining how to advance Indigenous issues in APEC and realise benefits for Māori [15]. Covid-19 caused a restructure of the APEC programme to a "very discombobulated context... [with] huge time pressures" [15]. In November 2020, Cabinet approved the Māori success programme [15]. Māori success had three main aims: (1) advance policy for Indigenous people; (2) negotiate an Indigenous trade arrangement; and (3) to do (1) and (2) in partnership with Māori [15].

Initially, the resource for Māori success activity was limited to an administrative role with a focus on Māori engagement [9]. This shifted to supporting Māori success in and through APEC [9]. This new narrative supported showcasing Māori business through the APEC programme [11]. Acknowledging that Māori have always been traders, resonates with the Trade for All agenda [12]. The Māori success team were exceptional at communicating the needs of Māori to government [13]. The principal adviser Māori did an unbelievable job [17].

Acknowledging APEC 2021 officials' contributions

APEC officials must be acknowledged for their work in successfully supporting APEC hosting [14]. Advancing Indigenous issues was going to be challenging because of the consensus nature of APEC [15]. A deliberate strategy to penetrate APEC with Indigenous policy exceeded expectations as agencies took on Indigenous activity [15]. During APEC 2021, MFAT became very skilful at operating a clumsy online tool [10]. It is hard to know then why since 1840 they cannot comprehend and apply the treaty [10]? Skilful use of online meetings technology improves relationships and enhances partnership [10]. A more engaged platform to facilitate free flow of engagement did not eventuate [12].

At a personal level, a highlight of APEC 2021 was the performance of a diverse team of officials achieving something unique in terms of outcomes during a pandemic response. These outcomes included the delivery of the Aotearoa Plan of Action, delegates experiencing manaakitanga, reference to Indigenous inclusion in the plan, and provision for I2I cooperation [1]. The chairing of APEC Business Advisory Council (ABAC) by Rachel Taulelei was another highlight [1]. The CEO summit infused Māori content in the way sessions were hosted, with seamless use of te reo Māori, showing New Zealand in its fullness and the range of people we have [1].

7.4 Weaknesses of APEC 2021

Crown and Māori views on sovereignty

On the matter of sovereignty, one participant remarked that "I know my view of sovereignty is not what the Crown thinks it is, but Māori can live with dissonance" [3]. APEC was a proxy for Māori and Crown relationships, which the Wai 2522 claim on Comprehensive and Progressive Agreement for Trans-Pacific Partnership (CPTPP) shows was not working, and the analysis confirmed this. Crown and Māori relations have a legalistic focus, but the focus should be on relationships [3]. There is "a very thin commitment that is mainly about spectacle," but senior officials are now taking Māori and the treaty more seriously [7]. Crown-Māori differences on sovereignty must also be addressed [3].

A rotating workforce with a low trust environment

APEC NZ was a high-pressure workplace [2]. There appeared to be a high rotation of staff in the Māori Success team, which delayed strategy development and its implementation [2]. MFAT was a low trust environment with security protocols and approvals processes impacting the efficiency and

efficacy of the work [2]. While the Māori success team had operational responsibility for Māori participation in APEC, they should also lead Māori policy on APEC rather than this leadership being given to another unit [2].

Funding problems – a clash of operating philosophies and timing

There was serious disagreement over funding, with the Crown wanting to pay Te Rangitūkupu technical advisors the meeting rate not the consulting rate. This position was challenged and eventually resolved with the minister [7]. Once resolved, however, funding for technical advisers was slow, impacting the ability to provide advice for Te Rangitūkupu [7]. Technical capacity among the Māori partnership group was limited, reducing the impact that Te Rangitūkupu was able to have on APEC 2021 [7]. Within Te Rangitūkupu, Māori were constantly "fighting" with officials for every dollar, to be on the global stage, for Māori rights and interests [16]. MFAT's capability issues and approval levels were many [16]. Yet, the Māori success team did well, even though they were limited in what they could do [16].

Māori engagement started late

Time was a limitation [8]. The conversation with Māori was three years late [8]. The lateness with which MFAT engaged Māori was a problem, indicated by an underspend on Māori success [14]. Negotiations on the IPETCA also started late, putting pressure on Māori and others to participate meaningfully [5]. The time limitation of APEC was a significant concern [5]. APEC host preparation must start before the host year to hit the ground running [10]. Māori were brought in a little late [14]. It would have been better if we were there earlier so agreements could be established outside the host year [14]. The expectation going forward is to have conversation over multiple years on how Māori fit in the international value chain and build on the APEC framework [14]. The relationship between Māori and government is stronger because of APEC, but discussion on many topics must continue over the next 20 years [8]. A four-year lead up is necessary, so Māori are fully represented at the next APEC hosting [8]. From the Crown's perspective, meaningful engagement had taken place from early 2019, but this needed to be reframed with the move to virtual APEC [1].

Partnership with Māori needs to evolve

On the partnership with Māori, good progress was made, but time pressure to deliver was an issue [15]. Te Rangitūkupu was challenging at first with the Ngā Toki Whakarururanga view of what partnership

should look like [15]. There was mutual respect and healthy tension, but it worked [15]. Māori must be involved in the whole of APEC, not just some parts [14]. The Māori-Crown relationship is legalistic, with a contractual focus; relationships should be the moral and cultural starting point [3]. The future priority is to control what Māori can control, ourselves and our relationships [6].

Some of the officials' processes were not good [16]. Asking for signing of documents immediately, giving no time for consideration, consultation or advice were indicative of a "very transactional relationship" between MFAT and Māori [16]. It was not a true partnership [16]. MFAT and APEC NZ know they missed an opportunity, and they are trying to recover from this [14]. MFAT has a significant internal problem because engaging Māori on trade is not always well supported [17]. IPETCA, however, is far reaching, representing a foundation for a longer view of cooperation on Indigenous trade [17].

MFAT took a 'project' approach to partnership with Māori on APEC, having a finite start and end, but the relationship with Māori needs to continue, otherwise the risk is reverting to a pre-APEC relationship [6].

On APEC 2021, the Crown wanted to talk, but Māori wanted involvement [6]. The Crown's expectation was for cultural input to APEC 2021, but Māori had a wider input in mind [6].

7.5 Māori participation in APEC 2021

Moving from the margins to the centre

Indigenous connections established through APEC 2021 were valued by this participant, but there was uncertainty about the role of APEC in supporting Indigenous economies [4]. Māori want to be the table when policy is formed and trade terms negotiated and progressed [4]. Compromise is accepted as part of being at the table, but at present Māori are on the side-line of APEC [4].

Waitangi Tribunal findings oblige Māori and the Crown to find ways to change the nature of their relationship [6]. Change is needed to both Indigenous and mainstream approaches to trade policy and APEC is a catalyst for such change [6]. The expectation is for Indigenous input into the main APEC agenda, and the Crown must be challenged to pursue this [6]. For its part, Māori needed to assemble sooner and work out its strategy before engaging in APEC [6].

It was felt Māori participation was at the margins rather than central to APEC. Māori were in the APEC 'adjacent programme,' in which Māori had more

control compared with the main programme [6]. With the shift to a virtual event, APEC became focused on officials and their priorities [9]. With the compressed timeframes for planning, we ran out of time to fully realise aims of APEC 2021 and Māori [2]. Mana whenua must be properly resourced when they are engaged to assist with the APEC programme [2].

The speed at which activity moved, a focus on detail, and the virtual nature of the event limited the ability for Māori to participate in APEC [3]. There was too much emphasis on detail and contracts rather than a broader focus on a framework for Māori independence [3]. APEC 2021 was a test case for partnering with Māori [16]. A partnership-based approach might have allowed for a tikanga-based APEC, which would look different [3].

Given APEC's consensus method, it may be worth exploring non-threatening approaches that use humility and quality to allow Indigenous cultures to express themselves [14]. MFAT would have learned a lot about working with Māori, but they take a long time to learn to trust, respect, and know Māori [14].

Māori and Crown engage in robust discussion

Te Rangitūkupu was unique in terms of its composition and role on APEC [6]. It became apparent that the Crown was unprepared for Māori expectations in terms of decision rights, resourcing, timing and processes like co-design and internal consultation among Māori [6]. The Crown was not ready for the robust discussion they had with Māori on the treaty and trade, but they did engage [6]. Te Rangitūkupu enjoyed a tough relationship with the Crown, but this is unlikely to be the case in other economies [6].

Te Rangitūkupu was effective in holding the line on Māori expectations and rights [6]. The participant believes that a mana whenua approach would not have allowed the same degree of focus and impact that Te Rangitūkupu was able to achieve despite the constraints [6]. For instance, APEC officials were challenged to include Māori in APEC's procurement activity [6]. This meant Māori designers got involved, which improved the quality of APEC's digital content [6]. APEC was not just about trade; it was an opportunity to review and improve the Crown-Māori relationship [6]. It is important for APEC 2021 to share insights on what works to improve processes and outcomes [5].

Māori participation in CEO summit governance and event

The CEO Summit is a business-run event that is separate from APEC [8]. The government, however, wanted the ability to set expectations for the summit and so, in large part, funded it [8]. A committee was

set up to run the summit. Two of the five members were from the Māori business community, with four CEOs from large corporates later added to bring networks, capability, and additional funding [8]. Integration of te ao Māori was critical to enhancing business in the context of Aotearoa [8]. Corporates and government supported Māori delegate attendance at the summit [8]. Māori attendance is unknown, but the participant considered it substantial [8].

It was essential to have a New Zealand voice on every panel, and to have a Māori voice on many panels [8]. Eventually, 16 of the 21 APEC economies had speakers, with Māori on many panels [8]. An expectation for the future is a commitment to demonstrating more than just talking about diversity, and to including Indigenous and youth perspectives in the CEO summit [8]. More diversity at APEC events is needed; these events are not just good for business they are good not-for-profit entities too [2].

Language barriers

Having a Māori minister and New Zealand as host allowed more focus on Māori, but more Māori content was needed [9]. Logistically, putting on Indigenous events at APEC takes much longer than events would normally [9]. Accessibility to these events for Indigenous peoples is also a problem when translation is not allowed [9].

The danger of making assumptions about what matters

This participant's initial idea was how to use APEC to make Māori richer through exports, but the participant was advised that it might not be about making Māori richer, it might be about the leadership opportunity for Māori to support other Indigenous peoples [11]. Indigenous inclusion became the focus, which flowed through to the IPETCA [11]. Trade policy must recognise and provide for things that matter to Māori [6]. Survival and a balanced society matter to Māori, which challenges the Crown focus on trade [6]. MFAT promotes free trade without cognisance of domestic inequities, so there is a question about who benefits and how benefits are shared [6].

Partnership with Māori should continue

The Crown's relationship with Māori must continue beyond APEC. This allows the relationship to become long term rather than episodic, otherwise Māori involvement is described as "cultural convenience" [3]. Te Rangitūkupu should last longer than a year to produce real metrics on progress [13]. This timeframe would allow for initiatives that are consecutive rather than isolated events to achieve impact [13]. It is

important to make sure Māori have the mana in relation to officials to make decisions and establish a good plan early so there is time to execute [13]. Te Rangitūkupu helped officials, but MFAT is not as fast or agile as the private sector [13]. The pandemic truncated timeframes for APEC events and activity, but the participant is still proud of the work Te Rangitūkupu did on the Indigenous dialogue [13].

There is a need to simplify the partnership model of Te Rangitūkupu, which was very demanding [15]. MFAT should continue with the model, but the capacity to participate at that level is needed [15]. The audit is needed to identify and embed success factors that enable partnership [15]. Progress in Māori outcomes does not stop with APEC – this review will help [12]. Progress on Indigenous inclusion will be affected by host predisposition toward Indigenous peoples [13]. Māori might have to continue leading the Indigenous kaupapa to maintain momentum [13].

While the treaty has been a significant focus for Te Rangitūkupu, APEC is about trade [14]. A shift in focus toward cultural exchange, Indigenous economic growth, and opportunities for Māori worldwide will help achieve a more outward focus [14]. Progressing women's rights in APEC necessitates Māori women's representation [16]. The government's ability to engage Māori and Indigenous people in APEC and IPETCA, along with Indigenous potential at the World Expo in Dubai show the value and impact of Māori leadership [12]. APEC reinforces the government's determination to position the Māori economy at the centre of trade [12].

7.6 Benefits and outcomes

A commitment to partnership with Māori

APEC 2021 represented a good start on Indigenous trade. There was a genuine desire among Māori and officials to advance Indigenous issues [4]. For this participant, MFAT demonstrated a real commitment to partnership with Māori through APEC and particularly the IPETCA negotiations, where Māori were at the negotiating table [5]. The benefits of having Māori at the table of any negotiation that MFAT is leading was evident, especially FTAs, which are highly sensitive [5]. If any Māori were at the table, they were Crown Māori – Māori who work for the Crown [7]. Indigenous peoples did not make any of the decisions about what was in the various iterations of the document as it was negotiated [7]. Negotiators fed back to the rōpū, who provided responses [7]. There were no non-Crown Māori sitting at the negotiating table, despite this having been requested [7].

Through the IPETCA negotiation, MFAT learned about why and how to properly engage with Māori; these are lessons that must be more widely shared and adopted across MFAT [5]. These lessons are extensive, and include: co-design as part of forward planning not as an afterthought; including Māori input in the mandate; having Māori at the negotiating table, not the side room; having stable Māori staffing and institutional knowledge; addressing cultural issues around security protocols; ensuring budgets are adequate, processes are streamlined, available funding is spent; adequate MFAT staffing and resourcing for Māori follow-up; and realism about expectations of Māori and need for resourcing [7].

In the face of substantial member opposition, the challenge was to develop an APEC plan of action to 2040 that included a commitment to work on Indigenous economic empowerment [11]. In the longer term, the hope is that Indigenous work becomes mainstreamed and normalised as a natural part of the APEC agenda [11]. IPETCA will include both government and Indigenous peoples [11].

Māori leadership during APEC 2021 will help other APEC members see the benefits of Indigenous inclusion [11]. APEC 2021 has taught MFAT and Māori that there is a different way of conducting trade policy within a partnership arrangement [11]. Success is measured by trade agreements that move Māori into commercialisation, including exporting products and weightless products like software [13]. An Indigenous arrangement for trade has been established that provided a pathway for Māori firms to engage in trade and trade policy [13]. From a Māori perspective, we did an incredible job despite the constraints [14]. Insights were gained from younger Māori and Indigenous colleagues, other people, and in the use of digital platforms [14].

Long term outcomes versus short term gains

The tight timeframes as host contrast sharply with longer timeframes for action and outcomes in APEC [5]. Outcomes are difficult to measure because of the long-term nature of APEC's work, which is constrained by a focus on frameworks for trade rather than trade itself [1]. The definition of success seemed minimalist, with meetings counted as successes, with more substantial gains expected [2]. A higher ambition for Māori was needed [2]. There were clear cultural benefits for the Crown from Māori involvement [2]. The success of APEC for Māori and other Indigenous peoples depends on how future hosts advance Indigenous issues [2].

The benefits of APEC 2021 were more indirect than direct, with uncertainty over outcomes [2]. Benefits were not easy to see as APEC's focus is on longer term gains [4]. There is increasing confidence among Māori towards involvement in trade, connections are being built, and scope for accelerating outcomes for Māori was also evident [4]. APEC membership allows businesspeople to enter countries more easily, which can expedite business and trade [14]. A success measure of APEC for Māori is jobs [14].

