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**The United Nations Declaration for the Rights of
Indigenous Peoples and te reo Māori:
Is the Aotearoa New Zealand government fulfilling its
responsibilities?**

**A research report presented in partial fulfilment of the requirements
for the degree of
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ABSTRACT

Te reo Māori is the Indigenous language of Aotearoa New Zealand, and its survival and revitalisation is of paramount importance to Māori and others who commit to the language, and to te reo Māori having a rightful place in the fabric of Aotearoa New Zealand society. International Indigenous rights instruments, such as the United Nations Declaration for the Rights of Indigenous Peoples (UNDRIP), are one mechanism through which Indigenous languages such as te reo Māori can be protected and revitalised. An important part of implementing such mechanisms is the establishment of monitoring and evaluation tools to ensure that progress (or lack thereof) towards implementation is tracked.

Through an Indigenous rights and Kaupapa Māori lens, this research report seeks to determine the extent to which the Aotearoa New Zealand government's approach to the revitalisation of te reo Māori, aligns with its responsibilities as a signatory to the UNDRIP. Three research questions are posed. Firstly, what responsibilities does the Aotearoa New Zealand government have as a signatory to the UNDRIP? Secondly, what has been the Aotearoa New Zealand government's approach to the revitalisation of te reo Māori? Thirdly, how has the Aotearoa New Zealand government's approach to te reo Māori revitalisation aligned (or not) with its responsibilities as a signatory to the UNDRIP?

This research used a document analysis as its primary method. An UNDRIP Compliance Assessment Tool developed in Canada by Smith & Mitchell (2020) was adapted to assess the government in Aotearoa New Zealand's compliance with selected UNDRIP articles as it relates to te reo Māori. When looking at the performance of government here, the overall assessment is that there is evidence of some good practice albeit within the boundaries and systems of the state. For the Aotearoa New Zealand government to fully meet its responsibilities under the UNDRIP, there would need to be more of an effort to support Māori to lead the protection and revitalisation of te reo Māori (through self-determination). However, this is unlikely to happen in the current political environment. The current National-led coalition government has made clear its unwillingness to provide support for either te reo Māori or for progressing the UNDRIP implementation plan – He Puapua. Similar research or an evaluation undertaken in three plus years' time would help uncover the likely negative impact of this policy position, on both the revitalisation of te reo Māori and on progressing Indigenous rights through the UNDRIP in this country.

MIHIMIHI

Tōku reo tōku ohooho, tōku reo tōku mapihi maurea.

E ngā rau rangatira mā, tēnā koutou.

He mihi aroha tēnei ki tōku whānau, ki ōku hoa hoki. I āwhina mai, i akiaki mai rātou i tēnei mahi.

Ka tuku mihi au ki te wahine toa mai i Te Atiawa, ko Rochelle Stewart-Withers.

Ka nui te mihi ki a koe e hoa i tōu tautoko mai i tēnei rangahau.

Ko wai tēnei?

Kei te titiro au ki te Tairāwhiti,

Ko Hikurangi te maunga, ko Waiapu te awa, ko Ngāti Porou te iwi, ko Te Aitanga a Māteroa te hapū.

Ka huri te kanoahi ki te Taumata o Apanui.

Ko Whānokao te maunga, ko Te Motu te awa, ko Te Whānau ā Apanui te iwi, ko Te Whānau a Hikarukutai te hapū.

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Ka nui tōku aroha mō te reo Māori.

Ānei he koha iti kia tautoko ai i te whawhai nui i te kaupapa whakahirahira, te whakarauoratanga o tō tātou taonga tuku iho – ko te reo Māori.

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CHAPTER 1: INTRODUCTION

1.1: INTRODUCTION

The United Nations Declaration of the Rights of Indigenous Peoples (UNDRIP) is an international instrument designed to deal with the protection of Indigenous people all over the world. Included in the UNDRIP, are articles relating to the protection and revitalisation of Indigenous languages. Robust monitoring and evaluation of governments' responses to the UNDRIP is an area of focus for the United Nations (UN), and issues with the development and implementation of monitoring and evaluation tools have been identified (United Nations, 2023).

Te reo Māori (the Māori language)¹ is the Indigenous language of Aotearoa New Zealand. This one-time thriving language has faced near extinction as a result of over 150 years of colonisation and the privileging of English over te reo Māori (Olsen-Reeder, Hutchings, & Higgins, 2017). Concerted efforts over the last 50+ years (including by some governments) have sought to reverse this decline, by focusing on protecting and revitalising te reo Māori.

This research aims to determine the extent to which the Aotearoa New Zealand government's approach to the revitalisation of te reo Māori aligns with its responsibilities as a signatory to the UNDRIP. This chapter will present some background information on this topic; followed by the research aim, questions, and scope; a description of a desired future state; a brief discussion about researcher positionality and professional links; consideration of the topic's relevance to development studies; and then an outline of this report's structure.

1.2: BACKGROUND

Efforts to develop the UNDRIP were initially instigated in the early 1980s following a UN report discussing the human rights issues that Indigenous people were facing internationally (United Nations, 1981). One of the recommendations at this time was to develop a UN-mandated provision, to protect Indigenous peoples and their rights. This set-in motion a process, that more than a quarter of a century later, culminated in the ratification of the UNDRIP in 2007.

¹ I have intentionally chosen not to present a glossary of te reo Māori words for this research but rather will put a translation in brackets next to the relevant word or phrase the first time it is used. Alternatively, I will use footnotes if the word or term requires a longer explanation.

In recent years, there has been a concerted effort by the Aotearoa New Zealand government to support the revitalisation of te reo Māori. Significant pieces of legislation, policy, and strategy have been developed by consecutive governments to better support te reo Māori – often in response to protest and pressure from Māori and their supporters. Of significance in the last decade is the establishment of Te Ture mō te reo Māori (the Māori Language Act) 2016, which has been integral to te reo Māori revitalisation as of late. The importance of this Act will be covered in more detail later in this report.

1.3: RESEARCH AIM, QUESTIONS AND SCOPE

The aim of this research is to explore whether the Aotearoa New Zealand government's approach to te reo Māori revitalisation aligns with its responsibilities as a signatory to the UNDRIP. The research questions to be answered are:

Question 1: What responsibilities does the Aotearoa New Zealand government have as a signatory to the UNDRIP?

Question 2: What has been the Aotearoa New Zealand government's approach to revitalisation of te reo Māori?

Question 3: How has the Aotearoa New Zealand government's approach to revitalisation of te reo Māori, aligned (or not) with its responsibilities as a signatory to the UNDRIP?

The timeframe for this research is pre-election 2023, before the voting in of the current National-led coalition government. All the documentation used to inform this research predates that election, as does most of the commentary and analysis.

1.4: MOEMOEĀ (DESIRED FUTURE STATE)

The ideal situation would be that future te reo Māori legislation, policy, and strategy in Aotearoa New Zealand was cognisant of UNDRIP responsibilities, and that the government's UNDRIP implementation plan had te reo Māori as one of its focus areas. In addition, monitoring progress towards the achievement of UNDRIP responsibilities would be prioritised. This research project has the potential to contribute to positive change for te reo

Māori, by highlighting current gaps in this alignment, and recommending ways this might be improved going forward.

1.5: POSITIONALITY AND PROFESSIONAL LINKS

What a researcher's positionality looks like varies based on the wide range of social identities related to the researcher (O'Leary, 2017). The University of California Los Angeles (2021) state that social identities influence where, how, and what you research, and this can include factors such as educational background, profession, race and/or ethnicity, language, religion, gender, sexual orientation, social class, geographic location. In addition to these generic social identities, there are those that are specific to Māori, related to associating with whānau (family), hapū (sub-tribe), and iwi (tribe), as well as knowledge and use of te reo Māori (Nikora, 2007).

The social identities that I have identified as being important to my positionality in this research are first and foremost, having whakapapa (genealogy) Māori and having a need to protect and support Kaupapa Māori² endeavours – particularly te reo Māori. Linking 'being Māori' to an international context is related to my identity as an Indigenous person. To signal this in the research, I use the terminology 'our' or 'us' rather than 'them' when referring to Indigenous or Māori people. I am also somebody who has worked in different Māori focused roles within the Public Service for the last 20 years, and this influences what I do and do not feel comfortable with when writing about the government. Walking between these two worlds has its challenges, but being able to positively influence government policy through research is also a privilege.

1.6: RELEVANCE TO DEVELOPMENT STUDIES

Schevyns & McLennan (2014) state that development research is focused on a topic that can lead to positive social change and improved wellbeing, particularly for people who are poor, oppressed, or marginalised. Māori in Aotearoa New Zealand would, by western measures, be considered part of this group; and the wellbeing of our language is critical to us. Te Paepae

² Kaupapa Māori is described as 'a Māori way' (Cram F., n.d.) or as 'related to being Māori (Smith, G in Cram, F., n.d., paragraph 2).

Motuhake (2011, p. 63) describe te reo as being “the essence and the foundation to the identity of the Māori people”.

Briggs (2014) notes that there needs to be more explicit acknowledgement of the validity of Indigenous knowledge in understanding community level development. This is in response to the realisation that Indigenous people have been able to live sustainably within the world for thousands of years, and that the current situation calls for such historical knowledge to help battle the impacts of climate change. An example of this is the detailed knowledge of local natural hazards that Māori have developed over centuries, which is able to inform the safety and viability of current day activities (NIWA, 2006). Most of this knowledge has been transmitted down through generations via oral traditions and can be found within waiata (songs); whaikōrero (formal speeches); and ingoa wāhi (place names).

The indigenising of development regarding language survival has been led by Māori since the 1970s in Aotearoa New Zealand, with the establishment of Kaupapa Māori³ education options from early childhood education right through to tertiary education. In more recent years, the different governments (both National and Labour) have supported (to some extent) these Kaupapa Māori education options, but, initially, these were very much driven by Māori, for Māori (Waitangi Tribunal, 1986).

The idea of indigenising development as a response to the loss of language and culture aligns well with critical perspectives of development such as post-development. Post-development theory reflects disillusionment with standard development and seeks alternative options (Sidaway, 2014). In the above scenario, post-development theory would see the Kaupapa Māori movement as a rejection of Western worldviews and mindsets of development, by responding in an Indigenous (Māori way). Decolonising development is another paradigm relevant to this discussion. Sultana (2019) suggests that decolonising development is about disrupting deeply rooted hierarchies and power structures, including through use of Indigenous framings within development. In Aotearoa New Zealand, decolonising of

³ An education that normalises Māori ways of doing and being and is delivered using te reo Māori and tikanga Māori (Māori customs).

development could include a shift from being outward focused to prioritising the advancement and decolonisation of development domestically.

Internationally, there is recognition that most of the languages of the world that are in danger of disappearing are Indigenous languages (United Nations, 2023). With language loss, the world loses historical knowledge about culture, people, and the natural world and how-to live-in balance with it. The *UN International Decade of Indigenous Languages 2022-2032* is a call to action to urgently preserve and protect Indigenous languages. This Decade is an international development response to a critical issue facing Indigenous people here in Aotearoa New Zealand, across the Pacific, and around the world.

1.7: REPORT STRUCTURE

In Chapter 1, the background of the research has been introduced. The research aim and questions have been identified, and the scope laid out. Also included is a brief description of a desired vision for the future. The positionality and professional links of the researcher are discussed, as well as an articulation of the topic's relevance to development studies.

Chapter 2 presents a contextual literature review looking at both the history and the current context of the UNDRIP, and of te reo Māori. This chapter goes some way towards answering the first two research questions of this report, while also providing important context to this research.

Chapter 3 is focused on the concept of Indigenous rights in relation to development. The chapter presents different mechanisms used internationally for advancing (and sometimes hindering) these rights, including Indigenous rights bodies and instruments; international trade agreements; policy and legislation; and treaties – including reference to the Treaty of Waitangi. Also discussed is the concept of Kaupapa Māori as an approach to development, that is Indigenous to Aotearoa New Zealand.

Chapter 4 confirms the conceptual framework used in the research, as well as discussing methodology, ethics, and research methods. The analysis framework and approach are also presented in this chapter.

Chapter 5 is a presentation of the research findings. It is important to note, that Chapter 5 primarily discusses the findings of research question three, as the other research questions have mostly been covered off in earlier chapters.

