critical te tiriti analysis: strengthening crown accountability in health policy

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kia whakatōmuri te haere whakamua: my past is my present is my future, i walk backwards into the future, with my eyes fixed on my past.

te tiriti o waitangi (te tiriti) was negotiated between the british crown and indigenous māori in 1840 and legitimises settler presence in aotearoa. te tiriti is the founding document of the settler state of aotearoa new zealand. therefore, te tiriti must lie at the heart of ethical contemporary health policy in this country. te tiriti places a mandatory obligation on the crown to protect and promote māori health, however, there has been steadfast resistance to its implementation, ranging from the development of vague or misleading ‘principles’ to its complete absence from policies. this lack of te tiriti compliant leadership from the crown and its agencies has directly impacted the development and delivery of public health in aotearoa. generations of such crown breaches of te tiriti have had devastating impacts on the health of whānau, hapū and iwi.

it is vital that the crown is held accountable for its inaction, and provided with te tiriti-based, concrete and measurable ways to improve their health policies. in response to that need, in 2020 heather came, dominic o’sullivan and tim mccreanor developed a framework that analysed health policy against the preamble and articles of te tiriti. the critical te tiriti analysis (cta) review process has five defined phases: i) orientation; ii) close reading; iii) determination; iv) strengthening practice; and v) māori final word. the presence of māori voices, including the right of veto through the māori final word, is an explicit demonstration of tino rangatiratanga within a scholarly te tiriti relationship. to date there are three peer-reviewed cta publications, with several more in various stages of development.

in this presentation we argue that critical te tiriti analysis is an anti-racism tool for holding the crown accountable for māori health. we believe that it offers an approach to analysing policy that is simple to use and, inherently, a tool for advancing social justice. furthermore, cta could be adapted and applied in other colonial contexts to advance indigenous health.

our presentation will provide an overview of the work so far and our future plans, a description of the cta process and a practical demonstration of its application in a health policy context.