Nurturing Indigenous inclusion

Success will arrive when the Indigenous programme is embedded within the APEC programme, but it requires successive hosts to prioritise this [12]. As a former host, New Zealand can socialise the benefits of Indigenous inclusion without overshadowing other hosts [12]. Indigenous similarities in terms of world view and aspiration were evident [4]. The participant is hopeful that Indigenous collaboration on Indigenous economies, mutual support, and partnerships are advanced [10].

The pride in Indigenous recognition of Māori in Aotearoa is not the same elsewhere [16]. There is an opportunity to role model what economies can do with their own Indigenous people without being boastful [16]. Indigenous issues have been embedded in APEC statements, but continuity of the Indigenous focus is not assured, as it depends on future hosts [15]. IPETCA was negotiated differently, with Māori saying what they wanted in it, and multiple economies and their Indigenous peoples were working with officials [15]. Outcomes from this arrangement will be realised over next two decades [15].

The Indigenous economic and trade arrangement contains a partnership council as well as commitments on data, digital trade, electronic certification, among other things [17]. The substantial achievement is that Indigenous issues are on the APEC agenda, something New Zealand first tried to do in 2009 [17]. The achievements of APEC 2021 can seem modest, but they are significant: first, there was significant work convincing economies to commit to addressing Indigenous issues; and second, the partnership with Māori was innovative and will impact on how MFAT how approaches Crown-Māori relations [11].

Minister Mahuta made significant gains in overcoming strong resistance to Indigenous inclusion in the APEC agenda, resonating strongly with the Minister of Internal Affairs for the US, for

example [17]. The rest of the year focused on the Aotearoa Plan of Action [17]. The naming of the plan was controversial because it is typically named after the city in which it is published [17]. The use of te reo was a problem for some members, but it was essential for us [17]. The APEC agenda might have seemed light to some Māori, but it was hard to achieve [17].

7.7 Improvements

Standardising engagement with Māori

The pace of the Māori success programme and Te Rangitūkupu work was slowed by bureaucratic processes [2]. If Māori and the Crown are investing resources and time, it is imperative that better processes with feedback loops are implemented [13]. The expectation is that standard practices for engagement are developed, implemented, and operated according to a consistent model [13]. Māori must develop processes to work within tight timeframes that are mana enhancing. For instance, the ringa raupā had a protocol that means that if the team did not receive a response from the participant they should keep going [13]. The ringa raupā were generous, supportive, and knowledgeable [13]. The Crown must do its own preparatory work on te ao Māori engagement [4].

Efficient and culturally appropriate procurement

With procurement processes for APEC 2021, there are layers of approvals, but these must be made more efficient because time was lost trying to understand and apply the rules [13]. This should include bringing culture to the forefront of APEC where accepting the validity of Indigenous culture and the host country's culture is mandatory [13].

Communicating the value of APEC

Most Māori would have been unaware of what APEC is, suggesting more can be done to make APEC more meaningful and relevant for Māori [6]. The Māori success team's determination for Māori to be informed meant Māori had high awareness of APEC and there was high integration of Indigenous people in APEC because of this [8]. While being part of Te Rangitūkupu allows all the moving parts of APEC to be seen, this is not so for many whānau [13]. More must be done to explain the value of APEC for Māori [13]. Māori business networks could provide a voice for Māori business in APEC [6]. It is difficult for everyday people to connect with the role of APEC in putting food on the table [10]. The benefits of Māori relationships must be shared more widely among MFAT officials [5]. Communicating sensitive information with communities without compromising confidentiality is challenging [14].

Developing and protecting Indigenous data

A priority for Te Rangitūkupu was making sure Māori were connected to other Indigenous peoples [14].

There was no database of Indigenous contacts. There were concerns who would own and control the data in a database should one be established [14]. It was argued that Māori should lead with Indigenous to Indigenous (I2I) work, which Te Taumata is demonstrating through its work with first nations [14]. APEC should have started by collecting data on all the Indigenous economies in the world and how Māori can connect with them [14].

Indigenous peoples are unlikely to know what APEC is [14]. Māori can drive this awareness raising of APEC for Indigenous peoples within APEC member economies [14]. New Zealand should chair the Indigenous APEC content for an extended period of perhaps five years to build on APEC 2021 [14]. It was apparent that New Zealand's Indigenous connections with Australia were not leveraged during APEC 2021 [14]. Māori must be at the table saying what they see and what they want, which has been beneficial [5]. For instance, protecting mātauranga Māori is critical [5].

Advancing the Indigenous agenda in APEC requires supporting future hosts to do so [15]. Te Rangitūkupu can keep MFAT accountable for progressing Indigenous issues [15]. The Aotearoa Plan of Action, an implementation plan for APEC's goals over the next 20 years, is the mechanism for this. The plan has five-yearly reviews of APEC progress. With IPETCA, the focus should be trying to work with like-minded economies and expanding APEC members' involvement and using this arrangement to influence ministers and Indigenous people [15]. APEC members' engagement with their Indigenous peoples is limited [6]. There is a need to measure this limitation, identifying change and improvement [6].

7.8 Māori success

The Māori success team did a good job despite being between officials, government, and Māori [6]. They were underfunded, under-resourced for the task, and they started their work late [6]. The Māori success unit was placed in a difficult position, expected to work well across officials, APEC, and Māori [9]. Māori engagement on design of APEC 2021 and inclusion in the programme was not early enough [9]. The principal adviser Māori and her team were needed months earlier [9]. The underspend on Māori activity was disappointing because it represents unrealised value [6]. MFAT staff rotate a lot, except for the Māori Policy

Unit, which is fairly constant [5]. This means that institutional knowledge changes, which can impact on the departments Māori capacity and capability [5]. There was no strategic Māori input before Ngā Toki Whakarururanga engagement [7]; MFAT relied on an outdated engagement strategy that Māori seriously challenged as unacceptable [7].

MFAT is 'next level' in terms of protocol, security, and critique of everything is extreme [10]. This was frustrating for the Māori success team in terms of the permissions required for action [10]. Security protocols are necessary for trade, but for the operating relationship with Māori, it was a problem [10]. The relative scrutiny of the Māori team was overzealous and unjustified [10].

The Māori success team comprised six people [10]. When joining the team, the participant clearly stated that their practice is to challenge anything that does not seem right and will withdraw if the problem is not corrected [10]. There was an expectation that the consultants would work '24/7' like the officials do, being constantly available [10]. This was not a model of working to which the participant subscribed and one they considered needed to change [10]. There is no manaakitanga in the approach.

There were contrasting views about the Principal Adviser Māori, either highly praised or lambasted. In one view, the principal adviser Māori was found to have worked hard to cover all bases, which was about protecting Māori from becoming a target [10]. The principal adviser was also seen as having done an excellent job and Te Rangitūkupu constantly put kaupapa forward on Māori expectations for APEC 2021 [4]. In contrast, the principal adviser Māori was seen as a problem, constraining access to documents and imposing unreasonable timeframes on Māori for responses [7]. Holding the principal adviser to account was tough on her, but that was needed [9].

As we were 'building the plane while flying it', there were issues that slowed progress [13]. Te Rangitūkupu needed time to debrief, break down problems, and propose change [13]. The government should consider legislation to allow processes to work more quickly when partnering with Māori [13]. As much was done in the APEC 2021 programme as could be done without the risk of event failure [9]. There is a need to keep the momentum of the partnership going, but APEC and Māori have become the job of two people at MFAT, and keeping this momentum going is not their main job [9].

The Māori success team has disbanded, and that Māori capability has now gone [15]. There is a risk that momentum on Māori trade wanes as APEC hosting winds up [15]. Te Rangitūkupu has a critical role in helping the MFAT and Māori relationship work well. Māori capability was added through APEC, but keeping it is difficult [15]. The Māori success team was under resourced but performed well despite this [15]. Senior officials were supportive of the team, but they were unsure about how to help [15]. Resilience as a Māori public servant was essential [15]. A single unit to focus on Māori trade is untenable because Māori interests in trade extend across all aspects [6].

APEC was tough for the Māori success team, with a warrior spirit observed as part of an internal review process [15]. The hope is that in Crown-Māori relations, Māori become less harsh on their own people, with a focus on working together to find solutions [15]. All involved were honourable, but sometimes Māori are too hard on each other [15].

In terms of lessons for the Māori success programme, two stand out: do fewer things and do them well; and make sure communications function well [15]. Communications is critical both internally to help people lean into the ideas and externally to influence the APEC region. Expectations were not achieved here [15].

Engaging early and securing a mandate on trade policy from Māori and Crown at the same time, not the Crown then Māori is necessary [2]. A win-win approach for Te Rangitūkupu is essential, as is a commercial focus to its agenda [2]. There is a question as to why deciding the budget for Te Rangitūkupu took as long as it did [2]. Fewer sign-offs should be implemented [2].

7.9 APEC 2021 performance

Success rating varies

This section asked participants about their overall impression of APEC 2021, to comment on positive and negative aspects, and to identify some lessons for Māori and the Crown. Table 6 shows a selection of participants who commented on APEC 2021, rating it from 1 to 10, 10 being the best. Higher ratings recognise APEC achievements under constraints of time and the change to a virtual format, while lower ratings reflect constraints on Māori involvement and success.

TABLE 6 PARTICIPANT VIEWS ON SUCCESS OF APEC 2021

PARTICIPANT	IMPRESSION OF APEC 2021
[1]	For this participant, APEC 2021 rated 9.5/10 in terms of overall success under the circumstances. It was not perfect, but it did achieve some significant outcomes in terms of exceptional delivery and substance.
[2]	An overall rating of 4/10 was given for APEC 2021 by this participant. This reflected disappointment about the lack of lead-in time for Māori involvement and expenditure of the budget for this work. In effect, the timing of engaging Māori means that it was too late to implement the Māori success programme. A digital resource was needed for Māori success.
[6]	This participant rated APEC 2021 6/10, stating the switch to virtual was tough. In honouring te Tiriti, one participant rated this 6/10.
[8]	Another rated APEC 2021 7/10 overall and 5/10 on the treaty. Developing a virtual process was hard but being further along in the programme allowed the summit to learn from earlier meetings. In terms of the virtual summit, this was rated 8/10, which was not as good as a physical event.
[15]	This participant rated APEC 2021 8/10, commenting that what needed to be done was done in the time and circumstance, with all concerned working hard. APEC was not an enjoyable experience for this participant (6/10), but professionally rated it 10/10.
[16]	This participant's impression of APEC 2021 for Māori was 8/10 based on achievements given the constraints, and 5/10 overall because Māori input was restricted.

Virtual event reduced the impact and value of APEC 2021

Māori participation and its impact changed when moving from a physical to virtual event because some things that were planned could not be done in a virtual platform [1]. For example, the change to virtual was a massive shift for the summit, moving from a 1,000-person seated event to an online experience [8]. Aotea Centre was still used but as a television studio, which produced 16 hours of content broadcast over 48 hours to delegates who had been invited and had paid to attend the summit [8]. Indigenous leaders' visits were also curtailed as it was for all international visitors and a programme that was to engage emerging Māori leaders in APEC was unable to proceed [1].

Neither Māori nor the Crown were ready for a virtual APEC [6]. The virtual event changed the Māori experience [12]. The value of the Māori economy changes perceptions of Māori as contributing, innovating, and working on the challenges of our time [12]. Māori having more than a cultural role was right because of this [12]. Success is moving Māori beyond a cultural to an economic role in APEC [12]. This is achieved by sharing Māori experience and building Indigenous networks and Indigenous expertise [12]. The virtual event was different because Māori do relationships in person, "that's our superpower" [13]. We do business with people we like, know, and trust [13].

With a virtual event, the opportunity for more interaction with Māori was lost [11]. A virtual event meant some things, e.g., a hui taumata, bringing Indigenous leaders here, and a Māori leadership programme, were lost [1]. Four years of work had to be revised in four months to be ready for the first meeting in December 2020 [1], and, as a result, Te Rangitūkupu members felt they did not have the time or involvement they expected [1]. APEC 2021 provided less than full value as a virtual event due to the pandemic [4]. The pivot to an online format was rushed [4]. With a virtual event, APEC lost the Māori experience, and Māori lost the opportunity to model excellence and what could be done together with Indigenous peoples [6].

Creating tikanga for an online event a new challenge

With a virtual event, how tikanga was to be applied online needed to be worked out [10]. This tikanga had to be created. Co-chair Pita Tipene made sure tikanga was followed [10]. The virtual event moved APEC from one marae ātea to another that was online [10]. A virtual event provided limited scope for nuances of the Māori economy such as shared cultural underpinnings [10]. A virtual meeting with 300 people is not the same as rubbing shoulders with that same number [15]. The virtual event was 'one dimensional', and more scope must be given for Māori to lead events [3].

Changes to the partnership approach in APEC

In future, Māori voices should be heard at all APEC events [2]. Partnership must be demonstrated in practice rather than just verbal or written commitments [2]. Provision for iwi-led business events within APEC should be supported [2]. More evidence of Māori participation and outcomes in APEC is needed, including storytelling and research on the impact of APEC for Māori [2]. APEC members contain large Indigenous populations, but their Indigenous economies are unquantified [15]. While the UN's focus is Indigenous rights and interests, there is a question about whether APEC is the preeminent place for conversations about Indigenous economies [15]. The challenge is to influence APEC so Indigenous peoples are part this institution [15].

Partnering with Māori is the future, and MFAT must internally resolve to resource it properly, which means committing senior people's time [17]. MFAT need structures, and if these are set up, this setting up needs to be paid for [17]. It is inappropriate to expect people to contribute their time at no cost to do this work; peoples' time, expertise, and roles must be respected. Convincing colleagues about this should not be a daily struggle [17]. MFAT has good senior Māori staff involved in the core work of the ministry [17].

A commissioning model for Māori and trade

The Crown could have taken a commissioning approach to Māori participation but was reluctant to relinquish control of the budget and the task for Māori success [6]. For instance, there is a question of whether Te Rangitūkupu could become a Māori commissioning agency in foreign affairs and trade [6]. As a minimum, the Crown needs to trust its Māori treaty partner [6].

Talking about expectations early

The way MFAT was working with Māori was different, but aspects could be improved because Māori expectations were not able to be met [1]. The relationship between MFAT and Māori on trade could be improved by starting with an open conversation about expectations [11]. The relationship became too rule bound and groups collectively lost some of the human connection of a shared understanding about what we are working on together [11]. An enabler for this is familiarity and trust, established by time spent together, and confidence that the right people are involved, which is the "bread and butter of diplomacy" [11].

Immersive online experiences are possible

Months before the APEC 2021 hosting, one participant had proposed to officials that there was

an opportunity to create an exceptional immersive online experience [13]. The idea was not picked up – everyone had got "Zoom atrophy" [13]. Such an experience would have leveraged New Zealand's high-quality technology firms to produce content with a longer useful life [13], demonstrating to the world what New Zealand is capable of [13].

Indigenous arrangement ground-breaking

The APEC adjacent work programme was ground-breaking [17]. It was the first time APEC had an Indigenous arrangement that involved Indigenous people in its governance and implementation [17]. The speed of negotiation of the IPETCA was a major problem because APEC members needed to undertake domestic consultation [17]. The text was out late, making it difficult for members to obtain Indigenous perspectives and support [17]. MFAT prioritised finishing the IPETCA during APEC 2021 because after this, the flexibility accorded the APEC host to advance their priorities is lost [17]. There was, however, much unhappiness about the process and timing of the IPETCA negotiation [17].