The research concludes with Chapter 6, which is a discussion of findings and concluding remarks. This final chapter also presents the limitations of this study and some recommendations and considerations going forward.

CHAPTER 2: THE UNDRIP, AND TE REO MĀORI: HISTORY AND CURRENT DAY CONTEXT

2.1: INTRODUCTION

Currently, the UNDRIP is the only UN document solely focused on affirming the rights of Indigenous peoples. Toki (2010, p. 244) states that “The Declaration is the most significant Indigenous milestone reached in the international arena.” This section of the report is a contextual literature review which begins by briefly covering the history of the development and signing of the UNDRIP, including Aotearoa New Zealand’s initial refusal to sign. A discussion is then presented about the general UNDRIP responsibilities of governments and states, followed by a noting of other UN tools available for Indigenous language revitalisation. A brief history of te reo Māori is then presented, outlining significant events in revitalisation efforts. Finally in this chapter, the current context for te reo Māori revitalisation efforts are discussed, alongside consideration of the UNDRIP articles that are relevant to te reo Māori.

2.2: HISTORY OF THE UNDRIP

In 1981, Special Rapporteur to the United Nations, Jose Martinez Cobo, produced a report focused on the problem of discrimination against Indigenous populations. In that report, Cobo (United Nations, 1981, p. 3) stated that, at that time, “none of the basic organic texts of the United Nations contains provisions which explicitly and specifically mention Indigenous populations or the need to assist and protect them”. As a result of the recommendations of that report, a Working Group on Indigenous Populations was established in 1982, with the role of reviewing developments relating to Indigenous rights.

From 1982, when the Working Group was established, there was slow but ongoing work to have the draft declaration developed and accepted by governments and states. Finally, in 2007, the UNDRIP was adopted by a majority of 144 in favour, with 4 votes against (Australia, Canada, Aotearoa New Zealand, and the United States), and 11 abstentions (United Nations, n.d.). The rationale given by the government in Aotearoa New Zealand for not signing the UNDRIP at that time, was its perceived incompatibility with New Zealand’s constitutional and legal arrangements, and the Treaty of Waitangi (United Nations, 2007).

The Aotearoa New Zealand Labour government's initial refusal to adopt the UNDRIP in 2007 was described by Solomon (2008, conclusion, para. 1) as being "motivated by its own state-centric, narrow and "worst-case scenario" interpretations of the Declaration". This sentiment was echoed by many Māori, with the government's reasons for refusing to sign being deeply questioned (Toki, 2010) and questionable. Renowned Māori lawyer and leader, Moana Jackson, declared that the UNDRIP was not a replacement for the Treaty of Waitangi; but rather sits alongside and complements it (Jackson, 2017).

In 2010, the National-led government reversed the previous government's decision not to sign the UNDRIP, after hard negotiations with the Māori Party, who National had a confidence-and-supply agreement with at that time (Watkins, 2010). Aotearoa New Zealand's decision to sign followed Australia's eventual signature of the UNDRIP in 2009, with Canada and the United States trailing behind in 2010.

2.3: UNDRIP RESPONSIBILITIES

Embedded in the text of the UNDRIP is the expectation that it is the role of governments or states to support the practices, needs and interests of Indigenous peoples. For example, the preamble to the UNDRIP recognises the urgent need to respect and promote the rights of Indigenous peoples affirmed in treaties, agreements, and other constructive arrangements with states (United Nations, 2007). In addition, the UNDRIP is also concerned with articulating that states and governments should not prevent Indigenous development. For example, the preamble to the UNDRIP reaffirms that Indigenous peoples, in the exercise of their rights, should be free from discrimination of any kind (United Nations, 2007). Therefore, when considering how to fulfil their UNDRIP responsibilities, states and governments must be both supportive of Indigenous peoples in their actions, while also ensuring they are not acting to prevent Indigenous people from developing in ways that they choose.

Specific UNDRIP articles within also indicate how responsibilities should be upheld by governments or states. For example, Article 38 articulates that "States in consultation and cooperation with Indigenous peoples, shall take the appropriate measures, including legislative measures, to achieve the ends of this Declaration" (United Nations, 2007). Article 38 highlights that there are legislative solutions to achieving responsibilities under the

UNDRIP, but also alludes to the fact that there are other ‘appropriate measures’ (United Nations, 2007). These appropriate measures may include policies and programmes that affect Indigenous peoples (United Nations, 2007).

In Aotearoa New Zealand, the approach from government to its UNDRIP responsibilities, has been to cooperate with Indigenous peoples through their (our) own representative institutions to develop and implement national action plans, strategies, or other measures (Charters, et al., 2019). Te Puni Kōkiri (the Ministry for Māori Development) was responsible for devising a plan to implement the UNDRIP in Aotearoa New Zealand, which was being developed through targeted engagement with iwi, hapū, and Māori organisations (Iwi Chairs Forum, Human Rights Commission & Te Puni Kōkiri, 2022).

2.4: OTHER RELATED UNITED NATIONS TOOLS FOR INDIGENOUS LANGUAGE REVITALISATION

While the UNDRIP is the main focus of this research, there are other UN tools that exist to support Indigenous development and languages, including the UN Decade of Indigenous Languages, which runs from 2022 to 2032, and is focused on preserving endangered Indigenous languages worldwide. The UN Expert Mechanism on the Rights of Indigenous Peoples (EMRIP) was established in 2007 to provide the UN Human Rights Council with expertise and advice on the rights of Indigenous peoples. The UN Special Rapporteur on Indigenous Peoples is a position established within the UN Human Rights Council to research and report on the status of Indigenous peoples. The UN Voluntary Fund for Indigenous Peoples was established in 1985 to provide financial support to Indigenous representatives wanting to participate in UN meetings and conferences. And finally, the UN Permanent Forum on Indigenous Issues, which was established in the year 2000, provides advice and recommendations on Indigenous issues to the UN Economic and Social Council. Each of these UN tools has specific but inter-related roles. The value of such UN tools as an Indigenous development tool is discussed later in this report.

2.5 HISTORY OF TE REO MĀORI

Te reo Māori was the native language of Aotearoa before the arrival of European settlers in the 1800s, who brought with them the English language. Over a century of colonisation had

adverse impacts on the health of te reo Māori, including legislation, policies and practices that sought to extinguish the language (Spolsky, 2005). For example, the Native Schools Act 1867 required instruction in English where practicable, and many children were physically punished for speaking te reo Māori (Ka'ai-Mahuta, 2011). From the early 1970s, there was concern from Māori and non-Māori supporters alike about the risk to the survival of te reo Māori. Various actions were put in place that have had a long-term, positive impact on the revitalisation of te reo Māori (see Table 1 below). A particularly momentous occasion in the revitalisation of te reo Māori took place on 14 September 1972, when the Māori Language Petition was presented to Parliament with over 30,000 signatures. The petition called for Māori language and culture to be offered in all Aotearoa New Zealand schools. The petition led to a series of significant steps being introduced through legislation and policy, to support the revitalisation of te reo Māori (see Table 1).

TABLE 1: TIMELINE OF SIGNIFICANT EVENTS FOR TE REO MĀORI SINCE THE 1970s
1972: Māori Language Petition presented to Parliament leading to te reo Māori becoming optional in schools, and teacher training options being established for fluent speakers.
1974: Māori Affairs Amendment Act conferring official recognition on the Māori language.
1982 onwards: Establishment of Māori immersion education options, including Kōhanga Reo (early childhood), Kura Kaupapa (schools) and Wānanga (tertiary).
1985: Wai 11 Treaty Claim response, recommends the ability for te reo Māori to be used in Courts; the establishment of a supervising body for te reo; an enquiry into te reo Māori in education; protecting te reo through broadcasting policy; and provision for bilingualism in the state sector.
1987: The Māori Language Act declared te reo to be an official language and established Te Taura Whiri i te Reo Māori (the Māori Language Commission).
2016: Te Ture mō te reo Māori (the new Māori Language Act) is passed, establishing Te Mātāwai – a new organisation focused on protecting te reo on behalf of Māori and iwi.
2019: Two te reo Māori strategies were developed for Aotearoa New Zealand. The Maihi Māori focused on revitalising te reo Māori amongst whānau, hapū and iwi. The Maihi Karauna focused on the Crown’s efforts to support and revitalise te reo Māori across the public sector and wider Aotearoa New Zealand.

2.6: GOVERNMENT'S APPROACH TO THE REVITALISATION OF TE REO MĀORI

Olsen-Reeder, Hutchings, & Higgins (2017) assert that inter-generational use of te reo Māori is integral to the survival and revitalisation of te reo Māori. This use of te reo Māori should happen in the home, but also in other domains such as schools and marae. Fishman (2001) is of the same view as Olsen-Reeder et al. (2017), identifying that a key factor in revitalising endangered languages is natural intergenerational transmission. Te Puni Kōkiri (2019) state that the key to te reo Māori revitalisation lies in engaging a wider range of New Zealanders (Aotearoa whānui) – not just Māori people.

The Maihi Karauna is the Crown's strategy to revitalise the Māori language (Te Puni Kōkiri, 2019). Te Ture mō Te Reo Māori 2016 (the Māori Language Act 2016) enshrines in law the need for the Aotearoa New Zealand government to develop such a strategy. Launched in February 2019, the five-year Maihi Karauna strategy (2019-2023) outlines what the Crown will do to revitalise te reo Māori through the coordination of activities across the public sector, to ensure the right conditions are created so that te reo Māori thrives in Aotearoa New Zealand. There are three audacious goals that the Maihi Karauna sets out to achieve:

- Audacious Goal 1: By 2040, 85 per cent of Aotearoa New Zealanders (or more) will value te reo Māori as a key element of national identity.
- Audacious Goal 2: By 2040, one million Aotearoa New Zealanders (or more) will have the ability and confidence to talk about at least basic things in te reo Māori.
- Audacious Goal 3: By 2040, 150,000 Māori aged 15 and over will use te reo Māori as much as English.

The Maihi Karauna strategy also sets out a range of levers and priority groups that the Aotearoa New Zealand government wanted to focus on, to achieve its audacious goals. In addition to the Maihi Karauna, there are other pieces of legislation, strategies and policies that are important to the revitalisation effort. Of particular importance is the Māihi Māori – the Māori language strategy focused on whānau, hapū and iwi Māori and delivered by Te Mātāwai, a government funded, independent entity. In the education sector, Tau Mai te Reo is the Māori Language in education strategy, and Ka Hikitia is the Māori education strategy. Both strategies were developed by the Ministry of Education. The Broadcasting Amendment Act 1994 established Te Māngai Pāho, a funding agency, to support te reo and tikanga Māori

in broadcasting. The New Zealand Geographic Board Act 2008 has an important role to play in naming and retaining place names in te reo Māori. And the Māori Television Service Act 2003 established Māori TV (now known as Whakaata Māori) as an avenue to promote and revitalise te reo Māori through the medium of television. These important pieces of legislation, strategies and policies focused on revitalising te reo Māori, will be discussed later in this report in the context of their contribution to the government's responsibilities under the UNDRIP.

2.7: GOVERNMENT'S UNDRIP RESPONSIBILITIES FOR INDIGENOUS LANGUAGES

Within the UNDRIP, there are various articles that relate to the support and revitalisation of Indigenous languages. For example, Article 13 of the UNDRIP states that Indigenous peoples have the right to revitalise, use, develop, and transmit their languages. Article 13 also asserts that states and governments shall take effective measures to ensure this right is protected. Article 14 of the UNDRIP is focused on the right to Indigenous people to be educated in their own language, and that states and governments should take effective measures to ensure this happens. The relevance of media to Indigenous languages is the focus of Article 16, which states that Indigenous peoples have the right to establish their own media in their own languages.

2.8: CONCLUSION

This chapter has provided the context for this research report, by firstly discussing the history and background of the UNDRIP – including the initial refusal to sign by Aotearoa New Zealand and other countries. The articles of the UNDRIP outline specific responsibilities that governments and states have towards Indigenous people, and these were discussed briefly along with an example of implementation in Aotearoa New Zealand. While the UNDRIP is considered the pre-eminent UN tool for Indigenous development, there are others that exist and an overview of these was provided.