Indigenous collaboration agreements have established bilateral (government-to-government) agreement on Indigenous collaboration, but the IPETCA has potential for broader involvement of Indigenous people [5]. Two main outcomes are evident: creating a conversation to change APEC's approach and ensuring Indigenous peoples are integral to this; continuing the Indigenous-to-Indigenous trade relationships through IPETCA [6]. Some Indigenous groups are better than others at activities like procurement, and we need to be whakaiti and learn from each other [16].

Rangatahi inspiring but limited presence

Rangatahi are inspiring, showing entrepreneurship is not to be feared, it's in us [12]. Rangatahi voice was present, but not significant [1]. Rangatahi were very cool [3]. More investment in rangatahi participation is needed [4] as Rangatahi input was limited [5].

In terms of rangatahi, they were not even seen, they stayed in the kitchen, while the business of the day was left to the older ones [14]. Now we are trying to bring them in [14]. Te Rangitūkupu had scholarships to allow rangatahi to attend APEC events because it was not without cost [14]. In 20 years when APEC hosting comes again, these rangatahi will be in their 50s and hopefully still involved [14]. Dropping the average age of governance by a generation from say 70 years to 35 years is the most effective way to improve governance, but it is not a popular approach [14]. Diversifying Māori governance with a younger group should be explored [14].

With Voices of the Future, future events should involve rangatahi earlier in the planning and delivery of this event, to provide space for them to grow into these roles and apply their mātauranga [13]. Rangatahi gave an honest assessment of the VoF event [10]. At the VoF summit, some of the presenters were “not voices of the future, they were relics of the past” [10].

A comment from one rangatahi follows:

We were particularly disheartened by the “Voices of the Future” delivery and the youth declaration. The declaration was already prepared and really, final. As tāngata whenua, we were not consulted in the creation of the declaration. The VoF forum was really just a box ticking activity to say that youth and rangatahi had engaged in the document. However, I’m sure you’ll find that even participants outside of Te Rangitūkupu felt that the VoF was a waste of time. Our opinions came too late to the piece to make any impact on the declaration. When I asked for a copy of the declaration on behalf of Te Rangitūkupu and VoF, I was denied. It was intentionally withheld from us. Te Rangitūkupu participants were very seriously considering a public rejection of the declaration. I hope this feedback gives you an idea of what it felt like to be in our shoes. We are still far away from a tiriti-sensible walk of life. I hope I see it in my lifetime.

The iwi taketake (Indigenous peoples) event mostly focused on discussing the role of digital media [14]. While it was good to have young people involved who understand digital technology, they lacked experience of working with Indigenous peoples across the world. This creates an absence of understanding of what Indigenous people can go through (e.g., a person in Mexico travelled six hours for internet access) [14].

7.10 Te Tiriti o Waitangi and APEC 2021

In this section, participants were asked about their general view on te Tiriti o Waitangi and about the role of te Tiriti in APEC 2021. This encompassed how kāwanatanga (Crown authority), rangatiratanga (Māori authority), oritetanga (equity and parity), and whakapono (philosophies and faith) apply. Overall, participants were asked how well they thought APEC 2021 had provided for and honoured te Tiriti o Waitangi. This encompassed providing for mana Māori, tikanga Māori, mātauranga Māori, and protecting Māori treaty rights and interests.

Te Rangitūkupu embodiment of the treaty

The co-chairs have consistently challenged MFAT on the meaning of treaty partnership [10]. In the relationship between Te Rangitūkupu and MFAT, various reasons were given as to why something could not be done for Māori, including Covid-19, budgets, policy settings, and protocols [10]. The treaty conversation must happen earlier, where equity involves real power sharing, decision making, and resource sharing [16]. Tikanga and te reo must be evident throughout APEC [16].

The place of the treaty in society must be resolved before the treaty in APEC can be properly addressed [6]. New Zealand’s history shows that the country was not in favour of the treaty [14]. While the treaty has been in trade agreements for over 20 years, MFAT still have not learned how to express it [14]. Ngā Toki Whakarururanga pushes the limits, they stay true to the heart of the treaty, which is evident in their treaty claims [14]. Te Taumata focuses on trade and can move into the space created by Ngā Toki Whakarururanga [14].

Te Rangitūkupu co-chairs were outstanding [17]. Te Rangitūkupu co-chair Pita Tipene is the embodiment of what the treaty meant to our tīpuna – a literal translation of the treaty, which contrasts with court’s view [6]. Two main insights about APEC 2021 are that Māori are a formidable force in Aotearoa and that Māori businesspeople are seriously impressive [17]. MFAT could have communicated sooner that international negotiations move at pace and that the flexibility afforded host economies is limited by the presence of some ‘big players’ [17]. Covid-19 presented some difficulty in the partnership process, but the pace was not reduced as it might risk losing the moment [17].

Treaty and trade policy

Treaty and trade are connected; they are not separate issues [14]. Te Taumata advocated for Indigenous chapters and the treaty clause as normal parts of free trade agreements [14]. There is a need to identify exemplars of good treaty clauses and how these are expressed in trade agreements [14]. The treaty was about the aspirations of ngā tīpuna (the ancestors) to work with like-minded people, but it is used as a weapon rather than a basis for relationships and opportunities [3].

Disunity among Māori is a challenge when engaging with the Crown as energy is diverted to addressing differences between iwi and Māori [6]. There is a need to resolve what the treaty is and who the treaty partner is, whether it is Māori or iwi [6]. Māori and iwi need to talk about the treaty to achieve a

common view because Māori institutions rather than iwi institutions are leading change in te ao Māori [6]. For the Crown, the treaty is an instrument of convenience [6]. In the Crown, Māori need a willing partner, but presently we do not have that; instead, the Crown is a reluctant treaty partner [6].

It should be a given that the treaty is the foundation document for New Zealand as a nation [10]. It should be the basis of how we operate here and overseas [10]. The treaty was not just about political relationships, it is about commercial relationships [10]. Any thought that the treaty does not have any business or trade element is incorrect when there is understanding about how the treaty came about [10].

The desire for Te Rangitūkupu was to have Māori values, Māori representation, Māori responsibility for its role in APEC 2021 [16]. However, the treaty relationship is like a dance, partners take turns leading [16]. The treaty is imperative for trade [16]. It defines Māori rights globally and domestically; it needs to be embedded in trade because it enables and empowers Māori to participate, lead, perform, and share opportunities [16].

The treaty is foundational in terms of partnership between Māori and the Crown, but how that partnership is applied to APEC is still evolving [1]. There is intent and desire for genuine partnership with Māori in the Māori success programme [1]. Māori officials are sometime seen as the treaty partner, but they are not [2]. There is a need for Māori who are 'non-Crown' to be engaged as treaty partners [2].

Everything is about tino rangatiratanga, and the treaty enables this for iwi, but a focus on detail detracts from a focus on the treaty in action and tangible benefits that flow from this [15]. When there is a time-bound event like APEC, the role of the treaty in this can be debated, but eventually attention must turn to action to have an impact [15].

Ongoing treaty relationship required

The Crown's capacity and framework for receiving Māori advice was inadequate [6]. There was considerable investment in building a framework for a Māori and Crown partnership, but like a good marriage, ongoing discussion is required [6]. There was a genuine attempt at partnership but no time in which to do this [2]. There appears to a lot written about what the treaty means, but not enough action to implement it [2]. For example, Māori should be sitting alongside senior officials at APEC [2]. There was strong cultural content in APEC 2021, but actual partnership was missing because the hierarchy

between Māori and the Crown was not fixed [2]. Relationships with Māori must be a priority beyond APEC rather than episodic in nature [3]. There is a sense of Māori being engaged when convenient rather than an inclusiveness that recognises Indigenous sovereignty as a moral purpose [3].

Treaty must be a forethought

The treaty is must for trade because it is the basis for participation and a platform for engagement and relationships. The treaty must, however, be at the start of the relationship, not as an afterthought [4]. Māori need time to wānanga on matters [4]. Te tiriti in APEC is not resolved, more work is needed to ensure it is applied [4]. Tikanga was evident in online places [4]. The Treaty has local value to Aotearoa, but the extent of partnership with Māori on APEC is unprecedented [5]. The principles of the United Nations Declaration on the Rights of Indigenous Peoples must infuse implementation of IPETCA [5].

Changing engagement with Māori

APEC was treated like a project with a defined start and end, and partnering with Māori was approached in this way, that the relationship would come to an end [6]. The conversation and the relationship must continue, just like a marriage [6]. According to one participant, rangatiratanga was invoked to provide for a Māori view of APEC [7]. In respect of the underspend on Māori activity in APEC, Māori interpret this differently as unrealised value and lost opportunity, whereas the Crown interpret it as being efficient and delivering value for money [7]. From a Crown perspective, the underspend was attributed to time constraints and not being able to achieve everything that was initially intended, Covid alert levels and what they meant for the ability to film, hold in person events or travel, and the difficulty in recruiting resulting in reduced communications activity [1].

Treaty a domestic concern with international implications

APEC is indifferent on the treaty; it is about free trade [10]. The treaty mattered for MFAT because of its obligation to uphold the treaty and Indigenous relations [10]. The treaty is a concept that APEC economies may not understand, but, as host, the treaty was the lens Māori used for APEC [13]. While te tiriti is very important in Aotearoa, the same level of consideration for Indigenous rights cannot be said for other nations [13]. On the international stage, when talking business, the treaty is not necessarily part of the conversation [13]. It is an idea Māori enact as Māori when doing business with others [13].

Difficulty explaining the treaty

The treaty approach for APEC 2021 was wrong and it was too late [6]. The Crown was non-genuine and non-real, there was no real partnership, or decision-making space, or resources [6]. There was no framework for a treaty relationship and without Te Rangitūkupu, many of the outcomes that were achieved would not have eventuated [6]. There are key officials who have no knowledge of the treaty and how it applies to trade, but once this is made clear, and tikanga is explained and demonstrated, positive outcomes ensue [7]. What treaty means cannot be easily explained by senior officials [7].

Honouring te Tiriti o Waitangi in APEC

The conversation with Māori as treaty partner needed to start much sooner [6]. Had conversations started sooner, we could have had better and more Māori content in all sessions, more than what was seen [6]. Instead, disproportionate time was spent getting the relationship's foundation right, creating a framework for partnership, then the activity could follow [6]. This meant activity was compressed into a short timeframe, and consequently money and value were left on the floor, which should not have happened [6].

APEC 2021 was the first time MFAT has tried to make the treaty partnership essential to what and how we operated [11]. The treaty was more of a forethought than an afterthought in the hosting [11]. The partnership with Māori was a significant part of this, which could have been done better [11]. Tikanga was respected and applied to APEC meetings with taonga given as koha, use of te reo, and allowing everyone to have a say where possible [11]. On the treaty, there was a desire to hold a fair and inclusive event, to be seen to lead some discussion and establishing groups with whom thinking could be tested [12]. Mistakes were made during APEC 2021, but this is part of being part of a living partnership [12]. The hope is that this review provides a broad architecture identifying considerations if the treaty is the framework [12].

In APEC 2021, provision for the treaty was done well because Minister Mahuta supported it [13]. Without host nations driving Indigenous input, it is doubtful that it will happen [13]. Kāwanatanga were set straight in Wai 2522 and Wai 262, which has forced the Crown and MFAT to listen to various Māori entities [14]. The Crown should listen to all the relevant Māori entities, not just some [14]. MFAT's approach to Indigenous issues is something the Waitangi Tribunal says it got wrong, and the ministry has to be humble about that and learn from

it [17]. An important lesson is that Māoridom does not speak with one voice; one size does not fit all [17]. Te Rangitūkupu members would have different views, which is part of the rich tapestry of Māori and Crown relationships [17].

Commissioning and co-governance options

Te Rangitūkupu is unique, it is a partnership arrangement that should not be disbanded because APEC has ended, it should continue. Similarly, the Māori capability that was established for APEC in MFAT should be retained, but it's gone too [6]. True partnership with Māori would have looked like commissioning, where Māori were given a job to do as treaty partner, funding to do it, and asked to deliver in their way with autonomy to do so [6].

The main driver of trade and the treaty is to set the context [14]. Māori must lead the work on Māori and trade, but Māori do not have the economy and international laws to do this, someone else must be engaged to do this [14]. Co-design and co-governance with Māori are, however, needed for equity and parity [14]. In terms of outcomes, the assessment is that MFAT honoured the partnership with Māori and delivered something that looked impossible at the start, getting Indigenous inclusion in the Aotearoa Plan of Action [17]. The APEC adjacent outcomes rank highly in terms of the IPETCA [17].

There was genuine good faith on MFAT's part to do the relationship with Māori well, although the outcomes were imperfect [17]. The process of partnership with Māori is a work in progress but incremental steps were made [17]. We want this review to have a permanence, where a treaty-based review is part of APEC going forward [12]. It shows that the government is not afraid to ask itself some challenging questions about its treaty responsibilities and how APEC can have more relevance for Māori [12].

Mātauranga Māori basis for trade

Mātauranga Māori was the lens of Te Rangitūkupu, but there is uncertainty about whether and how others involved in APEC applied it [13]. Māori principles should guide everything we do; it is Māori principles that the world recognised as the special thing of this country during APEC 2021 [8]. The most beneficial thing New Zealand could do is have the treaty as front and centre of trade because Māori principles are front and centre [8]. Manaaki, tiaki, pono, these are principles on how we should conduct business and trade internationally [8]. We should, therefore, carry the treaty with pride [8].

Māori cultural integration into the CEO summit was high, with strong use of te reo [8]. The summit content will exist forever [8]. The Indigenous discussion was held during the last two hours of the summit [8]. Tikanga is critical to trade [14]. For instance, whakawhanaungatanga is critical and can be adapted to international contexts to achieve closer relations [14].

Understanding the treaty needs work

The connection between APEC and trade with the declaration (he whakapūtanga) and the treaty are obvious to Māori, but not to officials [7]. MFAT's training material on the treaty is replicating and amplifying inaccuracies, creating misunderstanding [7]. A systemic problem is that officials must be exposed to Māori views on the treaty [7]. Officials do not have to agree with it but must be aware of it and accept it as the Māori view. This means, for instance, that kāwanatanga coexists with rangatiratanga as two separate and continuing forms of authority, one is not subordinate to the other [7].

Under te tiriti, in relation to Māori people, kāwanatanga is subordinate to rangatiratanga [7]. An example of this understanding not being applied is that the Crown made final decisions on APEC and Māori. Decisions about who, what, and how were filtered through the Crown's lens, not a Māori-Crown lens. It was the Crown exercising its sovereignty, which relies on a view of partnership that is hierarchical, taken from court case on land [7]. This is something that officials may not appreciate, but they operate to it [7]. A wānanga with officials on the treaty and te ao Māori perspective is needed [7].

The treaty allowed a partnership approach to be taken for APEC 2021 [9]. This shows others that partnership with Indigenous people can be done [9]. Indigenous people can have a voice that is complementary, allowing non-government views to be expressed [9].

7.11 Te Rangitūkupu

Participants were asked about their understanding of the role of Te Rangitūkupu and how well and in what ways APEC 2021 was informed of kāwanatanga and rangatiratanga, mana, tikanga, and the treaty and trade policy.