Te reo Māori is the Indigenous language of Aotearoa New Zealand, and its survival in this country was (and continues to be) threatened. Historically (from the mid-1800s on), government policies and acts of legislation have been established that sought to extinguish te reo Māori in favour of English. In the 1970s, activists concerned for the plight of te reo led

a renaissance to support its survival. In more recent years, the government in Aotearoa New Zealand has seen the value of te reo and focused on ensuring its revitalisation through policy, strategy, and legislation and most recently, Te Ture mō te Reo Māori (the Māori Language Act) 2016. Understanding the extent to which the government in Aotearoa New Zealand has fulfilled (or not) its UNDRIP obligations for te reo Māori, will be examined in the findings and analysis chapters of this research.

CHAPTER 3: INDIGENOUS RIGHTS AND DEVELOPMENT

3.1 INTRODUCTION

While there is no singular agreed definition internationally of Indigenous peoples in the literature, the one used for this research is that Indigenous peoples are the original or longstanding inhabitants of their territories and have been subject to external domination (Coates & Holroyd, 2022), self-identify as Indigenous (International Working Group for Indigenous Affairs, 2005), and wish to retain a distinct identity (Kingsbury, 2009). Additionally, there are Indigenous ways of expressing indigeneity. For example, in Aotearoa New Zealand, the term ‘tāngata whenua’ (people of the land) is used in te ao Māori (the Māori world). Related to this is the concept of whakapapa Māori⁴, meaning if have genealogical links to tīpuna Māori (Māori ancestors), you are Indigenous to Aotearoa New Zealand. These concepts of tāngata whenua and whakapapa are important when considering Kaupapa Māori approaches to development.

This chapter will discuss the concept of Indigenous rights in relation to development and present the different mechanisms available internationally for advancing (and sometimes hindering) these rights, including Indigenous rights bodies and instruments; international trade agreements; policy and legislation; and treaties. The example of the Treaty of Waitangi⁵ in Aotearoa New Zealand is discussed in some detail. Finally, this chapter discusses Kaupapa Māori as a specific approach to Indigenous development in Aotearoa New Zealand. The

⁴ Barlow (1991) explains whakapapa as being the genealogical descent of all living things to the Atua Māori (Māori gods and goddesses).

⁵ There are two versions of the Treaty of Waitangi, with different meanings depending on which text is being used. Because this research focuses mainly on the government, the Treaty of Waitangi is used rather than Te Tiriti o Waitangi, to signal reference to the English version rather than the te reo Māori version. The Treaty of Waitangi is used as an example of a mechanism for advancing Indigenous rights in Aotearoa New Zealand. However, this research does not use a Treaty rights framework as its conceptual framework.

conclusion is that both international and localised mechanisms or approaches are needed to ensure that Indigenous rights can be progressed successfully at multiple levels.

3.2: INDIGENOUS RIGHTS AND DEVELOPMENT

What Are Indigenous Rights?

Connolly (2009, p. 17) describes Indigenous rights as “the rights aspired to, claimed, held and exercised by Indigenous peoples qua (as) Indigenous peoples – that is, by virtue of them being Indigenous peoples and not members of other groups...”. Kingsbury (2009) discusses the idea that Indigenous rights and related claims are conferred through five conceptual structures: human rights and non-discrimination; minority rights; historic sovereignty; self-determination; and claims as Indigenous peoples (based on treaties or other agreements with states and governments). Connolly (2009) identifies that Indigenous peoples are entitled to the same human rights as others, but that there are additional concepts to be considered when advocating for Indigenous rights.

Challenges to the concept of Indigenous rights can be found in the literature. For example, Turpel (2009) argues that rights-focused approaches to development are incompatible with non-Western/Indigenous cultures as they are ethnocentric and individualistic. This perspective highlights that alternative approaches to development might be more conducive to Indigenous ways of doing things – potentially at a more localised level. Kaupapa Māori is an example of this and will be discussed later in this section of the research.

A subset of Indigenous rights that are important to this research are language or linguistic rights. DeVarenes (2022) explains that linguistic rights are linked to international human rights standards; and are related to state authorities either using languages in certain contexts, or not interfering with the linguistic choices of others – particularly minority groups or Indigenous peoples. While this description might satisfy an internationally acceptable description of linguistic rights, the focus on language in relation to state authorities would likely not be ideal for Indigenous peoples at a grassroots level. Again, more localised descriptions and definitions of linguistic rights as they apply to specific Indigenous groups, would likely be more relevant and appropriate.

3.3: INTERNATIONAL INDIGENOUS RIGHTS MECHANISMS

There are various mechanisms that have been used internationally to both support, and also hinder, Indigenous rights. A discussion of these mechanisms is now presented.

Policy and legislation and Indigenous rights

Internationally, policy and legislation have been used as tools to both suppress and support Indigenous development. Nettelbeck (2019) speaks about the colonisation by Britain of Indigenous people in many colonies, sharing the view that while initially the policy perspective was under the guise of protection, this later turned to a stronger focus on economic goals which excluded and oppressed Indigenous peoples. This scenario played out in Aotearoa New Zealand, where the protection offered by the British Crown (through the signing of the Treaty of Waitangi), soon changed focus to acquiring land through legislation (such as the Native Lands Act 1862), allowing Māori land to be changed to freehold land which could then be sold. Worse still, the New Zealand Settlements Act 1863 allowed the government to confiscate land from certain tribes without any compensation being paid.

In terms of the impact of policy and legislation on the wellbeing of Indigenous languages, Hassan (2018) notes that while many governments are now using legislation to combat the demise of endangered languages, ironically, laws are also what created the imperilled state they are in today. In Aotearoa New Zealand, this scenario played out in the early 1900s, when a nationwide policy imposed a ban on children speaking te reo Māori at school. This policy contributed to a decrease of Māori people fluent in te reo, from 95% in the year 1900 to 25% in 1960 (Office of the Controller and Auditor-General, 2012). The reality of the situation was stark by the 1970s, which precipitated action by both Māori activists and non-Māori supporters wanting to see te reo Māori survive and revitalised. This activism spurred government action, with legislation supporting the revitalisation of te reo Māori across many platforms (for example, education and broadcasting) being enacted and operationalised through policy, from the 1980s onwards.

At an address given to the UN General Assembly in December 2022, the current Māori Language Commissioner, Professor Rawinia Higgins, put out a global call for governments to follow in the footsteps of Aotearoa New Zealand and protect Indigenous languages in law (Te

Taura Whiri i te Reo Māori, 2023). This call to action highlights the important role that Indigenous people believe that government policy and legislation have in protecting Indigenous rights.

International Indigenous rights instruments or bodies

Internationally, Indigenous rights are advanced through various mechanisms. International instruments or bodies focused on Indigenous rights is one of these mechanisms. Recently, most of these mechanisms at an international level have emerged through United Nations processes, with the most prominent UN international instrument for Indigenous rights being the UNDRIP, which is the key focus of this research.

Newman (2022, p. 14) states that “the development of the international law of Indigenous rights became a way of setting standards for states to meet, thus seeking to overcome some of the present obstacles to Indigenous rights within many domestic legal systems ...”. This quote highlights the idea that international Indigenous rights are a way to ensure that oppressing domestic laws of various countries can be counteracted by establishing international rules that work in favour of Indigenous people. While at a theoretical level this is positive, international law still needs to be applied domestically; and the track record for this being done in a way that supports Indigenous rights is variable. For example, Xanthaki (2022) discusses the idea that the right to self-determination, as articulated in various international legal instruments, has come up against many major obstacles domestically, including recognition of indigeneity; the impact on non-Indigenous groups; and struggles to meet agreement on what self-determination means. Chen (2023) notes that certain countries (including the United States, Australia, Canada, and Aotearoa New Zealand), continue to oppose the right to self-determination even after eventually signing the UNDRIP. The concept of the UNDRIP being aspirational, and not binding, is likely key to this lack of urgency in implementing the UNDRIP.

The value of international bodies and instruments in advancing Indigenous rights has been widely accepted. However, the application of these rights in individual countries and states is where there has been slower progress. The action plans needed domestically, to turn an international rights instrument into change on the ground, are lacking in some countries. This

includes in Aotearoa New Zealand, where an UNDRIP Action Plan is yet to be signed off by the government even though it has been many years since we agreed to be parties to the Declaration.

International trade agreements and Indigenous rights

Trade agreements are an important vehicle for development, and also a mechanism whereby Indigenous rights (including language rights) can be protected (or neglected) internationally. Borrows (2020) writes that traditionally, Indigenous civilisations have valued trade as part of their knowledge systems and law, and that international trade law has been a part of this history. The benefits of international trade have not always flowed equitably to Indigenous people. However, there have been recent attempts to protect Indigenous rights in trade agreements, including in Aotearoa New Zealand.

The Indigenous Peoples Economic and Trade Cooperation Arrangement (IPETCA) exists as an agreement between Aotearoa New Zealand and other Asia-Pacific Economic Cooperation (APEC) or World Trade Organisation (WTO) countries to promote greater Indigenous trade links and economic cooperation. IPETCA has been called the first international instrument of its kind (Ministry of Foreign Affairs and Trade, n.d.), with submissions from economies seeking to join currently being accepted. The Comprehensive and Progressive Agreement for Trans-Pacific Partnership (CPTPP) is one of the world's largest free-trade agreements when considering Gross Domestic Product (GDP), and Aotearoa New Zealand is one of 12 states party to this agreement. There are provisions within the CPTPP which aim to protect Māori intellectual property, including traditional language and knowledge and cultural expressions (Ministry of Foreign Affairs and Trade, n.d.).

Since 2001, Aotearoa New Zealand has included a Treaty of Waitangi clause in all its trade agreements as a non-negotiable. The point of this clause is to allow the Aotearoa New Zealand government to implement domestic policies relating to its Treaty obligations, without obligations to treat partners to a trade agreement in the same manner (Ministry of Foreign Affairs and Trade, n.d.). There has been disagreement about the ability of this clause to protect the interests of Māori within free trade agreements, including a case being taken to

the Waitangi Tribunal⁶ to test the effectiveness of the Treaty exception clause within the CPTPP (Kawharu, 2020).

Treaties and Indigenous rights

The vehicle of using treaties to establish ‘partnerships’ with Indigenous peoples has historically been used in many countries around the world – including Canada, Norway, Sweden, Finland, Japan, Greenland, the United States, and here in Aotearoa New Zealand. Treaties are often rights-based, in that they seek to spell out what rights Indigenous people have, and, in turn, what they (we) are willing to offer to the other treaty partner – usually a government or state body. Common agreements to be found in treaties include issues of land rights, access to natural resources, and the ability for Indigenous peoples to be self-determining.

A study into treaties by the Expert Mechanism on the Rights of Indigenous Peoples (EMRIP) (United Nations, 2022) notes that there are often multiple challenges and obstacles when implementing the agreements made in treaties, including reaching consensus on interpretations – particularly if written in two or more different languages. The implementation of the agreed clauses within treaties has also historically been problematic – sometimes due to disagreement over meaning, but also due to other issues such as insufficient resourcing (human and budgetary) and/or change in political will. The International Working Group for Indigenous Affairs (2021) provides the example of the Chittagong Hill Tracts Accord which was signed over 20 years ago to demilitarise the area located in southeast Bangladesh, restore land ownership to the Indigenous people and devolve powers to regional self-government. There has been little to no progress in implementing the agreement.

The Treaty of Waitangi is regarded as the founding document of the relationship between Māori the Indigenous people of Aotearoa New Zealand and the Crown. The Treaty was signed in 1840 between the British Crown and 500+ chiefs representing many (though not all) iwi

⁶ The Waitangi Tribunal was set up by the Treaty of Waitangi Act 1975, as a permanent commission of inquiry that makes recommendations on claims brought by Māori relating to Crown actions which breach promises made in the Treaty of Waitangi (Waitangi Tribunal: Te Rōpūwhakamana i te Tiriti o Waitangi, 2024).

and hapū across Aotearoa New Zealand. At the time, the purpose of the Treaty was to protect the authority of the chiefs, along with their taonga (treasures) which included tangibles like land, but also non-tangibles like language and culture. Māori were also to receive the same rights and privileges as British citizens. In exchange, Māori devolved kāwanatanga (governance)⁷ over British immigrants to the British Crown (Mutu, 2019).