The need for advice of its own

With Te Rangitūkupu, the funding took time to resolve [1]. MFAT did not appreciate that Te Rangitūkupu would want to engage the advice of its own experts, which needed to be funded [1]. The time commitment of co-chairs was intense at times but compensating for this was constrained

by Cabinet guidelines on committee roles [1]. Co-design with actual mana in decision-making is the preferred model for Crown-Māori relationships [6]. Access to the minister that Māori enjoyed surprised officials, but it helped overcome roadblocks [6]. Aspirational goals were set by Te Rangitūkupu, from which the benefits will follow [6].

Holding the Māori space

Te Rangitūkupu was about clarifying and articulating Māori kaupapa in relation to government and other people, but it was dominated by lawyers [3]. Te Rangitūkupu provided for diverse Māori voices [4]. The co-chairs did a good job, holding the Māori space; it was not a master-servant relationship [4]. Mana was upheld, Māori inclusion was a tension for APEC because the relationship with Māori was undefined [4]. The first hui between Te Rangitūkupu and officials was "crackly" and tense [6]. The focus was on "the promise of what a real relationship could be," with outcomes to follow because of the framework and foundation that had been established [6].

Overcoming resistance to partnership

Te Rangitūkupu was crucial to the interface with officials, advancing kaupapa, and effecting its mandate on Māori input [7]. There was some resistance from officials, but this was resolved by the minister [7].

Te Rangitūkupu held officials to account and stated what they wanted, which should continue because it allows Māori people and content to come through [9]. Te Rangitūkupu was "a tough partnership to negotiate" but the terms demonstrate greater co-decision-making rather than consultation can be achieved [11]. It was a more genuine partnership than MFAT historically has had with Māori [11]. However, the partnership approach of Te Rangitūkupu and MFAT tended to be adversarial [2].

Improving the model

Te Rangitūkupu as a partnership model could be improved [2]. For instance, partnership could be demonstrated by developing a 20-year vision for change and working out actions to get there [2]. This might require co-governance, a holistic view of what trade means, ensuring the partnership is relevant for the Māori demographic, which has a high youth contingent [2]. Te Rangitūkupu is a "forever job" and recognising mana Māori is critical to implementing Māori-led change and ensuring benefits flow to the Māori community [6]. The Māori role is not just framework setting, but a distributional imperative as well [6]. The relationship agreement with Māori should have been established at the start of APEC 2021 [7].

Te Rangitūkupu needs operational separation from MFAT to be effective [7]. Te Rangitūkupu must be engaged earlier than it was [2]. The two-tier approach with the committee and the ringa raupā helped to manage the politics of the group [2]. Te Rangitūkupu was well chaired, but the timeliness of access to resources was not as good as it could have been [2]. There is a need for more diversity on Te Rangitūkupu with the addition of younger members who are post-university [2]. A legalistic approach to the work of Te Rangitūkupu impeded engagement with Māori, who need to caucus more [2]. There was uncertainty about whether Te Rangitūkupu had the necessary resources or time to participate effectively [5]. Too much time was taken on setting up Te Rangitūkupu, leaving insufficient time for action [6]. The Crown was not fully aware of the constraints on Māori engagement, participation, and benefits [6].

Toward practicing Te Rangitūkupu principles

Te Rangitūkupu is a treaty relationship that contains fine words, but the willingness to act on those words is another matter [10]. A treaty partnership differs in practice from the intention of it [10]. Covid-19 impacted the treaty partnership [10]. There was a lot of pressure on officials in supporting the work of Te Rangitūkupu [10]. Te Rangitūkupu had two groups – a committee and a working group [10]. Whether it was Te Rangitūkupu or ringa raupā, people were overcommitted, and fast decisions were problematic, but Te Rangitūkupu did their best [10].

Capability development

The composition of Te Rangitūkupu was influential [12]. It was a group that coalesced New Zealand's strongest economic contributors in an inclusive wānanga on economic opportunities [12]. The co-chairs were very knowledgeable [12]. The Māori economy has gaps in new fields like computer gaming, information technology, and artificial intelligence [12]. Māori are involved in these new economies, but this needs to be expanded [12]. Māori must be at the negotiating table on trade and APEC [7]. Moreover, the Māori economy needs to diversify its international trade beyond fish [6].

Te Rangitūkupu had some impact, but it was limited compared to the scale of APEC events overall [13]. The partnership group needs to be well resourced [13]. There was also a need to make sure the Māori

success team had enough people and support [13]. The co-leadership of Te Rangitūkupu worked well, which was a significant commitment [15]. Traci Houpapa helped to unblock issues while the mātauranga and ahi kā perspective of Pita Tipene provided structure and inquiry about all perspectives [15].

Unity among Māori on trade policy needed

More whakawhanaungatanga among Māori is needed because distrust of the Crown and distrust of each other are barriers [6]. Māori need to be more united, which means having a conversation about how we come together [6]. Te Rangitūkupu has shown what is possible when this unified approach is taken, but this approach needs to be applied to other sectors as well [6].

Strong leadership and technical capability

Te Rangitūkupu led the Indigenous dialogue process and performed well in this role [1]. Māori leadership and technical excellence within Te Rangitūkupu was awesome, there are some experienced campaigners and brilliant people challenging the Crown to do better, a very formidable group [6]. Te Rangitūkupu had great leadership, holding the line on tikanga and the quality of the legal analysis was high [16]. This meant officials had to experience some discomfort before a healthy relationship was achieved where wairua was protected and the mana of tīpuna and uri (descendants) was upheld [16]. Te Rangitūkupu had a diverse group with tech and digital people involved [16]. Te Rangitūkupu is a model that should be duplicated across the public sector on how to partner with Māori, and how Māori can move sectors forward [16]. The internal MFAT Māori capability should also continue [16].

Differing expectations, a key challenge

Fundamentally, there were differences among Māori about what APEC would deliver, but also between Māori and the Crown about what APEC would deliver for Māori [11]. These differences in expectation meant developing terms of reference for the partnership that became Te Rangitūkupu took more time [11]. For instance, the terms of reference had to deal with differences about the role of Māori in international processes vis-à-vis the government, roles that MFAT would normally guard for ministers [11].

8. DISCUSSION

This section discusses the audit findings in relation to the document review and the purpose of the tiriti audit of APEC 2021. Findings are assessed against te Tiriti o Waitangi and the tiriti-based kaupapa of Te Rangitūkupu (Ngā Toki Whakarururanga, 2022). The findings are discussed in terms of:

1. The role and functioning of Te Rangitūkupu in relation to APEC 2021
2. Tiriti relationship of Te Rangitūkupu and the Crown
3. Engagement with iwi taketake
4. Māori participation in general APEC activity
5. Rangatahi activity
6. Ringa Raupā Rōpū.

The section concludes with an overall assessment of how well APEC 2021 honoured te Tiriti o Waitangi using a tabular summary containing the six elements above and the four articles of te tiriti.

8.1 Role and functioning of Te Rangitūkupu

Māori partnership

Te Rangitūkupu is a memorandum of understanding founded upon he Whakapūtanga o te Rangatiratanga o Nu Tirenī and te Tiriti o Waitangi intended as a Māori partnership entity for APEC 2021. However, 'partnership' is a term Ngā Toki Whakarururanga avoids because of the hierarchical interpretation the Crown and Court of Appeal give to it.

According to participants, Te Rangitūkupu is the first time te Manatū Aorere has seriously attempted to apply the principles of the treaty. Māori and the Crown had different expectations about their respective roles in relation to Te Rangitūkupu. Differences in expectation about the philosophy and partnership approach meant developing terms of reference for Te Rangitūkupu took longer than anticipated. Despite some discomfort for officials during some robust initial conversations, officials engaged with Te Rangitūkupu and benefitted from their advice. Te Rangitūkupu contributed in several ways to APEC 2021, including leading the Indigenous dialogue, selecting rangatahi for scholarships, and participating alongside officials during the negotiation of the IPETCA. Te Rangitūkupu upheld the mana of the Māori entities and those whom they represent by correcting breaches of tikanga, which changed behaviours and attitudes. Te Rangitūkupu is unique, it is a

partnership arrangement that, according to the audit findings, should not be disbanded because APEC has ended.

Changing the model

There was a general call for Te Rangitūkupu to be retained as a partnership entity for the Crown on trade policy and that its role and function continue beyond the APEC host year and be extended as a model of treaty partnership in other sectors. Some change to the partnership model was suggested. For instance, one participant saw value in adding to the diversity of the committee with more Māori from rangatahi, business, and academic sectors. There was a sense that Te Rangitūkupu overemphasised legalistic and adversarial approaches. There was a suggestion for more tikanga-based relational approaches that give greater attention to commercial outcomes in Te Rangitūkupu. There was also a desire for Te Rangitūkupu to be mandated and resourced to undertake and lead work on Māori and trade policy in partnership with the Crown and te Manatū Aorere. Another suggestion is for commissioning and co-governance to be considered for advancing the treaty partnership in trade.

Whakawhanaungatanga and kotahitanga

While the diversity of Māori entities and perspectives in Te Rangitūkupu worked, a broader issue of disunity between Māori and iwi affected the exercise of rangatiratanga in relation to APEC which is apparent in other policy matters. One participant suggested there was a need for whakawhanaungatanga among Māori and iwi to be strengthened by kotahitanga in challenging the Crown on the meaning of the treaty, who the treaty partner is, and achieving a common view on the treaty and trade.

8.2 Tiriti relationship of Te Rangitūkupu and the Crown

Role of the treaty in trade

The role of the treaty is enabling partnerships based on the treaty articles and principles. In this way, the treaty's role is enabling a partnership of equals to be formed. This means kāwanatanga and rangatiratanga operating with shared decision-making, shared resources, equitable access to opportunity, and Māori authority over Māori people and kaupapa Māori. The treaty provides an accountability framework for ensuring the treaty provisions and principles are upheld. For the treaty to function in this way requires that the treaty partners are willing, able, and generous

toward one another rather than reluctant and minimalist in their approaches. What is written about the treaty is not always matched by commensurate action on the treaty.

Improving the balance between kāwanatanga and rangatiratanga

A treaty partnership of this nature means Māori should be engaged in co-design, co-governance, co-management, and co-delivery of APEC events, activity, and processes, given ministerial statements that the treaty is considered a basis for trade policy. For this kind of partnership to be effective, Māori must have the mana and decision rights to decide how they engage and respond with the resources to do so. An example of this view of treaty partnership is an expectation that officials secure the mandate for trade policy from the Crown and from Māori at the same time.

The audit found a hierarchical approach to partnership between Māori and the Crown on APEC 2021, where kāwanatanga supersedes rangatiratanga. This view is consistent with Cabinet policy, which makes clear that ministers decide trade and treaty policy. A Māori view is that the treaty partnership is one of equals between Māori and the Crown, where rangatiratanga is not subordinate to kāwanatanga, and in fact, the authority to act in relation to Māori people is an authority, which rangatiratanga delegates to the Crown. This view is reinforced by the Waitangi Tribunal's (2016) interpretation of the historical

intent and effect of he whakapūtanga and te tiriti, which is reflected in Te Rangitūkupu and the audit framework (Te Rangitūkupu & Manatū Aorere, 2021). The persistence of a hierarchy between Māori and the Crown needed to be addressed during APEC 2021. A partnership of equals should have seen Māori sitting alongside senior officials with time to implement decisions.

Meaning of the treaty requires treaty partner input

In the tiriti audit, participants accept the constitutional significance of the treaty, but differ in their views about the meaning of kāwanatanga and rangatiratanga and the nature of the treaty partnership. What is agreed is that Te Tiriti o Waitangi and the Treaty of Waitangi are the two texts of the nation's founding document, establishing the basis for the Crown's right to govern (kāwanatanga) and for the Māori right to self-determination (rangatiratanga). Kāwanatanga and rangatiratanga are two distinct authorities that must be balanced one against the other, which is the nature of partnership. While the treaty is clearly articulated in trade policy, agreements, and strategies, eliciting a clear and fluid explanation of what the treaty means in everyday terms from te Manatū Aorere officials was not forthcoming. A glimpse at te Manatū Aorere training material uncovered inaccuracies about the treaty that have the potential to create views, policy, and behaviour that are inconsistent with the treaty. Wānanga with officials on te tiriti were suggested to ensure both treaty partners give a shared view.



For Māori, partnership means power-sharing, equitable and appropriate access to resources, tikanga-based processes of decision-making, including wānanga, and long-term relationships. For officials, partnership is about Māori participation and outcomes consistent with the Crown's right to govern and its treaty obligations to protect Māori rights. In relation to APEC 2021, the Crown, operating through Cabinet, sets the policy, procedure, budget, and duration of its relationship with Māori on APEC 2021. Officials used a project-based approach, which means the partnership with Māori had a defined start and end. This approach is inconsistent with a Māori view of treaty partnerships as enduring. While partnering with Māori was desired, the expectation that the Crown should pay for Māori participation, including technical capability and Māori-led initiatives, was not well understood. The government decided the role of Māori in APEC 2021 rather than Māori and the Crown together.

Partnership outcomes

Effective partnership, according to the audit findings, requires that Māori be accorded appropriate decision rights and the resources to define and enact a Māori view of how they wish to partner and participate. Without Māori alongside as an equal partner, the relationship is not a treaty partnership, it is the Crown exercising kāwanatanga without equal recognition of and provision for rangatiratanga. A suggestion was made that legislation could be considered as a framework to help define and implement treaty-based partnerships between Māori and the Crown and the public service. This might alleviate the view that Māori were at times dealing with an 'unwilling' treaty partner in the Crown and ensure Māori and the Crown are clear about what partnership means and can proceed on this basis. There are also risks associated with embedding the treaty principle of partnership in legislation as it does not address underlying attitudes of resistance to Māori rights and interests and rangatiratanga.

Te tiriti/the treaty ought to be a foundation for trade because it enables and empowers Māori to participate, lead, perform, and share opportunities to trade. Te tiriti contemplated a relationship that was political and economic, providing for Māori rights and the Crown's obligations. Te tiriti provides a framework for an enduring partnership rather than a finite or episodic relationship between treaty partners. This means that the treaty must be a forethought in trade policy because it is the basis for Māori and Crown participation, and a platform for engagement and relationships. Te tiriti is a domestic matter for Māori and the Crown, but it has international implications as a foundation for trade policy.

8.3 Engagement with iwi taketake

Indigenous difference

A major insight from APEC 2021 is that Indigenous peoples vary in their constructs, government relationships, economies, and socioeconomic situations. Differences are, therefore, to be expected in Indigenous processes and outcomes across APEC members. Indigenous collaboration on trade is about learning and sharing with humility because circumstances differ so widely.

Indigenous inclusion

Indigenous inclusion in the Aotearoa Plan of Action, while modest in its wording and ambition, is recognised as a significant development in the history of APEC given its conservative governance style and some APEC members' resistance to Indigenous issues. Implementing Indigenous inclusion, however, raises some practical considerations. One of these is Indigenous data sovereignty. For instance, who should own and maintain Indigenous contacts contributed as part of a database created to support coordination efforts on the IPETCA and Indigenous participation in APEC. If these contacts and the associated data are given to a government department, the concern is that this information becomes separated from and no longer the property of an Indigenous person or group. This issue is magnified when the idea of collecting data on Indigenous people and Indigenous economies of APEC member economies is contemplated. Notwithstanding, data are needed on the state of Indigenous peoples, their relationships with their governments, and the status and potential of Indigenous economies for trade and investment, and their development needs.

Advancing Indigenous trade

The IPETCA is widely acknowledged as an important advance in frameworks for Indigenous trade, sitting outside the formal APEC structure. There is some concern about its progress. While it is the signatories to the arrangement and their respective Indigenous peoples who will drive progress, New Zealand's commitment to the arrangement during APEC 2021 shows the value and impact a favourable APEC host economy can have on its advancement. Māori leadership of IPETCA should be extended according to the audit findings, over several years, to maintain momentum and to support Indigenous peoples to lead this work. Extending Māori involvement in leading the IPETCA would have to be done with humility and in close collaboration with the Indigenous peoples of the host economy because Indigenous capabilities and circumstances differ widely. Language and cultural differences also

need to be provided for. While the governments who are party to IPETCA have committed to fund its implementation, a major concern is the lack of wider APEC member involvement. A key priority is expanding IPETCA membership beyond Canada, Australia, and New Zealand. A further priority is to support IPETCA partners to consult and empower their Indigenous peoples.

8.4 Māori participation in general APEC activity

Māori and APEC

Treaty partnership was at the core of Māori involvement in APEC 2021, but ambiguity about the meaning of partnership resulted in varying outcomes. Unfavourable outcomes are conflict about roles, responsibilities, and processes, inadequate and delayed access to resources, and missed opportunities for Māori participation indicated by an underspend on Māori success and incomplete measures of Māori participation in APEC activity. Favourable outcomes are the successes of Māori leadership, Māori participation, and Māori outcomes despite the constraints. Notable successes according to the audit are Māori leadership at ministerial, business, official, and Māori partnership entity levels, as well as Māori participation across APEC events and activity, including in APEC's main and adjacent programme, Indigenous inclusion in the Aotearoa Plan of Action, and the conclusion of IPETCA. These successes came at the cost of compromise, a consequence of APEC's convention of consensus.

While the APEC host has some flexibility to set the agenda, several large economies are influential. This poses a question about whether pursuing a change to APEC's structure and operation to be more inclusive of Indigenous values is desirable and possible. For instance, given APEC's consensus method, it may be worth exploring non-threatening or passive approaches that use humility and quality to show the value of Indigenous cultures to Indigenous and non-Indigenous peoples among APEC economies. For instance, mātauranga Māori should be the basis for international trade according to the audit.

Māori success focussed on how to advance trade policy for Indigenous peoples in APEC through the negotiation of an Indigenous trade arrangement. Advancing Indigenous issues was challenging, but expectations were exceeded as agencies took on responsibility for Indigenous activity. A profound impact was felt from the Indigenous forum. Learning and sharing knowledge and culture, and youth involvement through scholarships were highlights of this forum.

Māori success

Māori capability was insufficiently available in te Manatū Aorere to achieve the government's goals for engaging Māori in APEC 2021. Options for engaging Māori were identified in the Amokura consulting report, resulting in the ministry's decision to appoint a principal adviser Māori and the formation of a team reoriented to a narrative of Māori success. The disbanding of the Māori success unit and associated loss of Māori capability seemed contrary to the recognised lack of this capability in te Manatū Aorere. Prior to the closure of APEC NZ, the possibility of redeploying the Māori success team could have been considered. There is also a need for Māori authority over both Māori policy and Māori operations within te Manatū Aorere.

The Māori success team occupied an invidious position of trying to satisfy ministers, officials, and Māori entities, without sufficient resources, time or scope to achieve an ambitious Māori success programme. Being at the intersection point of these powerful interests and differing expectations made the Māori success unit a challenging place to work, requiring professional and warrior-like resilience from those who worked there. A lesson from the Māori success team is to do fewer things, do them well, and raise the level and impact of communications.

Mātauranga Māori

Māori success is an initiative within a wider effort to build mātauranga Māori capability in te Manatū Aorere (Rata, 2021). The rationale for this direction in organisational capability building is to meet legislative and policy obligations of the public service to better engage with Māori and to meet the ministry's stated intent on the treaty and Māori outcomes. While some progress had been made, Rata (2021) found an absence of Māori representation in the ministry's governance arrangements and senior leadership hampered the ability of te Manatū Aorere to meet its goals. Raising Māori representation in the governance and management of te Manatū Aorere and a change in organisational culture that is predisposed to engaging Māori, understanding te ao Māori perspectives, and applying tiriti principles, are needed to give effect to the treaty and government goals for Māori and APEC.

Mātauranga Māori capability is essential to enabling treaty-based partnerships with Māori. Mātauranga Māori capability is highly valued but prone to excessive demand and, consequently, diminished impact and well-being risks. The structural support of good governance and management are required to ensure Māori capability is well supported. Māori

capability inside te Manatū Aorere is not the same as Māori entities having their own capability to engage as an equal treaty partner – both are needed to ensure efficacy is given to representing and effecting Māori perspectives on APEC and trade policy. For example, a commissioning approach where Māori are given the mandate, the task, and the resource to design and implement strategies for Māori participation and outcomes in APEC and trade policy was suggested in the audit findings. Te Rangitūkupu might be considered as a commissioning agency for Māori on trade policy, for example. This approach offers the prospect of a balanced treaty-based partnership, involving power-sharing, shared decision-making, and resource sharing.

APEC outputs and outcomes

What counts as success between Māori and the Crown in relation to APEC 2021 differed in some respects. APEC NZ documents define the meaning of success measures, including definitions of milestone, deliverable, and output. They also identify key performance indicators, which refer to the achievement of policy deliverables, including (Indigenous) issues, participation in IPETCA, partnership establishment, and qualitative feedback. One participant found, however, that inconsequential activity – like meetings with Māori – were being counted as successes, whereas the expectation was that success constituted more significant favourable outcomes. A further problem particular to APEC is the distance between the fast-paced, short-term activity that occurs over the host year and the long-term gestation before APEC outcomes are observed. The APEC 2021 Outcomes Framework, which was initiated in June and July 2018, shows the linkages between high-level outcomes and lower-level outputs. An evaluation against the outcomes in this framework would be useful.

Communicating APEC

Few whānau would know what APEC is or appreciate its value to their lives and livelihoods. Achieving this level of public awareness is necessary if APEC is to have broader appeal and support. Communicating what APEC means and its relevance for ordinary people is, however, challenging because its value is not immediately apparent. Instead, APEC focuses on framework setting the benefits of which may be longer term, although some instances of immediate change are evident in terms of trade in Covid-19 vaccines and medical supplies. The challenge is to make the intangible nature of APEC more tangible through communication and engagement, allowing ordinary whānau to see the value of APEC, participate and

benefit from it. A shift to a virtual event meant that APEC activity was not as visible to the public as it would have been for an in-person event. Despite this, Māori engagement in and awareness of APEC was perceived to be high, but information to support this was not readily available.

In-person vis-a-vis virtual interaction

For Māori, *kanohi ki te kanohi* (face-to-face) interaction has been culturally fundamental for the conduct of business relationships. Thus, the switch to a virtual APEC hosting reduced Māori participation and the relevance, value, and impact of APEC to Māori. Māori and non-Māori alike hope for future APEC events to be in person. A partnership approach might have allowed for a *tikanga*-based APEC to be delivered, which would have looked different. Another finding is that the technological capability in Aotearoa to create culturally informed and highly immersive online environments for digital diplomacy and digital partnership is underdeveloped.

Overall impression of APEC 2021

Officials and key delivery partners tended to rate their overall impression of APEC 2021 highly. This is mainly because of the success of APEC NZ in reorganising the planning and capability to host APEC virtually, and within short timeframes. Non-officials tended to rate their overall impression of APEC 2021 less highly. This is variously attributed to the late re-engagement of Māori when the decision for a virtual APEC was made, which prevented adequate Māori participation. There were also delays in accessing resources and information and unreasonable expectations for fast-paced decisions and advice.

Standardising Māori engagement

General concern about bureaucracy impeding *tikanga*-based processes of decision-making and engagement among Māori were mentioned, specifically the imposition of short turnaround times for reviewing and commenting on documents or providing advice. While these were explained as normal in trade negotiations, they were perceived as compromising the integrity of *tikanga* Māori. There was some suggestion that standardisation in Māori engagement processes might expedite this process as well as the development *tikanga* Māori policies for rapid decisions that are still *mana* enhancing. The principle of standardisation could also be extended to the collection of Indigenous economic data. Security procedures regarding the confidentiality of information were a frustration because of delay in accessing information until security clearance had been given. There was a suggestion for the security clearance process to be modified so this worked more quickly

and for Māori as the treaty partner to be given equivalent access to data as had the counterparts with whom they were working in the ministry.

8.5 Rangatahi activity

Some outstanding rangatahi gifted in both te ao Māori and te ao whānui who are passionate and fearless were supported to participate in APEC activities and events, particularly the Voices of the Future youth summit. However, rangatahi input into youth events like VoF was limited. Further investment in rangatahi participation is needed for succession planning, capability building, and improving the quality and capability of governance. APEC youth-focused events suffer similar weaknesses in terms of late engagement with Māori, exclusion of the Māori voice, and low or insufficient consideration of Māori perspectives. With growing capability and confidence, and prominent levels of cultural competency, the role of rangatahi in te ao Māori is changing from the back of the whare to the front to support some of the leadership activity normally reserved for kaumātua. This is reflected in suggestions for greater youth representation in Te Rangitūkupu and APEC affiliated events like VoF, but with potential comes inexperience.

8.6 Ringa Raupā Rōpū

The leadership and contribution of Te Rangitūkupu in protecting Māori treaty rights and opportunities in trade was highly regarded, as was the quality of the analysis and advice of ringa raupā, particularly during the negotiation of the IPETCA. The pressure on Māori for decisions in compressed timeframes was a source of tension. A senior official admitted that the fast-paced nature of trade negotiation could have been explained earlier. Moreover, some economies perceived New Zealand's turnaround time with them on the IPETCA as slow, which did not give them sufficient time to engage with their own Indigenous peoples, resulting in some withdrawing from the process.

The ringa raupā provided technical capability to respond to requests for advice and direction, but this resource was constrained by limited resources and timeframes. The two-tier system of technical advisors as a working group supporting the leadership group to exercise mana tuku iho and mana whakahaere worked reasonably well. A continuation of Te Rangitūkupu should include provision for the proper engagement of ringa raupā as paid professionals to match the Crown's access to the technical capability of its officials and contractors. There is also merit in reviewing Cabinet

manual guidelines as they pertain to the resourcing of Māori as treaty partner and their engagement in partnership-based entities and groups, and the procurement of technical advice and services to support them in this role.

Decision-making processes were instituted within the group to maintain the speed and continuity of workflow. Some timeframes were considered unreasonable, negating the expectation for participatory processes. Differences in concepts of time and how time is managed in APEC from an Indigenous perspective must be resolved. This might include a discussion about whether tikanga can be developed to match the speed of trade policy negotiations and establishing the necessary capability and systems to meet this expectation.

While the APEC adjacent work programme was an effective way to circumvent reticence among some APEC members to advancing Indigenous interests in the APEC agenda, it still places Māori and Indigenous people at the margins of APEC. A partnership challenge for APEC is moving Māori from the edge to the centre of the APEC agenda to a place where Indigenous peoples, issues, and opportunities are normalised as an inherent part of the APEC agenda. Participants accept that this shift requires Māori to engage in a long-term process with uncertain outcomes.

The free trade agenda of APEC and the treaty reflects a clash of world views, with officials operating in a paradigm that minimises Māori treaty rights and Crown obligations, and Māori seeking to maximise Māori rights and interests. A focus on universal and equitable access to vaccines, sustainability, and Indigenous issues indicates a more inclusive APEC agenda. Indigenous inclusion in the Aotearoa Plan of Action in the main APEC programme and the establishment of IPETCA in the APEC adjacent workstream provide scope to advance parity and equity for Indigenous peoples in APEC economies.

8.7 Honouring te Tiriti o Waitangi in APEC 2021

A summary of the audit findings using six reference points and the four articles of te Tiriti o Waitangi is set out in Table 7. The table uses a format prescribed in the tiriti audit methodology and framework (Ngā Toki Whakarururanga, 2022).

TABLE 7 TIRITI AUDIT FINDINGS SUMMARY

	KĀWANATANGA	RANGATIRATANGA	ORITETANGA	WHAKAPONO
Te Rangitūkupu	Kāwanatanga was expressed by leading the APEC 2021 programme, support, and funding for Te Rangitūkupu, and the Māori success capability in MFAT	Rangatiratanga was expressed through diverse Māori entities on Te Rangitūkupu, quality leadership, mix of cultural, commercial, and technical capability, and delivery of Māori-led initiatives	Oritetanga expressed in pursuit of equitable access to participation, resources, opportunity, and outcome from APEC 2021	Whakapono expressed in the tikanga of Te Rangitūkupu processes, mātauranga of advice, and integrity for achieving shared views and actions
Te Tiriti o Waitangi	<p>Tiriti o Waitangi is well written and widely understood, but articulating and applying it is problematic for officials</p> <p>Emphasis on kāwanatanga rather than equal regard for rangatiratanga in decision rights and resources led to minimalist approaches to the role and resourcing of Māori as treaty partner</p>	<p>He whakapūtanga and te Tiriti o Waitangi understood together as constituting a complete and accurate view of rangatiratanga, and its exercise in support of Māori aspirations from trade and APEC</p> <p>Fulsome expression of te tiriti in Te Rangitūkupu, IPETCA and audit framework</p>	<p>Oritetanga focused on equitable access to information and resources for Māori participation in APEC main and adjacent events and activity.</p> <p>Oritetanga constrained by lack of clear directive on expectations for Māori participation and outcomes from key delivery partners</p>	<p>Whakapono, tikanga and mātauranga were actively expressed by Māori in APEC it led, and in the mana whenua roles before and after APEC events, and the tikanga of koha and taonga</p> <p>Tikanga was staunchly upheld in meetings and online spaces, and inappropriate behaviour challenged and corrected</p>
Iwi taketake	Kāwanatanga focused on achieving Indigenous inclusion in the APEC Agenda, Indigenous participation in APEC main and adjacent events, and Indigenous cooperation on trade beyond APEC 2021 through IPETCA.	<p>Rangatiratanga focused leading Indigenous-to-Indigenous dialogue, forming connections and relationships and being at the negotiating table with the Crown on IPETCA.</p> <p>Emphasis on linking iwi taketake issues in APEC with UNDRIP, and diverse Indigenous realities</p>	<p>Oritetanga focused on equitable Indigenous participation in APEC main and adjacent events, and Indigenous leadership of Indigenous events and policy.</p> <p>Oritetanga constrained by APEC members' differing positions on Indigenous peoples, and inability to travel</p>	<p>Iwi taketake tikanga incorporated into IPETCA and in APEC events and activity but was constrained by rule limiting APEC to English. Steps taken to secure accredited translators for Indigenous-led events.</p> <p>Sharing and cultural learning among Indigenous groups a highlight</p>