As noted earlier, this research does not use a Treaty rights conceptual framework but does, however acknowledge that the Treaty of Waitangi is an important mechanism for Indigenous rights in Aotearoa New Zealand. The relevance of the signing of the Treaty to the development can be seen as two-fold. Firstly, Māori were expecting that we could continue to develop (or not) in ways we deemed appropriate, in the groups that made sense to us (for example whānau and hapū). Secondly, Māori saw that British settlers had access to both tangible and intangible things that could make our lives better.

Over a century of Treaty breaches by the government, which were initially focused mainly on war and land confiscation but later turned to the suppression of Māori language and culture, had devastating consequences for Māori. In 1975, the Treaty of Waitangi Act was passed, and the Waitangi Tribunal was set up to hear claims against the Crown relating to Treaty breaches. In addition to the Waitangi Tribunal, the courts of Aotearoa New Zealand have a role to play in interpreting the Treaty in legal decisions (Te Puni Kōkiri, 2001).

Important to the Treaty of Waitangi in a current day context is the concept of the Treaty principles. These have been developed over time and continue to evolve as a means of interpreting and bringing together the different understandings in the Māori and English texts of the Treaty and the surrounding circumstances at the time of signing, primarily for the purposes of the Waitangi Tribunal and the Courts (Hayward, 2023). While there are many Treaty principles that exist, the three 'Ps' are commonly referred to, namely:

1. Partnership – A duty on both parties (Crown and Māori) to act reasonably, honourably, and in good faith (Te Puni Kōkiri, 2001).

⁷ Note that kāwanatanga (governance) was the term used in the te reo Māori version of the Treaty (Te Tiriti). The English version used the term 'sovereignty'. The difference in meanings of these two terms has been the cause of much conflict between Māori and the Crown.

2. Protection – The Crown’s obligation to take positive steps to ensure that Māori interests are protected (Te Puni Kōkiri, 2001).
3. Participation – The Crown’s promotion of the needs and aspirations of Māori, in the interests of self-determination (Waitangi Tribunal, 1998).

Since the establishment of the Waitangi Tribunal, thousands of claims have been put forward by Māori. The majority of these are related to land and natural resources – usually within a specific geographical area. But other claims, called Kaupapa claims⁸, have been heard. They have covered a range of topics including education, taxation, and of most relevance to this research, te reo Māori. In the 1986 te reo Māori claim taken against the Crown, the Waitangi Tribunal found that the Crown had failed to actively protect and sustain the Māori language as required by Article Two of the Treaty of Waitangi (Waitangi Tribunal, 1986). The recommendations in response to this finding were that te reo Māori be made an official language of Aotearoa New Zealand, with the right to be used in any public domain (including the courts). In addition, there was to be improved provision of te reo Māori in the education system (Ministry for Culture and Heritage, 2021).

3.4: INDIGENOUS RIGHTS APPROACHES TO LANGUAGE REVITALISATION

One means of asserting this right to use Indigenous languages has come through advocating for their use in legal proceedings and other official contexts (Higgins & Maguire, 2019). Governments and states have supported this in some countries. For example, in Aotearoa New Zealand, Te Ture mō te reo Māori (the Māori Language Act) 2016 gives people the right to speak te reo Māori in all courts. However, this right is not given to Indigenous people worldwide. Judges Matter (2017) discuss the situation in South Africa and note that, although all participants in a legal hearing may be able to speak an Indigenous language (isiXhosa in this case), all court proceedings are still in English.

The right for Indigenous groups to have decision-making authority over language policies and programmes has been endorsed by Higgins & Maguire (2019) as an action that states and governments can take to support their UNDRIP responsibilities. While there are examples of

⁸ Kaupapa inquiries are thematic, and are not specific to any district, but rather deal with nationally significant issues affecting Māori as a whole.

this happening in some countries, this is not normal practice worldwide. In North America, for example, Indigenous language education policy is made at the sub-national level, and there is a lack of consistency in how Indigenous languages are supported in schools (DeKorne, 2010).

The right for Indigenous people to be educated in their own language (Article 14 of the UNDRIP) has vast implications for states and governments in terms of how this will be supported. McKinley & Smith (2019) brought together a range of international examples of Indigenous education systems – some of which are supported by states and others that are not. For example, in Aotearoa New Zealand, Kōhanga Reo (early childhood Māori language nests) currently receive government funding, whereas other language initiatives, for example Te Ataarangi (a longstanding method of teaching te reo Māori to adults using Cuisenaire rods) do not (Te Ataarangi, n.d.). McKinley & Smith (2019) also emphasise that, while much of the work in Indigenous education predates the UNDRIP, unlike previously, the expectation that this effort is supported is now enshrined in a rights-based framework.

3.5: KAUPAPA MĀORI AND DEVELOPMENT

Kaupapa Māori offers an alternative (or accompanying to international Indigenous rights), culturally grounded, collectively focused approach to development that is Indigenous to tāngata whenua (Indigenous people) in Aotearoa New Zealand. Graham Smith (1997), one of the early rangatira (leaders) in terms of Kaupapa Māori theory and practice, writes that Kaupapa Māori has three critical elements:

1. The validity and legitimacy of Māori ways of being and doing are taken for granted.
2. The survival and revitalisation of te reo and tikanga (customs) Māori are imperative.
3. Gaining autonomy over Māori lives including cultural well-being is vital.

Kaupapa Māori is about doing things the tika (right) way, according to te ao Māori (the Māori world), tikanga Māori (Māori customs), and privileging Māori ways of doing things above all others (Te Puni Kōkiri, 2019). While Kaupapa Māori has only been written about since the 1990s, the conceptual thinking behind the theory is based on traditional Māori ways of being and doing dating back hundreds of years.

Pihama (2015) asserts that Kaupapa Māori theory contributes to the wider struggle against colonisation, challenging Western theorising at a fundamental level. Examples of Kaupapa Māori approaches to development in practice include the establishment of kura kaupapa and kōhanga reo as alternative schooling options. These educational settings are underpinned by Māori conceptual frameworks, rather than Western ideals of education. Kaupapa Māori research is an Indigenous methodology used by researchers (primarily Māori) to undertake work that is culturally grounded and safe. It is premised on making a positive difference for those involved in the research (L Smith, 2021). This report will discuss more about the use of Kaupapa Māori in research, in the methodology section.

While it is difficult to find academic critiques of Kaupapa Māori, practitioners (particularly those working in government like the writer), have sometimes struggled with realising the transformative potential that Kaupapa Māori practice affords. This is because of the inherent clash between the aspirations of Māori, and how these can be realised through Kaupapa Māori approaches, and the systemic and structural barriers put in place by government (Awa Associates, 2022). One article that does provide a critique of Kaupapa Māori methodology was written by a Professor of Psychology (Haig, 2006), who instead offers scientific realist methodology as an approach with more merit. The proposal that scientific realism – an approach grounded in Western knowledge – could be seen as a replacement to Kaupapa Māori theory seems misplaced, as one is not comparable with the other, and the two world views are not aligned.

3.6: CONCLUSION

Indigenous rights are those bestowed on peoples who are assumed to be the original or most-longstanding inhabitants of lands and territories. These rights are in addition to the generic human rights afforded to all people. This chapter has discussed the concept of indigeneity through both an international framework and a more localised understanding in the form of whakapapa.

Internationally, a range of mechanisms have been used to both hinder, and progress Indigenous rights and development. Such mechanisms discussed in this chapter have included policy and legislation; international Indigenous rights instruments and bodies (primarily

through the United Nations); international trade agreements; and treaties. Each of these mechanisms has a unique, interlinked, and important role to play in the protection and promotion of Indigenous rights internationally.

Historically, the misuse of these mechanisms has led to the disempowerment of Indigenous people through land confiscation, language suppression, and limited access to the rights enjoyed by non-Indigenous populations. More recently, these mechanisms (particularly policy and legislation) have been used in more positive ways to support the protection and promotion of, for example, Indigenous languages. This highlights that such mechanisms can be a double-edged sword, to be wielded in ways that can have both positive and negative consequences for Indigenous peoples.

The implementation of international Indigenous rights mechanisms at a local level, need to be tailored to ensure relevance and coherence in local contexts. That is where concepts such as Kaupapa Māori come into play, in that local Indigenous knowledge bases can guide how rights and development should play out in culturally sound ways.

CHAPTER 4: RESEARCH METHODOLOGY

4.1: INTRODUCTION

Indigenous research methodologies are informed by Indigenous worldviews and ways of being, and privilege Indigenous ways of knowing (Wilson, Mikahere-Hall, & Sherwood, 2021). This qualitative research adopts Kaupapa Māori principles, which prioritise the voice of Māori and utilise culturally prescribed and acceptable protocols and tikanga (ethics) (Smith L. , 2021). In addition, there are specific requirements that Massey University has for students undertaking research, and these are also incorporated into the methodology, as have ethical considerations for those working in the public service.

4.2: CONCEPTUAL FRAMEWORK

When considering the conceptual framework used in this research, I have been guided by Kerr's analysis (Kerr, 2012) of the literature on the theoretical roots of Kaupapa Māori approaches to evaluation. Whilst these principles were specifically designed for evaluation, they can equally be applied to research. Below in Table 2, are the six principles that (Kerr, 2012) has developed to summarise Kaupapa Māori approaches, with an explanation of how I have used these principles in this research.

Kaupapa Māori principle	Application in this research
<i>Control Principle:</i> Māori have a high degree of control over the entire research process, from research design to delivery.	I am Māori as is my supervisor, and Kaupapa Māori principles and concepts have been considered at every stage of the research, including in the conceptual framework, the ethics, and the analysis framework.
<i>Challenge Principle:</i> Kaupapa Māori research challenges the dominant constructions of research and ensures that Māori values, priorities and processes are to the fore. Kaupapa Māori research seeks to mitigate, if not eliminate, power	Indigenous approaches to international development (including research) are growing but are by no means the norm. Using Kaupapa Māori principles to guide this international development research within an Indigenous rights framework, provides an alternative conceptual view

<p>differentials that advantage non-Māori over Māori.</p>	<p>and challenge to traditional western thinking.</p>
<p><i>Culture Principle:</i> Māori cultural norms are embedded into the research. Work towards the revival of te reo and tikanga Māori is central to Kaupapa Māori research.</p>	<p>The use of tikanga and te reo Māori is visible throughout the research, for example, introducing myself and acknowledging others through mihimihi (greetings) and the use of te reo in my writing. At its heart, this research also seeks to support the revitalisation of te reo Māori.</p>
<p><i>Connection Principle:</i> Relationship-based knowledge sharing, plus the creation of new knowledge, is beneficial to Māori through whakawhanaungatanga (process of establishing relationships).</p>	<p>While the methods for this research are desk-based, I have been guided by whakaaro (thoughts/opinions) from many different people throughout the research process, including my supervisor, whānau, friends and work colleagues.</p>
<p><i>Change Principle:</i> Kaupapa Māori research has to be of benefit to Māori and lead to positive Māori development.</p>	<p>The moemoeā (dream/vision) is that this research benefits te reo Māori and in particular, supports the potential that the UNDRIP has to contribute to Indigenous language revitalisation.</p>
<p><i>Credibility Principle:</i> Using research theory, methodology, methods, and practices that are appropriate to a Māori context in order to produce reliable, competent and credible research.</p>	<p>Throughout the research, I have prioritised the use of Kaupapa Māori thinking where possible, while also aligning with the requirements of the university. The hope is that the combination of these guiding principles and frameworks has led to credible research.</p>

4.3: QUALITATIVE METHODOLOGY AND LINKS TO KAUPAPA MĀORI THEORY

This research adopts a qualitative methodology, which “calls on inductive as well as deductive logic; appreciates subjectivities; accepts multiple perspectives and realities; recognizes the power of research over both participants and researchers; and does not necessarily shy away from political agendas” (O'Leary, 2017, p. 142). A qualitative research methodology aligns well with a Kaupapa Māori conceptual framework, as it enables the research to come from a pro-Māori position, which quantitative traditions would not always see as objective. In addition, Kaupapa Māori research is almost always inherently political, as it seeks positive change for Māori as a result – often in the political arena.

4.4: ETHICS

The research is guided by three different sets of ethics:

- 1) Kaupapa Māori ethics to guide the research in a culturally sound way.
- 2) Massey University ethics to ensure the research is following university guidelines.
- 3) The Public Sector Standards of Integrity and Conduct, to make sure I am meeting my ethical responsibilities as a public servant.

Kaupapa Māori research ethics

When undertaking research with Māori, using Kaupapa Māori principles can be an ethical, culturally safe, and respectful way of ensuring that the needs of Māori are at the forefront. While there is no one set of Kaupapa Māori ethics that exist to guide research, there are similarities between many of the descriptions produced by authors that write on the subject. Smith L. (1999) first introduced the idea of how Kaupapa Māori ethics might guide research, and Cram (2009) elaborated on these. Below I will briefly discuss relevant Kaupapa Māori principles and how they relate to my project. Note the Kaupapa Māori ethics presented are generally used to guide primary research, so I have adapted the concepts to be applicable to secondary (desk-based) research, as seen in Table 3.

TABLE 3: KAUPAPA MĀORI ETHICS AND APPLICATION TO THIS RESEARCH	
Kaupapa Māori ethics	Application in my research project
<ul style="list-style-type: none"> • Aroha ki te tāngata (a respect for people) 	Understanding that the whakaaro (ideas) in the documents that I am analysing come from people and treat these ideas with respect, trying to respectfully present a range of perspectives – even if I do not agree with them.
<ul style="list-style-type: none"> • Kanohi kitea (the seen face) 	While my methods are desk-based, I will likely have the opportunity to present my research kanohi ki te kanohi (face to face) and take the opportunity to receive feedback.
<ul style="list-style-type: none"> • Titiro, whakarongo ... kōrero (look, listen ... speak) 	When doing the document analysis, taking the time to review relevant documentation thoroughly without making hasty conclusions or statements.
<ul style="list-style-type: none"> • Manaaki ki te tāngata (share and be generous) 	Share the findings of my research with interested people. Offer support to other researchers working on similar topics, in Aotearoa New Zealand and wider.
<ul style="list-style-type: none"> • Kia tūpato (be cautious) 	Ensuring that the right tikanga Māori are followed through all stages of the research. Proceed cautiously. Take time to fully understand what I am reading and reporting on.
<ul style="list-style-type: none"> • Kauga e takahia te mana o te tangata (do not trample over the mana of the people) 	Don't belittle others' ideas – treat them with respect in my writing, even if they don't align with my views.
<ul style="list-style-type: none"> • Kauga e mahaki (do not flaunt your knowledge) 	Be humble when discussing my research project with others. Don't act like an 'expert'.

Massey University Ethical Considerations

The Institute of Development Studies at Massey University has an in-house ethics process that has been followed as part of this research, including understanding the Massey University Human Ethics Code. The Massey University Human Ethics Code (Massey University, 2017) refers to work involving human participants, which this research does not do. Therefore, the

guidance provided by Massey University's Code of Responsible Research Conduct (Massey University, 2015) has been used, as this focuses on researcher behaviour in relation to data and other academics. The Principles of Research Integrity are the guiding framework provided in this code of conduct (Massey University, 2015), with all the principles being relevant, but particularly:

- **Honesty** in interpreting and presenting all aspects of the research.
- **Reliability** in performing the research and in communicating the results.
- Use of a **robust methodology** where interpretations and conclusions are founded on relevant and reliable information.
- **Open communication**, in discussing the work with other researchers, and in contributing to public knowledge through publication of the findings.
- **Duty of care** for the mātauranga (knowledge) being accessed and utilised to inform the research.
- **Fairness**, in providing proper references and giving due attribution to the work of others.

Public Sector Standards of Integrity and Conduct

The Public Sector Standards of Integrity and Conduct (Public Service Commission, 2007) are the third set of ethics to be considered in my research. While I am doing this research as a Massey University student, I am also employed as a public servant. The relevant ethical considerations from the code of conduct are:

Being fair: Treating people fairly and with respect; being professional; striving to make a difference to the well-being of Aotearoa New Zealand and its people.

Being responsible: Acting lawfully and objectively; treating information with care and using it only for proper purposes.

Being trustworthy: Being honest; working to the best of my ability; never misusing my position for personal gain; avoiding any activities, work, or non-work, that may harm the reputation of the public sector.

4.5: RESEARCH METHODS

My primary research method was a document analysis of existing documents. O'Leary (2017, p. 272) defines document analysis as "a research tool for collecting, reviewing, interrogating, and analysing various forms of written 'text' as a primary source of research data". The use

of document analysis as a qualitative research method is promoted by Bowen (2009) as a systematic approach to gain understanding and record evidence about a topic.

Firstly, I reviewed the UNDRIP document (United Nations, 2007), to ascertain the original purpose of the UNDRIP, and the responsibilities of signatories – particularly in relation to Indigenous languages. I also reviewed policy, legislation, strategy and reporting documents from government funded agencies with specific te reo Māori responsibilities⁹. These agencies all have legislated, policy or implementation roles and responsibilities in the Aotearoa New Zealand government’s efforts to revitalise te reo Māori. Their documents allowed me to describe the Aotearoa New Zealand government’s approach to te reo Māori revitalisation.

In combination, all these documents¹⁰ allowed me to determine the extent to which there is alignment between legislation, strategy, and policy, and the UNDRIP responsibilities for the Aotearoa New Zealand government – as it relates to te reo Māori. This determination is explored in depth in the findings and analysis chapters of this research report.

4.6: ANALYSIS FRAMEWORK AND APPROACH

Smith & Mitchell (2020) developed an UNDRIP Compliance Assessment Tool to run a pilot to evaluate the degree to which Canada complied with the standards set out in relation to three UNDRIP articles focused on: (a) consultation and free, prior, and informed consent; (b) self-governance and self-government; and (c) land and natural resource rights. For this research, I adapted Smith & Mitchell’s (2020) compliance tool (attached as Appendix 2) to assess the government in Aotearoa New Zealand’s compliance with selected UNDRIP articles as it relates to te reo Māori.

Earlier in 2023, the UN Expert Mechanism on the Rights of Indigenous Peoples, was seeking inputs on establishing monitoring mechanisms at the national and regional level for the UNDRIP (United Nations, 2023). This highlights that monitoring UNDRIP compliance is currently topical. However, there have been issues identified with the implementation of such

⁹ Te Puni Kōkiri (Ministry of Māori Development); Te Mātāwai; Te Taura Whiri i te Reo Māori (Māori Language Commission); Whakaata Māori (Māori Television); Te Māngai Pāho (Māori Broadcasting Funding Agency); Ministry of Education.

¹⁰ A full list of documents reviewed in provided in Appendix 1.

monitoring tools, for example the lack of sound data about Indigenous peoples (United Nations, 2023).

I used NVivo¹¹, a qualitative data analysis software tool, for coding the documents that I analysed. The benefits of using qualitative data analysis tools such as NVivo are described by O'Leary (2017) as being more efficient than manual methods, but potentially not worth using for smaller projects. O'Leary (2017) also talks about the notion of inductive reasoning (building ideas and theories through analysis) and deductive reasoning (having ideas and theories in mind). O'Leary (2017) notes that rather than relying on one or the other, researchers may likely end up engaging in cycles of both. This research project has used a mix of both inductive and deductive reasoning when undertaking analysis.

4.7: CONCLUSION

This qualitative research utilises a conceptual framework driven by Kaupapa Māori principles. The principles are those defined by (Kerr, 2012) including advocacy for a high degree of Māori control over the research, while challenging western norms and embedding Māori culture including the use of te reo Māori. In addition, the research must have positive benefits for Māori development and use credible thinking and methods. Qualitative research ideals fit well with the drive for political change advocated by Kaupapa Māori approaches.

The research has been guided by three important sets of ethics, namely Kaupapa Māori, Massey University research ethics guidelines and the Public Sector Standards expected of all public servants. The combination of these ethics has meant that the research is ethically sound from different cultural, academic, and professional standpoints.

A document review of relevant legislation, strategy and policy is the primary method used in this research. Documents reviewed were sourced from relevant Aotearoa New Zealand government agencies, as well as the UN. An UNDRIP Compliance Assessment Tool, developed by Smith & Mitchell (2020), was adapted for the purpose of this research, to ascertain the

¹¹ I was given access to NVivo through Massey University. Unfortunately, my access was cut off before I was able to finish this research report within my enrolment period. This was due to complexities around starting my project in Semester 2, 2023 and being a part-time student, as opposed to my progress. For that reason, I have not included the coding tree as an appendix as I originally intended.

extent of the government's compliance with the UNDRIP articles relevant to te reo Māori. The qualitative analysis tool, NVivo was invaluable in this activity, as it enabled me to apply both inductive and deductive reasoning, and provided a means to effectively store, organise, and code the information.

CHAPTER 5: RESEARCH FINDINGS

5.1: INTRODUCTION

The aim of this research is to explore whether the Aotearoa New Zealand government's approach to te reo Māori revitalisation aligns with its responsibilities as a signatory to the UNDRIP. The first two research questions, which focused on describing the government's UNDRIP responsibilities as a signatory to the UNDRIP and its approach to te reo Māori revitalisation, have been covered in Chapter 2 – the contextual literature review. As such, this findings chapter primarily focuses on research question three, which seeks to determine the extent to which the government's approach to the revitalisation of te reo Māori aligns with its responsibilities as a signatory to the UNDRIP.

A review of Aotearoa New Zealand legislation, policy and strategy documents was used to inform this assessment¹², against a qualitative rubric¹³ designed to support this judgement. This findings chapter is broken down into three different themes related to relevant language focused articles of the UNDRIP:

- Theme One: Revitalisation, use, development, and transmission of te reo Māori
- Theme Two: Education through te reo Māori
- Theme Three: Te reo Māori and the media.

The UNDRIP Articles were separated into parts, to make the assessment process easier. The rubric for each relevant UNDRIP Article (and its parts) is presented so that the reader can understand the range of performance indicators available as part of the assessment process.

5.2: THEME ONE: REVITALISATION, USE, DEVELOPMENT AND TRANSMISSION OF TE REO MĀORI

Article 13 of the UNDRIP is focused on the rights of Indigenous peoples to revitalise, use, develop and transmit their languages, including through designating and retaining important names. Article 13 also notes that states are expected to take effective measures to protect these rights, and to ensure that Indigenous peoples can understand and be understood in political, legal, and administrative proceedings (United Nations, 2007). The assessment of

¹² See Appendix 1 for a full list of documents reviewed.

¹³ See Appendix 3 for the full assessment rubric.

Aotearoa New Zealand government’s performance against Article 13 has been separated into four parts.

UNDRIP Article 13 (Part 1)

When assessing the Aotearoa New Zealand government’s performance against Article 13 (part 1) of the UNDRIP (relating to Māori having the right to revitalise, use, develop and transmit te reo to future generations), the score given was 2.5. This score reflects that half the evidence identified sat at indicator level 2, and the other half at indicator level 3.

<i>Article 13 (part 1) – Indigenous peoples have the right to revitalise, use, develop and transmit to future generations their histories, languages, oral traditions, philosophies, writing systems and literatures.</i>	
Score	Description of Indicator
0	The right of Māori to revitalise, use, develop and transmit our language is not recognised by the government.
1	The government has made minimal attempts to recognise the right of Māori to revitalise, use, develop, and transmit our language.
2	The government encourage revitalisation, use, development, and transmission of te reo Māori through mechanisms and funding streams that are suitable to them, but not always in the ways that Māori advocate for.
3	Māori have autonomy and leadership over the revitalisation, use, development, and transmission of te reo Māori and are fully supported by the government in this endeavour, through any and all means possible.
D/K	For instances where there is a lack of information to accurately assess compliance with a particular Article (or section of an Article), the label D/K is used to indicate that I do not know.

When identifying the evidence at indicator level 2 for Article 13 (part 1), the Maihi Karauna (the Crown’s Māori Language Strategy) (Te Puni Kōkiri, 2019) is the primary example of the Aotearoa New Zealand government supporting te reo Māori, but through mechanisms that are suitable to them. The development of the Maihi Karauna was led by Te Puni Kōkiri, a government department, with input from iwi Māori and the wider public through consultation (Te Puni Kōkiri, 2019). The associated audacious goals for te reo were also set by government departments (in consultation with both Māori and the wider public).

Further evidence of the government being at indicator level 2 for Article 13 (part 1) is the Cabinet imposed process for the development of a plan to implement the UNDRIP in Aotearoa New Zealand. In 2019, Cabinet established the Declaration Working Group comprising five

non-government representatives and four government officials (Charters, et al., 2019). The timeframes for developing the plan were also set by Cabinet, with the Declaration Working Group stating that time constraints hindered their capacity to fully complete the review as they would have if enough time was allowed (Charters, et al., 2019).