	KĀWANATANGA	RANGATIRATANGA	ORITETANGA	WHAKAPONO
Māori participation	<p>Kāwanatanga focused on ensuring Māori participation in many events, in leadership roles (e.g., ministers, ABAC, Māori success, Te Rangitūkupu), participation as speakers and facilitators on panels and in meetings</p>	<p>Rangatiratanga exercised through Māori participation in Māori partnership entities, in APEC main events, and leadership in APEC adjacent work (e.g., IPETCA).</p> <p>Resource access and late engagement with Māori are constraints</p>	<p>Oritetanga of constrained by lack of specified data capture and reporting on Māori participation and outcomes in APEC activity and events, delivered by government and key delivery partners (e.g., VoF summit, CEO summit)</p>	<p>Expression of whakapono, tikanga, mātauranga in Indigenous and non-Indigenous events engaged Māori and promoted Māori culture as national culture to APEC members.</p> <p>Modelling effects of Indigenous cultural expression lessened by virtual event</p>
Rangatahi activity	<p>Kāwanatanga focused on providing for rangatahi participation in APEC affiliated events, including Voices of the Future and CEO summits. Rangatahi participation and effect constrained by late or no involvement in planning or delivery of key events</p>	<p>Rangatiratanga identified, selected, and supported rangatahi participation, engagement and outcomes through scholarships. Succession planning and legacy potential but extent of this is unknown. Adding rangatahi to governance of Te Rangitūkupu an expectation</p>	<p>Oritetanga evident in the valued but limited presence of rangatahi. Partly explained by resource constraints, but late or no engagement with Māori also and the predetermined nature of APEC related event</p>	<p>Whakapono expressed through rangatahi knowledge and practice of te ao Māori, and ability to weave this in te ao whānui and apply it</p>
Ringa raupā	<p>Kāwanatanga relied on ringa raupā for expert advice and analysis on treaty partner views of APEC and IPECTA. Expectations that ringa raupā capability was at the “meeting rate” diminished the value of this capability, until challenged.</p> <p>Ringa raupā worked with officials according to timeframes and processes defined by kāwanatanga</p>	<p>Rangatiratanga relies on information and expertise but was constrained in access to both due to resource limitations.</p> <p>Ringa raupā were knowledge, generous and dedicated, and worked well as part of the two-tier structure of Te Rangitūkupu</p>	<p>Oritetanga expressed through the kaupapa of Te Rangitūkupu, reinforced in the advice and analysis of ringa raupā for equitable access, participation, and outcomes from Māori participation in APEC</p>	<p>Whakapono of ringa raupā evident in the mix of cultural, creative, technical, commercial, and legal expertise, and their use of tikanga, kaupapa in their work</p>

Table 7 makes the following assessment about how APEC 2021 honoured te Tiriti o Waitangi:

- **Te Rangitūkupu:** Te Rangitūkupu was well led, with diverse Māori interests, which should be retained as a long-term treaty partner on trade policy. Te Rangitūkupu is grounded in the kaupapa of he whakapūtanga and te tiriti. Te Rangitūkupu role and function should be extended but is at risk of being side-lined as APEC hosting has ended. Te Rangitūkupu is a model for partnership in other sectors.
- **Te Tiriti o Waitangi:** Te Tiriti o Waitangi is accepted as the nation's founding document requiring partnership, but the practical meaning of treaty-based partnership is ambiguous. Kāwanatanga and rangatiratanga are not yet of equal standing, where power-sharing, decision-sharing, and resource-sharing are expectations of treaty-based partnerships with Māori.
- **Iwi taketake:** There is a common commitment to Indigenous inclusion between kāwanatanga and rangatiratanga given the size, scale, and diversity of Indigenous peoples in APEC economies. Indigenous peoples are diverse with the relative precarity of some humbling and insightful. There is potential for advancing Indigenous trade in the APEC agenda and adjacent work programme, but this is subject to APEC economies and host priorities and resourcing because the APEC host cannot unilaterally determine this.
- **Māori participation:** Māori participation across multiple APEC main and adjacent events and activities is visible, but this is not readily quantified. Māori success was late starting, under-resourced, and under-pressure, but delivered to high and complex expectations.
- **Rangatahi activity:** Rangatahi were underrepresented in APEC 2021. There is scope to expand rangatahi representation in Te Rangitūkupu and te Manatū Aorere. Earlier engagement of rangatahi and resourcing for their participation is a priority. Rangatahi leadership capability is high, and important for advancing Māori and Indigenous trade.
- **Ringa raupā:** Te Rangitūkupu was well served by ringa raupā functioning as the working group, delivering quality advice and analysis under challenging conditions. Access to equitable resourcing for Te Rangitūkupu to retain its own capability for advice and activity is essential. A commissioning agency model was suggested as one option for this.



9. CONCLUSION

This report set out to report the findings and recommendations on how well New Zealand's hosting of APEC 2021 honoured te Tiriti o Waitangi/ the Treaty of Waitangi. The audit was conducted in accordance with a tiriti-based audit framework developed by Ngā Toki Whakarururanga for Te Rangitūkupu. The tiriti audit was intended to improve Māori participation and outcomes from APEC, which may have implications for Māori involvement in trade policy and trade negotiations. The audit was commissioned by the co-chairs of Te Rangitūkupu, Traci Houpapa and Pita Tipene, with the support and assistance of te Manatū Aorere officials. The tiriti audit of APEC 2021 was completed between March and April 2022.

The audit involved a document review, interviews with participants, and analysis of the findings against the tiriti-based audit framework. All requested information was supplied, which formed the basis of the document review. The document review shows that APEC is in fact a small organisation based on Singapore, but it is APEC's 21-member economies that collectively represent a massive section of the global population and trade. They have collectively determined that free trade and investment are the best way to secure the region's economic prosperity. Environmental sustainability, human inequalities, and now Indigenous peoples are other considerations that are starting to find their way onto the APEC agenda. APEC closely guards its conservative operating philosophy as a voluntary, non-binding, consensus-based institution focused on advancing free trade and investment.

While Māori are increasingly engaging in international trade, they are also concerned to

ensure that trade policy is based on the principles, provisions, and protections of the treaty. This view is supported by the audit findings, which show that the treaty is widely acknowledged by Māori and non-Māori as the nation's founding document. Where the problem occurs is in the differences about what partnership between Māori and the Crown means. The experience of Te Rangitūkupu, its working group – te ringa raupā – and participants in APEC 2021 is that a hierarchical view of the relationship between kāwanatanga and rangatiratanga persists. When the Crown decides the nature and extent of Māori participation and outcomes in APEC 2021 without fairly providing for its treaty partner's perspective, that is not partnership, it is one treaty partner acting for the other. This issue was the source of robust discussion in the work of Te Rangitūkupu and APEC 2021.

Overall, the tiriti audit shows that there was mutual understanding about the significance of a treaty-based partnership with Māori on APEC 2021, and that the treaty is, therefore, the basis for trade policy. There was, however, ambiguity and tension about how to give effect to this understanding. It is apparent that the capability for exercising a treaty-based partnership in relation to APEC and trade policy is mostly vested in the Crown. Several changes have been identified in the audit findings, including retaining and strengthening Te Rangitūkupu with its own operational capability and supporting the continued building of mātauranga Māori capability in te Manatū Aorere. There is also a need to clarify and reaffirm an understanding about the meaning of the treaty for training, policy, and practical purposes that reflects a treaty partner perspectives and knowledge.



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ANNEX 1 APEC MEMBER ECONOMIES

MEMBER ECONOMY	JOINING YEAR	POPULATION (000s)	GDP (USD, MIL)	OFFICIAL LANGUAGES	SYSTEM OF GOVERNMENT	TOTAL AREA (km ²)	HDI
Australia	1989	25,366	1,396,567	None	Federal parliamentary constitutional monarchy, with bicameral legislature	7,692,024	0.944
Brunei Darussalam	1989	433	13,469	Malay, English	Constitutional unitary Islamic absolute monarchy	5,765	0.838
Canada	1989	37,593	1,741,576	English, French	Federal parliamentary constitutional monarchy	9,984,670	0.929
Chile	1994	18,952	279,385	Spanish	Representative democratic republic with president	756,102	0.851
Chinese Taipei	1991	23,596	612,109	Standard Chinese	Unitary semi-presidential republic	36,193	0.916
Hong Kong, China	1991	7,507	363,016	Chinese, English	Devolved executive within a unitary one-party socialist republic	1,110	0.949
Indonesia	1989	270,626	1,119,091	Indonesian	Unitary presidential republic	1,904,569	0.718
Japan	1989	126,265	5,148,782	Japanese	Unitary parliamentary constitutional monarchy	377,930	0.919
Malaysia	1989	31,950	364,681	Malay	Federal parliamentary constitutional elective monarchy	330,803	0.810
Mexico	1993	127,576	1,268,871	None	Federal presidential republic	1,964,375	0.779
New Zealand	1989	4,979	212,891	English, Māori, sign	Unitary parliamentary constitutional monarchy	270,467	0.931
Papua New Guinea	1993	8,776	24,829	English, Hiri Motu, sign	Unitary parliamentary constitutional monarchy	462,840	0.555
People's Republic of China	1991	1,397,715	14,279,937	Standard Chinese	Unitary one-party socialist republic	9,706,961	0.761
Peru	1998	32,510	228,471	Spanish	Unitary presidential republic	1,285,216	0.777
Philippines	1989	108,117	376,823	Filipino, English, sign	Unitary presidential republic	342,353	0.718
Republic of Korea	1989	51,709	1,646,739	Korean, Korean sign	Unitary presidential republic	100,210	0.916
Russia	1998	144,406	1,687,449	Russian	Federal semi-presidential republic under a centralised authoritarian state	17,098,242	0.824
Singapore	1989	5,704	374,386	English, Malay, Mandarin, Tamil	Unitary dominant-party parliamentary republic	710	0.938
Thailand	1989	69,626	544,264	Thai	Unitary parliamentary constitutional monarchy under a military dictatorship	513,120	0.777
United States	1989	328,330	21,433,225	None	Federal presidential constitutional republic	9,372,610	0.926
Viet Nam	1998	96,462	261,921	Vietnamese	Unitary one-party socialist republic	331,212	0.704

Sources: (Worldometer, 2022); (StatsAPEC, 2022)

ANNEX 2 TE TIRITI O WAITANGI AUDIT FRAMEWORK

TIRITI O WAITANGI/TREATY OF WAITANGI AUDIT OF APEC 2021

The methodology for this audit is set out in 4 parts:

Part A gives an overview of the purpose, scope, criteria, methodology, qualifications, and an outline of a Tiriti Impact Assessment of the Indigenous Peoples Economic and Trade Cooperation Arrangement (IPETCA).

Part B sets out the reference points for the audit, being the four articles of Te Tiriti o Waitangi and the Kaupapa of Te Rangitikupu derived from Te Tiriti.

Part C adapts the template for the Tiriti o Waitangi audit developed by Ngā Tōki Whakarururanga to APEC 2021.

Part D lists the considerations/questions for the audit to assess.

PART A: OVERVIEW OF THE APPROACH TO THE AUDIT

Ngā Tōki Whakarururanga has developed a Tiriti o Waitangi/Treaty of Waitangi audit template to assess compliance with its Tiriti o Waitangi kaupapa through the lens of Te Ao Māori.

As requested, that template has been customised here for the conduct of a Tiriti o Waitangi/Treaty of Waitangi audit of APEC 2021. It is provided to Te Rangitukupu solely for that purpose and on the understanding that the conceptual integrity of the audit is maintained. If Te Rangitukupu wishes to amend core elements of the template it should seek the agreement of Ngā Tōki Whakarururanga to any such changes.

Purpose

This audit will evaluate the processes, activities and outcomes of New Zealand's hosting of APEC in 2021 against the Tiriti o Waitangi and the Tiriti-based kaupapa on which Māori entities based their participation, as set out in Te Rangitukupu.

It is understood that the Ministry of Foreign Affairs and Trade (MFAT) is conducting its own analysis of APEC 2021 in relation to Māori.

These complementary assessments from the Tiriti partners should be used to set a new bar in the realisation of Te Tiriti in future APEC and other international trade activities.

Specifically, this audit should enable:

1. Accountability of participating Māori entities and the Crown to relevant Māori constituencies for APEC 2021
2. Quality assurance of work undertaken, through a Tiriti o Waitangi lens
3. MFAT to understand and develop a Tiriti-based approach to future APEC activities and to its international activities more generally
4. The Crown, including Ministers and all Crown agencies, to develop Tiriti-based systems of decision-making and governance for future APEC activities and international activities more generally
5. Māori entities to enhance their future role in APEC and in international activities more generally, with reference to the Crown and to each other.

Scope

The Tiriti/Treaty Audit should cover:

1. Role and functioning of Te Rangitukupu (the entity) in relation to APEC 2021;
2. The Tiriti/Treaty relationship between Te Rangitukupu and the Crown;
3. Engagement with iwi taketake;
4. Māori participation in general APEC activities;
5. Rangatahi activities; and
6. The Ringa Ropa Rōpu for the IPETCA.

Audit criteria

The Tiriti/Treaty audit assesses these activities against:

1. the four articles of Te Tiriti o Waitangi, and
2. the kaupapa of the Māori entities set out in Te Rangitukupu.

Methodology

The audit needs sufficient time and resources to:

1. Review relevant documents, including meeting minutes, correspondence with officials and Ministers, and outcomes reports;
2. Interviews with each of the participating Māori entities, key contractors, technical advisers, MFAT negotiators and officials, with a sample of Māori participants in the APEC 2021 activities, and with indigenous representatives from other countries who participated in the activities under review.
3. Review APEC documents, including agendas, statements and speeches

Reporting of the results

The audit will be most useful if it reports:

1. a Tiriti assessment of the six different activities against the two criteria in narrative form;
2. a tabular summary for the six reference points in relation to each Tiriti o Waitangi article, as below.

The report also needs to identify:

- positive initiatives that should be built upon;
- negative experiences that must not happen again;
- proposals for Tiriti-compliant approaches to ongoing and future APEC activities,
- proposals for new approaches or activities;
- lessons for Māori; and
- lessons for the Crown.

	Kawanatanga (Art 1)	Rangatiratanga (Art 2)	Oritetanga (Art 3)	Whakapono (Art 4)	Overall
Role & functioning of Te Rangitukupu					
Tiriti relationship of Te Rangitukupu and Crown					
Engagement with Iwi Taketake					
Māori participation in general APEC activities					
Rangatahi activities					
Ringa Ropa Rōpu for IPETCA					

Peer review

The draft needs to be provided to Te Rangitukupu for comment before being finalised.

The draft report needs to be peer reviewed by someone of similar competencies, approved by the co-chairs of Te Rangitukupu.

Qualifications

The competencies of the auditor need to include:

1. an advanced understanding of Te Tiriti o Waitangi and tikanga Māori;
2. preferably competence in te reo Māori;
3. working knowledge of APEC;
4. independence from MFAT and participating entities in Te Rangitukupu; and
5. proven writing and interview skills.

The appointment of the auditor needs to be approved by the co-chairs of Te Rangitukupu.

Tiriti o Waitangi/Treaty of Waitangi Impact Assessment of IPETCA

The work to develop the IPETCA was part of the APEC project, but differs in that it is a written instrument whose negotiation occurred outside of APEC with a sub-set of APEC members and provides for a formal ongoing process.