Evidence was also identified that, through some mechanisms, the Government is operating at indicator level 3 for UNDRIP Article 13 (part 1). For example, Te Ture Mō Te Reo (the Māori Language Act, 2016) enabled the creation of Te Whare o Te Reo Mauriora¹⁴, acknowledging that both the Crown and iwi Māori have roles to play in the revitalisation of te reo Māori. Te Mātāwai was set up as an independent entity under this legislation, to lead Māori language revitalisation for iwi Māori and act as kaitiaki (guardians) of the language. Te Mātāwai is responsible for leading the implementation of the Maihi Māori, the Māori language strategy developed by and for iwi Māori (Te Mātāwai, 2017). In contrast to the Maihi Karauna (the Crown's te reo Māori strategy for wider Aotearoa New Zealand), the Maihi Māori is completely focused on revitalising and strengthening te reo amongst Māori, with a focus on iwi, whānau in homes and Māori communities (Te Mātāwai, 2017).

A second example of the government operating at indicator level 3, in terms of te reo Māori revitalisation, is the vision and the way forward articulated in He Puapua (Charters, et al., 2019), the plan for implementation of the UNDRIP in Aotearoa New Zealand. Previously, this research noted that the process for developing this plan had been driven by Cabinet. However, the content of He Puapua speaks of a visionary way forward for Indigenous rights in Aotearoa New Zealand – including language rights. Interestingly, at that time, He Puapua (Charters, et al., 2019) noted that Aotearoa New Zealand was the first country to embark on the process of establishing a plan and had the capacity to be world-leading in realising Indigenous peoples' rights.

¹⁴ Te Whare o te reo Mauriora (the house of the living language) was a new public policy developed in 2016 to acknowledge the complementary roles regarding te reo Māori of the Crown and iwi/Māori (Te Mātāwai, 2017). A visual of Te Whare o te reo Mauriora is presented at Appendix 4 to this report.

UNDRIP Article 13 (Part 2)

This findings chapter will now present the government’s performance in terms of UNDRIP Article 13 (part 2), which is focused on the right of Indigenous people to designate and retain their own names for communities, places, and persons. The performance rubric for this Article is presented below.

<i>Article 13 (part 2) – Indigenous peoples (Māori) have the right to designate and retain their own names for communities, places, and persons.</i>	
0	Māori people have no rights over retaining our own names for communities, places, and persons.
1	Māori have very limited rights over retaining our own names for communities, places, and persons.
2	Māori have some rights over retaining the traditional names of communities, places, and persons, in consultation with government and other stakeholder groups.
3	Māori have full rights to use te reo when naming or renaming communities, places, and persons, and are supported by the government to do so.
D/K	For instances where there is a lack of information to accurately assess compliance with a particular Article (or section of an Article), the label D/K is used to indicate that I do not know.

The government was assessed as being at indicator level 2 for UNDRIP Article 13 (part 2). Policy and legislation from the Geographic Board of Aotearoa New Zealand were used as evidence for assessment against this indicator. The New Zealand Geographic Board Act, 2008, makes provision for the Board to include two people who are Māori representatives with knowledge of tikanga and te reo Māori, and are also able to provide advice in relation to naming geographic features. In addition, a third person is nominated to the Board by Te Rūnanga o Ngāi Tahu¹⁵, as established under section 6 of Te Rūnanga o Ngai Tahu Act, 1996.

The New Zealand Geographic Board Act 2008 also states that, in order to recognise and respect the Crown’s Treaty of Waitangi responsibilities, the Act confers on the Geographic Board the function of collecting and encouraging the use of original Māori names of geographic features on official charts and maps. Under the Act, the Geographic Board works with Te Taura Whiri i te Reo Māori (the Māori Language Commission) to ensure that the names are orthographically correct.

¹⁵ A tribal council set up to protect and advance the interests of Ngāi Tahu, an iwi in the South Island of Aotearoa New Zealand.

The New Zealand Geographic Board also has the role of making recommendations to the Minister for Treaty of Waitangi Negotiations about whether the names for geographical features proposed by Treaty claimant groups meet the Board’s naming conventions (Land Information New Zealand, n.d.). These names are usually the original ones, and the Minister makes the final decisions about whether to officially accept them. For a populated place (e.g. city or town) to be returned to its original name, a full proposal needs to be made outside of the Treaty process and the public must be consulted (Land Information New Zealand, n.d.).

UNDRIP Article 13 (Part 3)

As with UNDRIP Article 13 (part 2), the government was assessed as being at indicator level 2 for UNDRIP Article (part 3), which relates to protecting Māori rights to revitalise te reo. At indicator level 2, the government was assessed as taking some steps to protect te reo Māori, but without fully meeting the aspirations of Māori.

<i>Article 13 (part 3) – The government is taking effective measures to protect Indigenous peoples’ (Māori) rights to revitalise, use, develop and transmit their language to future generations.</i>	
0	The government is not taking steps to protect te reo Māori. There are examples where government is taking measures that threaten the survival of te reo Māori.
1	The government is taking token steps to protect te reo Māori, which are unlikely to have any long-term impact.
2	The government is taking some steps to protect te reo Māori, but without fully meeting the aspirations of Māori.
3	Māori are setting up the expectations about how government will work to protect te reo Māori, and these are consistently being delivered on.
D/K	For instances where there is a lack of information to accurately assess compliance with a particular Article (or section of an Article), the label D/K is used to indicate that I do not know.

The government seeks to protect Māori rights to revitalise te reo Māori at a legislative level through Te Ture Mō Te Reo (the Māori Language Act) 2016, which acknowledges that the Crown has failed to actively protect and promote the Māori language in the past. Furthermore, Te Ture mō Te Reo Māori 2016 promises that the Crown will work in partnership with iwi and Māori to protect and promote te reo Māori going forward.

The Maihi Karauna (the Crown’s Māori language strategy) (Te Puni Kōkiri, 2019), states that the protection and promotion of te reo me ngā tikanga (language and culture) is key to the success of an Aotearoa New Zealand that embraces its diversity and the partnership created

through the Treaty of Waitangi. This statement highlights that the Crown sees the protection of te reo Māori as something that is important, through a Treaty partnership frame, but also through a diversity and inclusion lens. In addition, the Maihi Karauna (Te Puni Kōkiri, 2019) talks about te reo Māori being an official language of Aotearoa New Zealand, a unique feature that distinguishes this country on the world stage, providing the rationale to protect te reo for future generations. Through the Maihi Karauna, the Crown set down a strong agenda for how it saw it should best protect te reo Māori.

UNDRIP Article 13 (Part 4)

Article 13 (part 4) of the UNDRIP relates to the government taking effective measures to ensure Māori can understand and be understood in political, legal, and administrative proceedings. This research assessed the government as being at indicator level 2 for this Article.

<i>Article 13 (part 4) – The government is taking effective measures to ensure that Indigenous people (Māori) can understand, and be understood in political, legal, and administrative proceedings, where necessary, through the provision of interpretation or by other appropriate means.</i>	
0	The government is taking no steps to ensure that Māori can understand and be understood in political, legal, and administrative proceedings. No interpretation services are available.
1	The government provides very limited access to te reo Māori services that support Māori to understand and be understood in political, legal, and administrative proceedings – including interpretation services.
2	The government provides access for te reo Māori services that support Māori to understand and be understood in political, legal, and administrative proceedings, with interpretation services provided in some situations.
3	Te reo Māori support services are available to all who seek them, to ensure that Māori understand and are able to be understood in political, legal, and administrative proceedings, including full access to interpretation services.
D/K	For instances where there is a lack of information to accurately assess compliance with a particular Article (or section of an Article), the label D/K is used to indicate that I do not know.

Evidence to support this assessment is drawn from Te Ture mō Te Reo Māori (Māori Language Act) 2016 which states that te reo Māori is an official language of Aotearoa New Zealand. Therefore, parties to legal proceedings are entitled to speak te reo in court (regardless of whether they can speak English as well). There are, however, ‘practical’ limitations put down by the Crown through Te Ture mō te reo Māori (the Māori Language Act) 2016 regarding the

use of te reo Māori in legal proceedings. For example, Section 7(2) of the Act states that individuals are not entitled to be answered in te reo Māori.

There are also many procedural rules laid down by the Crown if te reo Māori is to be used in legal proceedings. For example, advance notice is required if a party intends to speak te reo in court, so that an interpreter can be arranged (Section 7(3) of the Māori Language Act 2016). District Courts in Aotearoa New Zealand also have rules dictating when and how te reo can be used. For example, the District Court Rule 1.15(2) states that any person wishing to speak te reo Māori must file and serve on every party to the proceeding their intention to speak te reo (New Zealand Law Society, 2020). Translations into te reo are also available on application under certain conditions, to people who have been served court documents (New Zealand Law Society, 2020).

The government has established processes for te reo Māori to be used when debating in parliament and drafting legislation. This action supports Māori to better understand political and legal proceedings, which is an aspiration of UNDRIP Article 13 (part 4). Five bilingual legal bills have been passed since 2013 (New Zealand Parliament, 2022). In addition, Members of Parliament can debate in the chamber using te reo Māori. Furthermore, bills, petitions and papers can be presented to the House of Representatives in te reo Māori.

UNDRIP Article 13 (part 4) also speaks specifically to having interpretation services available. Te reo Māori was given official recognition in the House of Representatives in 1985, and members of the House are entitled to use te reo Māori (New Zealand Parliament, 2017). A simultaneous interpretation of speeches made in te reo is provided by an interpreter. The interpretation is available to Members of Parliament (via an earpiece), and to the public (via Parliament TV). It is not considered necessary to interpret from English into te reo Māori (New Zealand Parliament, 2017).

5.3: THEME TWO: EDUCATION THROUGH TE REO MĀORI

The next section of this findings chapter assesses the government's performance against Article 14 of the UNDRIP which relates to education. The assessment of Aotearoa New Zealand government's performance against Article 14 has been split into two parts (part 1

and part 3), as presented below. Note that the decision was made to exclude Article 14 (part 2) from this assessment exercise, as there is no language-specific component to it.¹⁶

UNDRIP Article 14 (Part 1)

When assessing the Aotearoa New Zealand government’s performance against UNDRIP Article 14 (part 1), the score given was 2. This score means that Māori have some rights to establish and control their own education with support from the government, but within state-set boundaries.

Article 14 (part 1) – Indigenous peoples have the right to establish and control their educational systems and institutions providing education in their own languages, in a manner appropriate to their cultural methods of teaching and learning.	
Score	Description of Indicator
0	Māori have no rights to establish and control their own educational systems and institutions that provide an education in te reo Māori, using culturally appropriate pedagogy.
1	Māori have limited rights to establish and control their own educational systems and institutions that provide an education in te reo Māori, using culturally appropriate pedagogy. The state provides no support.
2	Māori have the right to establish and control their own educational systems and institutions that provide an education in te reo Māori, using culturally appropriate pedagogy, within the boundaries set out by the state. The state provides some support.
3	Māori have full rights to establish and control their own educational systems and institutions that provide an education in te reo Māori, using culturally appropriate pedagogy, in ways that we see fit. The state provides full support for this.
D/K	For instances where there is a lack of information to accurately assess compliance with a particular Article (or section of an Article), the label D/K is used to indicate that I do not know.

Evidence to support this assessment was drawn from multiple sources, including the Education and Training Act, 2020, which covers the full range of education provision from early childhood to tertiary education. This Act is ‘dedicated to Te Tiriti o Waitangi’ (Section 9) and seeks to recognise and respect the Crown’s responsibility to the Treaty – including providing for the establishment of Kura Kaupapa Māori (Māori immersion schools) and Wānanga (te reo and tikanga Māori tertiary education options). Note that the Minister of Education has ‘absolute discretion’ (Section 201) to refuse to establish a school as a Kura

¹⁶ UNDRIP Article 14 (Part 2) states that: *Indigenous individuals, particularly children, have the right to all levels and forms of education of the state without discrimination.*

Kaupapa Māori, based on whether it meets the criteria specified in the Act. In terms of Wānanga, again there are multiple rules within the Act that govern if and how Wānanga will be established and run, including requiring Ministerial consent over the name used (Section 456).

At an early childhood education level, Kōhanga Reo (Māori language nests) are an option that focus on immersing children in tikanga and te reo Māori. A Kōhanga Reo National Trust Board has set guidelines for individual kōhanga reo. As with Kura Kaupapa and Wānanga, the government funds Kōhanga Reo to operate, but also expects that numerous licensing criteria, plus a specific curriculum are followed in order to gain and maintain a licence to operate (Ministry of Education, 2022). In addition, the Education Early Childhood Services Regulations, 2008 outline requirements around staffing qualifications that must be held to teach in Kōhanga Reo. So, while there are options at early childhood, primary, secondary, and tertiary levels for state funded, education options delivered through te reo Māori, there are many legislative boundaries and regulations put in place.

UNDRIP Article 14 (Part 3)

UNDRIP Article 14 (part 3) is focused on the state providing access for Indigenous individuals, particularly children, to an education provided in their own language and culture. For this indicator, the government again scored a two, meaning that some access is provided but mainly across centres and areas with a high Māori population.

<i>Article 14 (part 3): States shall, in conjunction with Indigenous peoples, take effective measures, in order for Indigenous individuals, particularly children, including those living outside their communities, to have access, when possible, to an education in their own culture and provided in their own language.</i>	
0	The state provides no access for Māori to an education grounded in tikanga and te reo Māori.
1	The state, with limited input from Māori, provides limited access for Māori, to an education grounded in tikanga and te reo Māori, in a few locations.
2	The state, in conjunction with Māori, provides access for some Māori to an education grounded in tikanga and te reo Māori, particularly across main centres and areas of high Māori population.
3	The state, in conjunction with Māori, provides full access for all Māori nationally who seek an education grounded in tikanga and te reo Māori.
D/K	For instances where there is a lack of information to accurately assess compliance with a particular Article (or section of an Article), the label D/K is used to indicate that I do not know.

Tau Mai Te Reo (Ministry of Education, n.d.) is a cross-agency strategy for the education sector focused on supporting Māori language for all learners. One of the guiding principles of this strategy is that “Māori learners thrive when their identity, language and culture is embedded into their learning and they have a strong sense of belonging” (Ministry of Education, n.d., p. 3). Ka Hikitia, the Māori education strategy (Ministry of Education, n.d.), also supports Māori language and culture in education by committing to services that grow te reo Māori and incorporate Māori identity and culture into the classroom curriculum.

The *Maihi Karauna* strategy (Te Puni Kōkiri, 2019) notes that, to be most effective, Māori medium education begins at early childhood education and progress through to tertiary education. Te Puni Kōkiri (2019) also states that barriers to these Māori medium pathways exist for some whānau Māori, including a lack of education pathways and travel distances required in some communities. So, while Māori children generally have the same rights of access to education as other children, there is limited access to Māori medium education – particularly for those whānau wanting to enrol their tamariki (children) from an early age, right through to tertiary education.

5.4: THEME THREE: TE REO MĀORI AND THE MEDIA

The final section of this findings chapter assesses the government’s performance against Article 16 of the UNDRIP, which relates to the media. The assessment of Aotearoa New Zealand government’s performance against Article 16 has been split into three parts, as presented below.

UNDRIP Article 16 (Part 1)

As has been the case for most indicators assessed, the government scored at indicator level 2 for UNDRIP Article 16 (part 1), which means that while Māori have the right to establish their own media it is within the boundaries set by the state.

<i>Article 16 (part 1) – Indigenous peoples have the right to establish their own media in their own languages and to have access to all forms of non-Indigenous media without discrimination.</i>	
0	Māori have no right to establish their own media in their own languages. Access to non-Indigenous media is very limited.
1	Māori have no right to establish their own media in their own language but can access non-Indigenous media.

2	Māori have the right to establish their own media in their own language within the boundaries set by the state. Access to non-Indigenous media is without discrimination.
3	Māori have the right to establish their own media in te reo and iwi dialects in ways that they see fit and with support from the state. Access to non-Indigenous media is without discrimination.
D/K	For instances where there is a lack of information to accurately assess compliance with a particular Article (or section of an Article), the label D/K is used to indicate that I do not know.

The evidence to support this assessment was primarily drawn from two pieces of legislation. The first was the Māori Television Service (Te Aratuku Whakaata Irirangi Māori) Act, 2003 (and its amendments). This Act recognises that the Crown has a Treaty obligation to preserve, protect and promote te reo Māori. To support this obligation, through the Māori Television Service (Te Aratuku Whakaata Irirangi Māori) Act, 2003, the Crown transferred Ultra High Frequency (UHF) and spectrum rights¹⁷ to Te Mātāwai¹⁸, for the purpose of establishing a radio and television network to protect and promote te reo Māori. Whakaata Māori (Māori Television) was established through this Act and is legislated to broadcast mainly in te reo Māori during prime time. It must take special regard to broadcast content suitable for children learning te reo as well as native speakers. Whakaata Māori must also be accessible to as many people as is reasonably possible.

The Broadcasting Act, 1989 is the second piece of legislation relevant to UNDRIP Article 16 (part 1). Section 36 of this Act notes that, from time to time, the Broadcasting Commission (known as NZ On Air) shall consult with representatives of Māori interests. The Broadcasting Act 1989 also outlines the functions of Te Reo Whakapuaki Irirangi (known as Te Māngai Pāho), a Crown entity established in 1993 to promote Māori language and culture by allocating funding to relevant media content, including Māori/iwi radio stations. The 1989 Broadcasting Act has specific criteria for how funding should be allocated, including considering the potential size of the audience likely to benefit from the project to which the proposal relates. The Minister of Māori Development appoints the five-person Board of Te Reo Whakapuaki Irirangi.

¹⁷ UHF and spectrum rights relate to the transmission of radio waves without interference.

¹⁸ Te Mātāwai is a Crown funded, independent organisation that leads Māori language revitalisation for iwi Māori.

As has been the case for the assessment of the previous UNDRIP articles in this chapter, the Maihi Karauna (the Crown’s Māori Language Strategy) has been an important piece of evidence from a strategy perspective for assessing the government’s performance against UNDRIP Article 16 (part 1). The Maihi Karauna (Te Puni Kōkiri, 2019: 28) includes a media specific priority, which is to have “more people engaging with quality broadcast and online content in te reo Māori”. To achieve this priority, the government will take actions to improve the quality of te reo Māori broadcast online; to ensure that engaging te reo Māori content is available for young people and fluent speakers; and to enable iwi, hapū and whānau Māori to broadcast their own te reo Māori content (Te Puni Kōkiri, 2019).

UNDRIP Article 16 (Part 2)

UNDRIP Article 16 (part 2) advocates for the government to ensure that state media reflects Māori culture and language. Again, the government scored indicator level 2 for this assessment, with Māori culture and language being reflected across some platforms.

<i>Article 16 (part 2): States shall take effective measures to ensure that state-owned media duly reflects Indigenous cultural diversity.</i>	
0	State-owned media does not reflect any Māori culture or language.
1	State-owned media reflects Māori culture and language in a limited and tokenistic way.
2	State-owned media reflects Māori culture and language across some platforms.
3	State-owned media fully reflects the diversity of Māori culture and language across all its platforms.
D/K	For instances where there is a lack of information to accurately assess compliance with a particular Article (or section of an Article), the label D/K is used to indicate that I do not know.

The Broadcasting Act 1989 provides evidence of this, by stating that the primary functions of the Broadcasting Commission (NZ On Air) are to reflect and develop Aotearoa New Zealand identity and culture, including by promoting Māori language and culture. The Crown’s Māori Language Strategy (the Maihi Karauna) also recognises the importance of state-owned entities promoting online te reo content. One such example is the large corpus of te reo Māori content already made available online through government funding, with the need for more in the future (Te Puni Kōkiri, 2019). In addition, Te Māngai Pāho promotes Māori language and culture through funding Māori music and new media (Te Puni Kōkiri, 2019).

UNDRIP Article 16 (Part 3)

UNDRIP Article 16 (Part 3) is focused on ensuring that the government encourages private media to reflect Indigenous culture and language. Within the documents reviewed for this research, Article 16 (part 3) was the only one that I could find no relevant evidence for. Therefore, the D/K indicator has been applied, as there is a lack of information to accurately assess compliance with Article 16 (part 3) of the UNDRIP.

<i>Article 16 (part 3): States, without prejudice to ensuring full freedom of expression, should encourage privately owned media to adequately reflect Indigenous cultural diversity.</i>	
0	The state does nothing to encourage privately owned media to adequately reflect Māori cultural diversity.
1	The state provides minimal encouragement to privately owned media to adequately reflect Māori cultural diversity.
2	The state encourages privately owned media to adequately reflect Māori cultural diversity, but no incentives are provided.
3	The state has high expectations in terms of privately owned media adequately reflecting Māori cultural diversity. Incentives are provided to businesses who do.
D/K	For instances where there is a lack of information to accurately assess compliance with a particular Article (or section of an Article), the label D/K is used to indicate that I do not know.

5.5: CONCLUSION

This findings chapter has focused on answering question three of this research, by determining the extent to which the Aotearoa New Zealand government's approach to the revitalisation of te reo Māori aligns with its responsibilities as a signatory to the UNDRIP. To make this determination, an assessment of the Aotearoa New Zealand government's performance against three UNDRIP articles was undertaken, using a rubric developed for this purpose. This assessment focused on three themes, namely: te reo Māori revitalisation, use, development, and transmission; education through te reo Māori; and te reo Māori and the media. Across all three themes, the Aotearoa New Zealand government was consistently assessed at being at indicator level 2, with two exceptions. One of the indicators (relating to te reo revitalisation, use, development, and transmission) was assessed at indicator level 2.5; and one of the reo and media indicators was assessed as *do not know*, due to lack of evidence. The relevance of these scores will be discussed critically in the next chapter within the conceptual framework of this research, alongside a discussion of the other two research questions that are the focus of this report.

CHAPTER 6: DISCUSSION AND CONCLUDING REMARKS

6.1: INTRODUCTION

The aim of this research has been to explore whether the Aotearoa New Zealand government's approach to te reo Māori revitalisation aligns with its responsibilities as a signatory to the UNDRIP. To meet the research aim, this report focused on three research questions – two descriptive questions and one analytical question. The first two research questions were aimed at describing two things; firstly, the responsibilities of the Aotearoa New Zealand government as a signatory to the UNDRIP; and, secondly, the government's approach to the revitalisation of te reo Māori. These two research questions were addressed primarily through the contextual literature review in Chapter Two of this report. To answer research question three well, more analysis was required. As such, Chapter Five was dedicated to answering research question three, which was to determine the extent to which the Aotearoa New Zealand government's approach to the revitalisation of te reo Māori aligns with its responsibilities as a signatory to the UNDRIP. A document review was the method used to answer research question three, and a qualitative rubric was designed to help present and analyse findings.

The purpose of this chapter (Chapter 6) is to critically discuss the findings of this research in more detail, while also acknowledging the limitations of this study. Finally, some recommendations for going forward and concluding remarks will be presented.

6.2: UNDRIP HISTORY AND RESPONSIBILITIES

In the early 1980s, the Special Rapporteur to the UN, Jose Martinez Cobo identified and reported on the lack of provision for Indigenous people in any of the reports or mechanisms of the United Nations (United Nations, 1981). This led to a slow but ongoing process to better cement the rights and place of Indigenous peoples in UN processes and systems, which culminated in 2007 with the establishment of the UNDRIP.

Aotearoa New Zealand's initial reluctance to sign the UNDRIP in 2007 meant that Māori and other supporters had to push back strongly. In 2010, a National-led government surprisingly reversed the decision made in 2007 by a Labour-led government, and Aotearoa New Zealand became a signatory to the UNDRIP. The responsibilities that came with being a signatory, were

delegated to Te Puni Kōkiri (the Ministry of Māori Development), including the expectation that an UNDRIP implementation plan would be developed and executed (Charters, et al., 2019). Currently, this UNDRIP implementation plan is still in draft.

As signatories of the UNDRIP, the responsibilities of states and governments are focused on both supporting the practices, needs and interests of Indigenous peoples, and not preventing Indigenous development. The articles of the UNDRIP that were drafted to address these responsibilities cover a range of topics and subjects, from health to education and the media. Self-determination of Indigenous peoples is a central tenet to the UNDRIP, as is the right to use and revitalise Indigenous languages – the focus of this research.