A separate Tiriti/Treaty Impact Assessment of IPETCA should be conducted with reference to Te Tiriti o Waitangi, te Rangitukupu kaupa and the United National Declaration on the Rights of Indigenous Peoples, and which critically evaluates the

- recognition and adoption of indigenous worldviews, values and practices;
- the potential benefits to Māori, by different sectors and communities;
- extent of protections for Māori rights and responsibilities;
- omissions and limitations of the document, including matters for future review;
- the empowerment of Indigenous Peoples; and
- power relationships between the State Parties and Indigenous Peoples, including decision-making and resourcing.

PART B: AUDIT OF APEC 2021 AGAINST TE TIRITI O WAITANGI AND TE RANGITUKUPU KAUPAPA

This Tiriti o Waitangi/Treaty of Waitangi audit assesses the APEC 2021 activities against two inter-related criteria:

- 1) the four articles of Te Tiriti o Waitangi, and
- 2) the Tirit-based kaupapa of the Māori entities set out in Te Rangitukupu.

1) Te Tiriti o Waitangi

Each article of Te Tiriti o Waitangi serves a different function within a coherent covenant that is informed by He Whakaputanga o Te Rangatiratanga o Nu Tireni.

Kawanatanga – Article 1 provides for the Government to exercise authority over its people and authority delegated by Māori. Government authority is qualified by the obligation to recognise Rangatiratanga, as per Article 2, and ensure the protection of Māori rights, interests, duties and responsibilities. This aspect of the agreement is further established within the other articles of Te Tiriti.

Tino Rangatiratanga - Article 2 affirms the continued unfettered powers, duties and responsibilities of Rangatira to ensure the exercise of Māori authority collectively over their own affairs and resources in a manner consistent with tikanga Māori.

Oritetanga - Article 3 ensures parity and equity between Māori and the Crown's people, and acknowledges that equity in rights and outcomes does not mean equal treatment or aspirations, but equal rights and capabilities to define and pursue aspirations according to a people's fundamental principles, laws and beliefs.

Whakapono - 4th Article guarantees the active protection and equal status of philosophies, beliefs, faiths and laws.

2) Te Rangitukupu Kaupapa

The kaupapa of the Māori entities set out in Te Rangitukupu applies Te Tiriti o Waitangi to the context of APEC 2021:

The Māori entities enter this Memorandum recognising:

1. That shared authority in the international domain is informed by the domestic relationship between Māori Peoples Whānau, Hapū and Iwi and the Crown and the tino rangatiratanga and kāwanatanga that has endured since the 1835 He Whakaputanga o Nga Rangatira o Nga Hapū o Niu Tireni and 1840 Te Tiriti o Waitangi.
2. The need to preserve mana tuku iho (mana inherited) and mana whakahaere (exercise of that inherited power to preserve and maintain hapū mana and rangatiratanga).

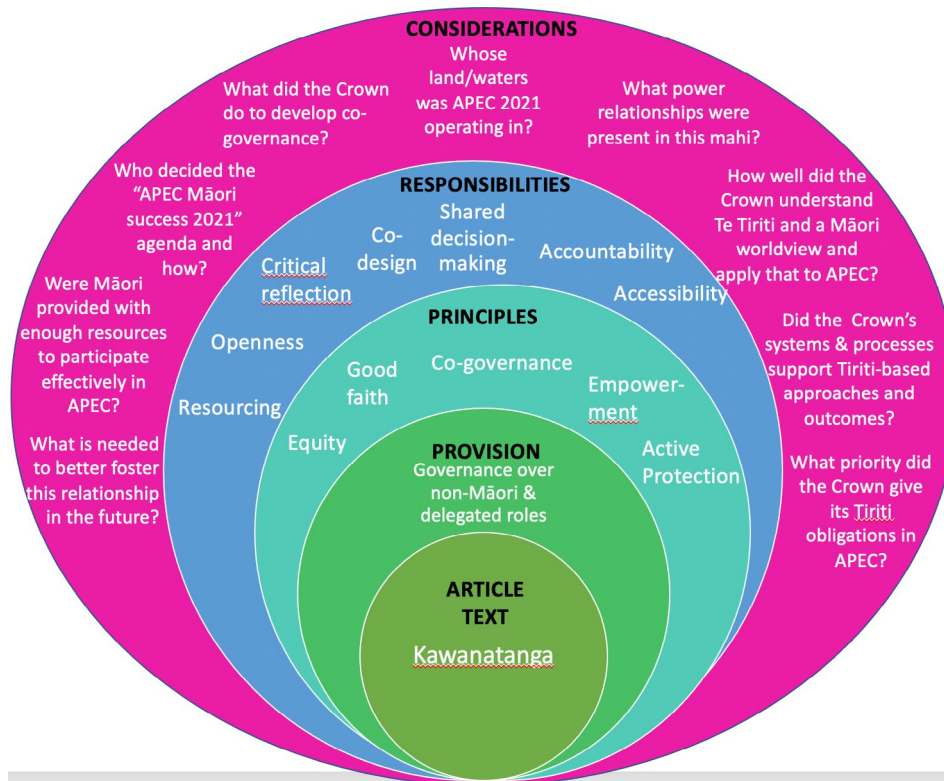
3. *The responsibilities of rangatira as leaders to preserve and uphold the mana and rangatiratanga of their hapū and the responsibilities of the Crown to represent Taiwi.*
4. *The importance of tikanga-based trading relationships to Māori peoples whānau hapū and iwi and the significance of trade to the economy of Aotearoa New Zealand and the livelihoods and wellbeing of its people.*
5. *Information is essential to the exercise of mana and tino rangatiratanga through effective participation in decision-making by collective, participatory, and accountable processes.*
6. *The need to develop a new approach to trade policy and the negotiation of international trade agreements that gives effect to the Tiriti relationship and establishes mutual respect and collaboration between the parties.*
7. *Te Tiriti/the Treaty is a relationship of equals. Legally it is an international treaty whereby at least two sovereign nations entered into an agreement to set out how they were to structure their relationship with each other.*

PART C: ADAPTATION OF TE TIRITI/TE RANGITUKUPU TO APEC 2021

Core principles and responsibilities for each Tiriti article, and Te Rangitukupu’s Kaupapa, have been applied to APEC 2021. The resulting considerations and questions for the audit . These are listed again in Part C.

ARTICLE 1. KAWANATANGA – CROWN GOVERNANCE OVER NON-MĀORI AND DELEGATED ROLES

***Kawanatanga – Article 1** provides for the Government to exercise authority over its people and authority delegated by Māori. Government authority is qualified by the obligation to recognise Rangatiratanga, as per Article 2, and ensure the protection of Māori rights, interests, duties and responsibilities. This aspect of the agreement is further established within the other articles of Te Tiriti.*



Principles

- Co-governance
- Good faith
- Empowerment
- Active protection
- Equity

Responsibilities

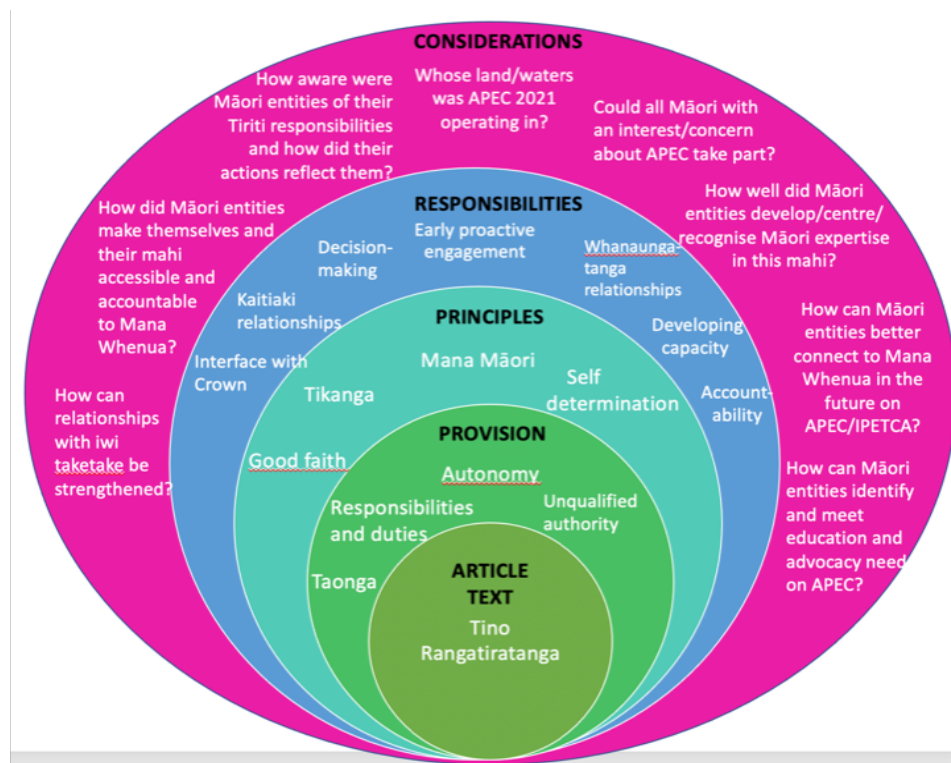
- Shared decision-making
- Co-design
- Critical reflection
- Accountability
- Openness
- Resourcing
- Accessibility

Questions for the audit

- How did kawanatanga give effect to the rangatiratanga of iwi, hapu and whanau whose whenua/moana APEC 2021 was operating in?
- How well did the Crown understand Te Tiriti o Waitangi, Tikanga Māori and a Māori worldview and apply that to APEC 2021?
- Who decided the “APEC Māori success 2021” agenda and how?
- What priority did the Crown give to its Tiriti obligations in APEC?
- What power relationships were present in this mahi?
- Was the Tiriti relationship of Crown and Mana Whenua as rangatira to rangatira?
- Did the Crown’s systems and processes support Tiriti-based approaches and outcomes?
- What did the Crown do to develop co-governance for APEC 2021 and how effective was that in empowering joint decision-making?
- Which decisions was the Crown prepared to share power over?
- Were Mana Whenua provided with sufficient resources and timely information to participate effectively in APEC?
- What is needed to better foster this relationship in future APEC activities and international activities generally?

ARTICLE 2: TINO RANGATIRATANGA – AUTONOMY AND UNQUALIFIED AUTHORITY THAT CARRIES RESPONSIBILITIES AND DUTIES

Tino Rangatiratanga - Article 2 affirms the continued unfettered powers, duties and responsibilities of Rangatira to ensure the exercise of Māori authority collectively over their own affairs and resources in a manner consistent with tikanga Māori.



Principles

- Mana Māori
- Self-determination
- Tikanga
- Good faith

Responsibilities

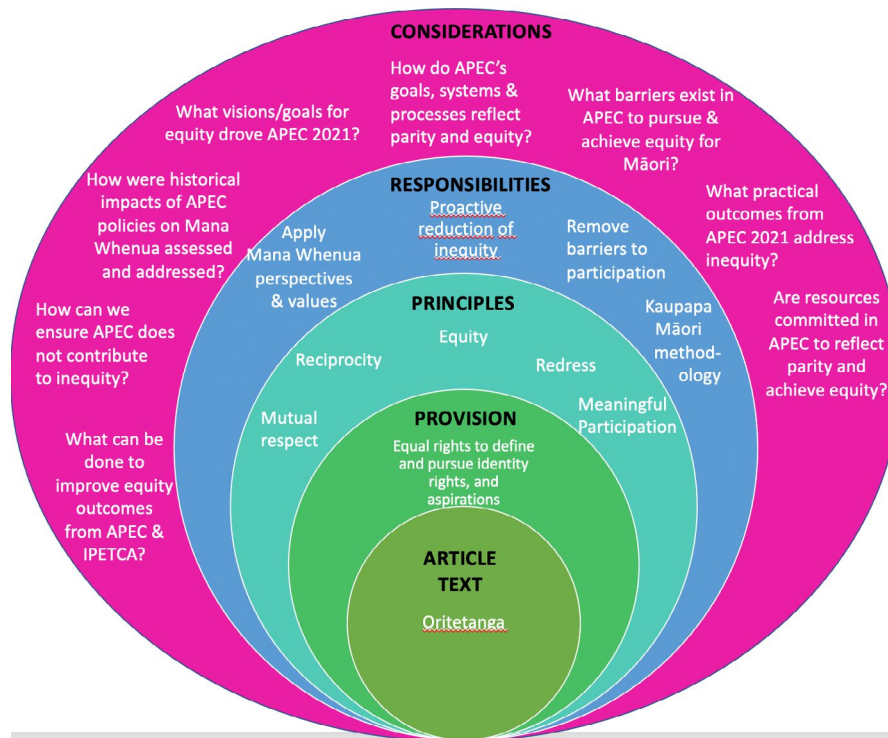
- Early proactive engagement
- Decision making authority
- Kaitiaki relationships
- Whanaungatanga relationships
- Developing capacity
- Interface with the Crown
- Accountability

Considerations for the audit

- What authority did iwi, hapu and whanau whose whenua/moana APEC 2021 was operating in exercise in relation to APEC 2021 activities and decisions?
- Could all Mana Whenua with an interest/concern about APEC take part?
- How aware were participating Mana Whenua entities of their Tiriti responsibilities and how did their actions reflect them?
- How well did Mana Whenua entities develop/centre/recognise Māori expertise in this mahi?
- What tangible benefits were there for Mana Whenua from participation in APEC 2021?
- What gains can Mana Whenua realistically expect in the future from APEC 2021?
- Were the investment of Mana Whenua time and resources justified by the outcomes?
- How did participating Māori entities make themselves and their mahi accessible to Mana Whenua?
- How did participating Māori entities make themselves and their mahi accountable to Mana Whenua?
- How can participating Māori entities better connect to Mana Whenua in the future on APEC/IPETCA?
- How were relationships between Mana Whenua and iwi taketake developed in APEC 2021?
- How can relationships between Mana Whenua and iwi taketake be strengthened through and relating to APEC and IPETCA?
- How can participating Māori entities identify and meet education and advocacy needs of Mana Whenua on APEC?

ARTICLE 3: ORITETANGA: PARITY AND EQUITY TO DEFINE, PROTECT AND PURSUE IDENTITY, RIGHTS AND ASPIRATIONS

Oritetanga - Article 3 ensures parity and equity between Māori and the Crown's people, and acknowledges that equity in rights and outcomes does not mean equal treatment or aspirations, but equal rights and capabilities to define and pursue aspirations according to a people's fundamental principles, laws and beliefs.



Principles

- Equity
- Redress
- Reciprocity
- Mutual respect
- Meaningful participation

Responsibilities

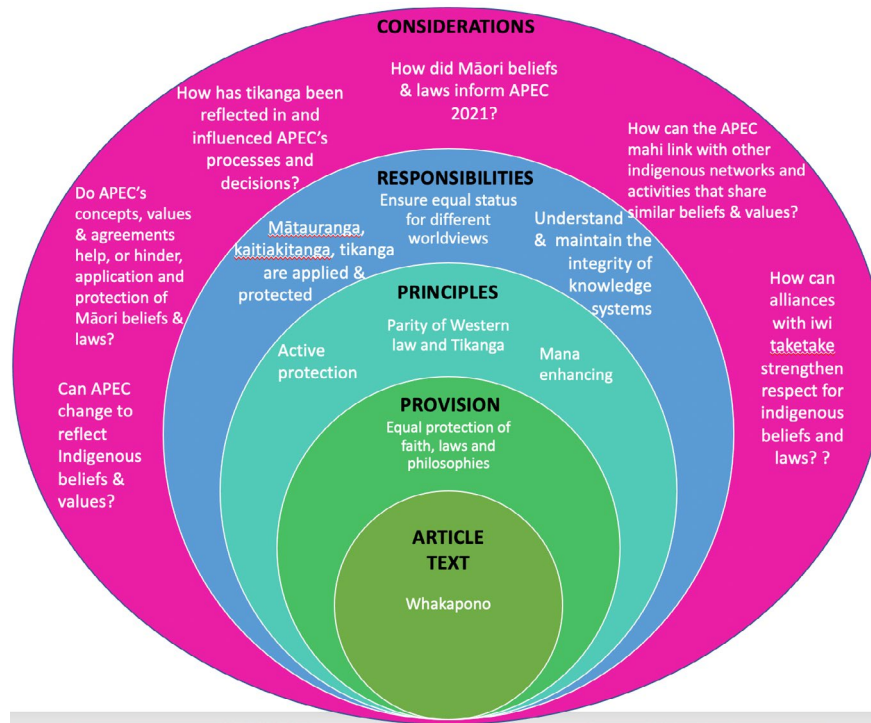
- Proactive reduction of inequity
- Apply Mana Whenua perspectives and values
- Remove barriers to participation
- Kaupapa Māori methodology

Questions for the audit

- How do APEC's goals, systems and processes reflect the status of indigenous peoples as Mana Whenua in relation to the status of non-indigenous peoples?
- Can APEC's goals, systems and processes empower Mana Whenua and Iwi Taketake to define and pursue their aspirations according to their principles, laws and beliefs?
- How were historical impacts of APEC values, priorities and policies on Mana Whenua assessed and addressed?
- How were barriers to pursuing and achieving equity for Mana Whenua identified for APEC 2021?
- What visions/goals for equity drove APEC 2021?
- What practical outcomes from APEC 2021 address inequity?
- Did participating Māori entities have the necessary access to decision making to address issues of equity?
- Does the commitment of resources in APEC 2021 and for future APEC activities reflect parity and are they adequate to achieve equity?
- What can be done to improve equity outcomes from APEC and IPECTA?
- What can be done to ensure APEC does not contribute to inequity?

ARTICLE 4: WHAKAPONO – ACTIVE PROTECTION AND EQUAL STATUS OF PHILOSOPHIES, BELIEFS, FAITHS AND LAWS

Whakapono - 4th Article guarantees the active protection and equal status of philosophies, beliefs, faiths and laws.



Principles

- Parity of Western law and Tikanga
- Active protection of Mātauranga
- Active protection of Kaitiakitanga
- Mana enhancing

Responsibilities

- Ensure equal status for different worldviews
- Understand and maintain the integrity of knowledge systems
- Mātauranga, kaitiakitanga, tikanga are applied and protected
- Develop empowering processes

Questions for the audit

- How did Māori beliefs and laws inform APEC 2021?
- How has Tikanga been reflected in and influenced APEC 2021 processes and decisions?
- How has Tikanga been reflected in and influenced IPETCA processes and decisions?
- Do APEC's concepts, values and agreements help, or hinder, application and protection of Māori beliefs and laws?
- Is APEC capable of changing to reflect these values?
- How can the APEC mahi link to other indigenous networks and activities that share similar indigenous beliefs and values?
- How can alliances with Iwi Taketake strengthen respect for indigenous beliefs and laws?

PART D: QUESTIONS FOR THE TIRITI/TREATY AUDIT OF APEC 2021

Article 1 Kawanatanga

- How did kawanatanga give effect to the rangatiratanga of iwi, hapu and whanau whose whenua/moana APEC 2021 was operating in?
- How well did the Crown understand Te Tiriti o Waitangi, Tikanga Māori and a Māori worldview and apply that to APEC 2021?
- Who decided the “APEC Māori success 2021” agenda and how?
- What priority did the Crown give to its Tiriti obligations in APEC?
- What power relationships were present in this mahi?
- Was the Tiriti relationship of Crown and Māori as rangatira to rangatira?
- Did the Crown’s systems and processes support Tiriti-based approaches and outcomes?
- Which decisions was the Crown prepared to share the power over?
- What did the Crown do to develop co-governance for APEC 2021 and how effective was that in empowering joint decision-making?
- Were Mana Whenua provided with sufficient resources and timely information to participate effectively in APEC?
- What is needed to better foster this relationship in future APEC activities and international activities generally?

Article 2 Rangatiratanga

- What authority did iwi, hapu and whanau whose whenua/moana APEC 2021 was operating in exercise in relation to APEC 2021 activities and decisions?
- Could all Mana Whenua with an interest/concern about APEC take part?
- How aware were participating Mana Whenua entities of their Tiriti responsibilities and how did their actions reflect them?
- How well did Mana Whenua entities develop/centre/recognise Māori expertise in this mahi?
- What tangible benefits were there for Mana Whenua from participation in APEC 2021?
- What gains can Mana Whenua realistically expect in the future from APEC 2021?
- Were the investment of Mana Whenua time and resources justified by the outcomes?
- How did participating Māori entities make themselves and their mahi accessible to Mana Whenua?
- How did participating Māori entities make themselves and their mahi accountable to Mana Whenua?
- How can participating Māori entities better connect to Mana Whenua in the future on APEC/IPETCA?
- How were relationships between Mana Whenua and iwi taketake developed in APEC 2021?
- How can relationships between Mana Whenua and iwi taketake be strengthened through and relating to APEC and IPETCA?
- How can participating Māori entities identify and meet education and advocacy needs of Mana Whenua on APEC?

Article 3 Oritetanga

- How do APEC's goals, systems and processes reflect the status of indigenous peoples as Mana Whenua in relation to the status of non-indigenous peoples?
- Can APEC's goals, systems and processes empower Mana Whenua and Iwi Taketake to define and pursue their aspirations according to their principles, laws and beliefs?
- How were historical impacts of APEC values, priorities and policies on Mana Whenua assessed and addressed?
- How were barriers to pursuing and achieving equity for Mana Whenua identified for APEC 2021?
- What visions/goals for equity drove APEC 2021?
- What practical outcomes from APEC 2021 address inequity?
- Did participating Māori entities have the necessary access to decision making to address issues of equity?
- Does the commitment of resources in APEC 2021 and for future APEC activities reflect parity and are they adequate to achieve equity?
- What can be done to improve equity outcomes from APEC and IPECTA?
- What can be done to ensure APEC does not contribute to inequity?

Article 4 Whakapono

- How did Māori beliefs and laws inform APEC 2021?
- How has Tikanga been reflected in and influenced APEC 2021 processes and decisions?
- How has Tikanga been reflected in and influenced IPETCA processes and decisions?
- Do APEC's concepts, values and agreements help, or hinder, application and protection of Māori beliefs and laws?
- Is APEC capable of changing to reflect these values?
- How can the APEC mahi link to other indigenous networks and activities that share similar indigenous beliefs and values?
- How can alliances with Iwi Taketake strengthen respect for indigenous beliefs and laws?

ANNEX 3 INTRODUCTORY LETTER

TE RANGITŪKUPU

29 March 2022

Tēnā koe

Tiriti o Waitangi assessment of APEC 2021: An invitation to share your views

E mihi atu ana ki a koe me tō whānau i roto i ngā piki me ngā heke o tō tātou ao hurihuri.

Te Rangitūkupu was established in June 2021 as a Treaty-based Māori partnership entity with the Manatū Aorere Ministry of Foreign Affairs and Trade (Manatū Aorere) to lead work on Māori and Indigenous participation in APEC 2021.

Te Rangitūkupu comprises eight entities, namely: FOMA Federation of Maori Authorities, Nga Toki Whakarururanga, Māori Women's Development Incorporated, Whāriki Māori Business Network, T3W, Digital Council for Aotearoa, Te Taumata, and Iwi Chairs Forum (Pou Tahua).

On behalf of Te Rangitūkupu, we invite you to share your views on how well Aotearoa New Zealand's hosting of APEC 2021 honoured Te Tiriti o Waitangi. We have engaged Dr Jason Mika to independently assess the APEC 2021 programme using a Tiriti o Waitangi audit framework developed by Ngā Toki Whakarururanga. The assessment will involve a review of APEC documents, interviews with up to 20 people involved in organising and delivering APEC 2021, as well as Māori, Indigenous, and rangatahi participants, and the delivery of a peer reviewed report by mid-April 2022. APEC 2021 operations within Manatū Aorere wind up at the end of April 2022, hence the short timeframe for this work.

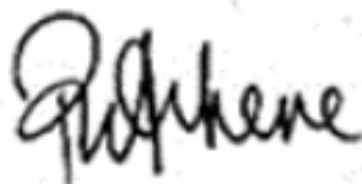
We know your time is precious and we appreciate your assistance with this review. We have asked Dr Mika to contact you to arrange a suitable time for an interview, which will be conducted via Zoom, MS Teams or phone, and may take up to 60 minutes. The interviews will be recorded with your consent for analysis and will be fully confidential. While you will not be named in the report, your views may be reflected in quotations and in summaries of the views contributed. For your information, Dr Mika's contacts cell 021 970 42 or email jasonmika71@gmail.com.

Please contact Jason if you have any immediate queries on this process, kia ora.

Ngā mihi,
TE RANGITUKUPU



Traci Houpapa MNZM JP
Co-Chair
M: 021 455 335
E: traci@thcg.co.nz



Pita Tipene
Co-Chair
M: 021 404 047
E: pita@nhht.co.nz

ANNEX 4 INFORMATION SHEET

TE RANGITŪKUPU

INFORMATION SHEET

Tiriti o Waitangi assessment of APEC 2021: An invitation to share your views

Tēnā tātau i roto i ngā āhuatanga maha o te wā

Introduction

Further to the introductory letter from Te Rangitūkupu co-chairs Traci Houpapa and Pita Tipene, this document provides you with information about a Tiriti o Waitangi assessment of APEC 2021 and invites you to share your views in an interview with Dr Jason Mika who has been engaged to do the assessment. The purpose of the assessment is to provide insight and recommendations about how the APEC 2021 programme honoured te Tiriti o Waitangi in the planning and delivery of APEC 2021's hosting by Aotearoa New Zealand. The assessment may also contribute to academic research with your consent.

Interview process

The assessment will be completed over four weeks, with a report due by 22 April 2022. Ideally, interviews will be conducted between Monday 4 April and Friday 8 April. Jason will be in contact to arrange an interview time. Interviews will be conducted via Zoom or similar and may take up to 60 minutes. Interviews are fully confidential and will be recorded with your permission. The interviews will address key questions in the Tiriti o Waitangi assessment framework that Ngā Toki Whakarururanga has developed. Interviews may cover, among other things, the four Tiriti articles and Te Rangitūkupu kaupapa as they relate to six key aspects of APEC, including Māori participation in and outcomes from APEC.

Participants rights

As a participant, you have the right to:

- Decline to answer any question
- Withdraw at any stage
- Ask questions about the assessment at any time
- Not be named unless you give permission to the assessor
- Be given an electronic report of the findings and a copy of your transcript
- Ask for the recorder to be turned off at any time during the interview.

Contact information

If you have any queries, please contact Jason Mika in the first instance.

Assessor	Te Rangitūkupu	
Dr Jason Paul Mika Director, Ace Consulting m: 021 970 421 e: jasonmika71@gmail.com	Traci Houpapa Co-Chair m: 021 455 335 e: traci@thcg.co.nz	Pita Tipene Co-Chair m: 021 404 047 e: pita@nhht.co.nz

ANNEX 5 CONSENT FORM

TE RANGITŪKUPU

CONSENT FORM

Tiriti o Waitangi assessment of APEC 2021: An invitation to share your views

4 May 2022: Final

I have read the Information Sheet and have had the details of te Tiriti o Waitangi assessment of APEC 2021 explained to me. My questions have been answered to my satisfaction, and I understand that I may ask further questions at any time.

Please tick the boxes that apply:

- I agree to the interview being sound and/or video recorded.
- I wish to have my recording and transcript returned to me.
- I agree to participate in this study under the conditions set out in the Information Sheet.

Signature

Date:

.....

Full name

Iwi affiliation

Postal address

Email:

Phone:

.....

ANNEX 6 INTERVIEW QUESTIONS

TE RANGITŪKUPU

INTERVIEW SCHEDULE

1 April 2022: FINAL

Tiriti o Waitangi assessment of APEC 2021: An invitation to share your views

Ngā Toki Whakarururanga has developed a Tiriti o Waitangi/Treaty of Waitangi audit framework to assess compliance with its Tiriti o Waitangi kaupapa through the lens of te ao Māori. This audit evaluates the processes, activities and outcomes of Aotearoa New Zealand's hosting of APEC in 2021 against te Tiriti o Waitangi and the Tiriti-based kaupapa of the Māori entities in Te Rangitūkupu. Te Manatū Aorere and Te Rangitūkupu assessments of APEC 2021 from the Tiriti partners should be used to set a new bar in the realisation of te Tiriti in future APEC and other international trade activities.

About you

1. Where were you born and raised?
2. What is your role and how did you come to the role?
3. What is your relationship to Māori and trade?
4. What is your relationship to APEC 2021?

About APEC and Māori

5. What does APEC mean to you?
6. What are the strengths of APEC for Māori?
7. What are the weaknesses of APEC for Māori?
8. How have Māori participated in APEC?
9. How have Māori benefitted from APEC?
10. What future outcomes for Māori do you anticipate from APEC?

About APEC 2021

11. What is your overall impression of APEC 2021?
12. What were some positive initiatives?
13. What were some negative aspects?
14. What are some lessons for Māori?
15. What are some lessons for the Crown?

Tiriti o Waitangi and APEC 2021

16. What is your view on te Tiriti o Waitangi and trade?
17. What was the role of te Tiriti o Waitangi in APEC 2021?
 - a. How did kawanatanga (Crown authority) apply?
 - b. How did rangatiratanga (Māori authority) apply?
 - c. How did oritētanga (equity and parity) apply?
 - d. How did whakapono (equal status of philosophies and faith) apply?
18. How well did APEC 2021 provide for and honour te Tiriti o Waitangi?
19. How well did APEC 2021 provide for mana Māori, tikanga Māori, mātauranga Māori?
20. How well did APEC 2021 provide for and protect Māori treaty rights and interests?

Te Rangitūkupu

21. What is your understanding of the role of Te Rangitūkupu?
22. Through the role of Te Rangitūkupu, how well and in what ways was:
 - a. APEC 2021 informed by kawanatanga and rangatiratanga?
 - b. Mana tuku iho (inherited mana) and mana whakahaere (exercise of inherited mana) preserved?
 - c. tikanga-based trading relationships to Māori provided for?
 - d. Information provided for effective Māori participation in decision-making?
 - e. A new approach to trade policy that gives effect to te Tiriti achieved?
 - f. Te Tiriti/the Treaty recognised as a relationship of equals?

Other matters

23. How well and in what ways did APEC 2021 engage with iwi taketake (Indigenous peoples)?
24. How well and in what ways did APEC 2021 engage with rangatahi (youth)?

Indigenous Peoples Economic and Trade Cooperation Arrangement (IPETCA)

25. What is your view on the role and significance of the IPETCA?
26. What was the role of the Ringa Raupā Rōpu in the IPETCA?
27. What are some of the lessons from APEC 2021 for IPETCA?





ACE CONSULTING

PREPARED BY
Dr Jason Paul Mika
Director, Ace Consulting
15 JUNE 2022