6.3: TE REO MĀORI HISTORY AND THE GOVERNMENT'S APPROACH TO REVITALISATION

From the arrival of European settlers to the current day, te reo Māori has been a threatened language. For over a century, colonial policies supported the view that English was the superior language, and that te reo Māori was of no use and should be prohibited, undermined, or discouraged. Throughout history, there has been resistance from Māori people and their supporters against this mentality. From the early 1970s on, there has been a coordinated and concerted effort to reverse the detrimental impacts that colonisation has had on te reo Māori. These language revitalisation efforts have included a focus on amending or drafting legislation, strategy, and policy to support the strengthening of te reo Māori (for example, Te Ture mō te reo Māori (the Māori Language Act) 2016 and the Maihi Karauna (Te Puni Kōkiri, 2019).

Currently, there are multiple pieces of legislation, strategies, and policies that have been pushed for by Māori and developed by the government to support the protection and revitalisation of te reo Māori. These government levers have been applied across multiple sectors, including education and the media.

6.4: THE GOVERNMENT'S APPROACH TO THE REVITALISATION OF TE REO MĀORI AND ALIGNMENT WITH ITS UNDRIP RESPONSIBILITIES

In the previous chapter, I presented the findings of a document review that used a qualitative rubric to determine the extent to which the Aotearoa New Zealand government's approach to the revitalisation of te reo Māori, aligns with its responsibilities as a signatory to the UNDRIP. The rubric used a scale from 0 to 3, with 0 meaning te reo Māori received no support from the government to a score of 3, being the ultimate level of support. Three themes were assessed: te reo revitalisation, use, development, and transmission; te reo and education; and te reo and the media. In summary, across the UNDRIP articles reviewed, the Aotearoa New Zealand government was consistently assessed at being at indicator level 2 (on a scale of 0-3) with two exceptions. The discussion of results will cover the three UNDRIP themes that featured in the rubric assessment process. Each of the three themes will be discussed in relation to a conceptual framework of Indigenous rights and the different mechanisms available internationally for addressing these rights. In addition, this chapter will discuss the results of this research within a Kaupapa Māori framing, as a concept of development that is Indigenous to Aotearoa New Zealand.

Policy, legislation, and strategy

The first theme to be considered is the Aotearoa New Zealand government's performance against UNDRIP Article 13, which relates to the revitalisation, use, development, and transmission of Indigenous language (in this case, te reo Māori). The evidence reviewed showed that the government performed slightly more strongly against this indicator (level 2.5) in comparison to the other indicators assessed. Contributing to this relatively strong performance is Te Ture Mō Te Reo (the Māori Language Act) 2016. This Act established an independent authority on te reo Māori (Te Mātāwai), responsible for revitalising te reo Māori within homes and whānau through the Maihi Māori strategy (Te Mātāwai, 2017). The focus on revitalising language through inter-generational use in the home and other domains is supported by language revitalisation theory (for example, (Olsen-Reeder, Hutchings, & Higgins, 2017 and Fishman, 2001). The focus that Te Mātāwai has on revitalising te reo for whānau, rather than individuals aligns with the Indigenous rights and development view that the focus should be on the collective (Connolly, 2009).

The Māori Language Act 2016 also set the expectation that the government would develop and implement a te reo Māori strategy – the Maihi Karauna. The use of legislative solutions to achieve UNDRIP responsibilities is advocated for by the (United Nations, 2007), as are other ‘appropriate measures’. In the case of other ‘appropriate measures’ for te reo Māori, this has happened in Aotearoa New Zealand through the development of two strategies (the Maihi Māori for whānau/iwi/Māori and the Maihi Karauna for the Crown and wider Aotearoa) with the provision for infrastructure (people and money) to implement the strategies. The establishment of a government strategy focused on protecting and revitalising te reo Māori amongst the wider Aotearoa New Zealand population would align with DeVarennes (2022) contention that linguistic rights are related to the state supporting Indigenous languages in certain contexts.

For Māori, place names are more than markers of location. They are connections with ancestors and relationships, and they also describe the land physically and identify its resources (Davis, O'Regan, & Wilson, 1990). The protection of Māori rights over designating and retaining their own names for communities, places, and persons (Article 13, part 2) has been incorporated into legislation – specifically, the New Zealand Geographic Board Act 2008. While this legislation is protecting existing and future names of places, it is also addressing the return of lost or deleted te reo Māori placenames. Ensuring that iwi Māori have a say in the naming of important places has also been integrated through legislation, as evidenced in Te Rūnanga o Ngāi Tahu Act 1996, which provides Ngāi Tahu (an iwi in Te Waipounamu (the South Island) with membership on the New Zealand Geographic Board.

The UNDRIP requirement for Indigenous people to understand and be understood in political, legal, and administrative proceedings is also addressed through the Māori Language Act 2016, by providing for parties in legal proceedings to be able to speak te reo Māori in court. Policy and procedural guidelines have also been designed to allow this part of the legislation to be implemented, through the provision of interpreters in court, and translations of court documents into te reo, as well as having processes in place for debating in the House of Representatives in te reo Māori.

Article 14 of the UNDRIP (relating to te reo Māori and education) was assessed as being at indicator level 2, meaning that Māori have rights to participate in Aotearoa New Zealand's education system and have some right to establish and control their own institutions – within the boundaries set by the state. As was the case with Article 13 of the UNDRIP, legislation and policy have been key drivers of enabling Māori rights regarding te reo and education. At a legislative level, the Education and Training Act 2020 covers the full range of education provision from early childhood to tertiary education.¹⁹ This Act provides for the establishment of Kura Kaupapa Māori (Māori immersion schools) and Wānanga (te reo tertiary options). The regulations for Kōhanga Reo are similarly set down and overseen by the Ministry of Education.

Strategy is the key lever that the government uses to articulate its goals around providing an education grounded in tikanga and te reo Māori. The education agencies within Aotearoa New Zealand are guided by two key strategies – one for supporting all learners of Māori language (Tau Mai Te Reo, Ministry of Education: n.d) and another strategy focused on Māori learners and their whānau (Ka Hikitia, Ministry of Education: n.d). So, while legislation and policy set the parameters within which te reo Māori education options can operate, the effort to establish these options in the most part took place without support from the government (McKinley & Smith, 2019).

The trade-off that Māori are faced with, to receive government support for te reo Māori, is to establish and run things according to legislation and government policy and regulations. But these may not always align with Māori aspirations and ways of doing things. A particular issue faced by Māori who are not living in main centres is access to a quality Māori medium education (Te Puni Kōkiri, 2019). This suggests that access is limited by the funding available for establishing education options centred around Māori language and culture, as advocated in Article 14 (part 3) of the UNDRIP.

When looking at the rights that Māori have in the media space, again legislation has been historically prominent. The Māori Television Service (Te Aratuku Whakaata Irirangi Māori) Act 2003 provides for the establishment of Whakaata Māori (Māori Television). The Broadcasting

¹⁹ In addition, under the Education and Training Act 2020, students have the right to use te reo Māori in assessments in the tertiary sector.

Act 1989 outlines the functions of Te Māngai Pāho, a Crown entity responsible for funding Māori media – including iwi/Māori radio. The Broadcasting Act 1989 also stipulates that programmes produced by the Broadcasting Commission (NZ On Air) must promote Māori language and culture. Together, these two pieces of legislation support the government’s contribution to Article 16 of the UNDRIP, which advocates that Indigenous peoples have the right to establish media in their own languages, and state-owned media must reflect cultural diversity. However, once again, the legislation dictates how this requirement will be enacted, for example by outlining specific funding criteria that must be adhered to, and having Board members appointed by Ministers, not iwi/Māori.

International Indigenous rights instruments

The creation in 2019 of He Puapua (Charters, et al., 2019), a plan to realise the UNDRIP in Aotearoa New Zealand can be seen as a positive step towards advancing Indigenous rights through international mechanisms. The findings chapter of this research reported that the vision and way forward articulated in He Puapua were considered world-leading at the time and was an example of how international instruments were being used to progress Indigenous rights. Unfortunately, however, as highlighted by (Chen, 2023), countries continue to oppose the UNDRIP; and the promise of change articulated in He Puapua has not progressed beyond a draft report, due to the lack of commitment by multiple governments.

Treaties

From a Treaty of Waitangi perspective, the creation of two te reo Māori strategies aligns with the Treaty principles previously discussed in this research. The Maihi Māori (Te Mātāwai, 2017) speaks to the Treaty principle of partnership, by acknowledging the distinctive (but complementary) roles the Crown and iwi/Māori play in the revitalisation of te reo Māori. Similarly, the Maihi Karauna (Te Puni Kōkiri, 2019) notes that the protection and promotion of te reo Māori is key to the partnership created through the Treaty of Waitangi.

As is often the case, reference to the Treaty of Waitangi is included in legislation when seeking to redress past wrongdoings and set a more positive path going forward. An example of this is the New Zealand Geographic Board Act 2008 which has the role of collecting and encouraging the use of original Māori names for places. This is a positive step towards both

regaining te reo Māori that has been lost through colonisation, and providing whānau, hapū and iwi with connections to their tīpuna (ancestors) whose names and/or histories are often incorporated into placenames. The Education and Training Act 2020 is ‘dedicated to Te Tiriti o Waitangi’ (Section 9) and seeks to recognise the Crown’s Treaty responsibilities through the Act. The Māori Television Service Act 2003 identifies that the Crown has a Treaty obligation to preserve, protect and promote te reo Māori, which again, speaks to the principles of the Treaty being recognised. This consistent recognition of the Treaty in key documents serves as a good reminder to the government and its agencies when designing and implementing its policies.

Kaupapa Māori

One of the critical elements of Kaupapa Māori, as articulated by G. Smith (1997), is the survival and revitalisation of te reo and tikanga Māori. In this regard, the creation of legislation and strategies aimed at revitalising and protecting te reo Māori align with Kaupapa Māori thinking. However, the assertion of Pihama (2015) that Kaupapa Māori should challenge Western thinking at a fundamental level, may not align with the practice of revitalising te reo Māori through government-created structures and processes, such as legislation and policy. Nonetheless, the evidence in this research shows the progress we have made through these instruments. While it is not the place of this report to assess the counterfactual of where we would be today without important pieces of legislation like Te Ture mō te reo Māori (the Māori Language Act) 2016, it is my assertion that we would not have progressed as far as we have without them.

Education was the original domain of Kaupapa Māori theorising and practice (G Smith, 1997), and the legacy continues today through the tikanga and te reo Māori options available to learners and their whānau. As was the case with the use of legislation to support te reo revitalisation, it is impossible to know what position te reo Māori education would be in today without the support of state funding and mechanisms. However, this does not negate the hard work and dedication from those frontrunners who kicked off the movement to arrest the loss of the Māori language by establishing Kōhanga Reo, Kura Kaupapa and Wānanga – initially without any support from government.

Overall assessment

When looking at the performance of the government in terms of the three UNDRIP articles assessed, the overall evaluation is that there is evidence of good practice, albeit, within the boundaries set down by the state. For the Aotearoa New Zealand government to fully meet its responsibilities under the UNDRIP, there would need to be more of an effort to support Māori to lead the protection and revitalisation of te reo Māori through self-determination, without the current limitations and boundaries that are in place.

The use of legislation and policy to support and protect te reo Māori has been a prevalent approach used by the government in Aotearoa New Zealand. This approach is advocated by the current Commissioner of Te Taura Whiri i te Reo Māori (the Māori Language Commission), Rawinia Higgins, who in a speech to the UN General Assembly in December 2022, made a global call to protect Indigenous languages by law (Te Taura Whiri i te Reo Māori, 2023). The irony discussed by Hassan (2018) of governments using legislation to protect Indigenous languages, when previous laws led to their endangerment, is still relevant to current day conversations. That is, there is still a tension between operating according to government policy and legislation and wanting to operate in a Kaupapa Māori way. The two ways of operating are not always aligned.

Progressing the implementation plan for the UNDRIP in Aotearoa New Zealand has been stalled (Charters, et al., 2019). Furthermore, the current National-led government has strong convictions about not progressing He Puapua any further (National Party, 2023). Under the current political leadership in Aotearoa New Zealand, the success of using international rights instruments such as the UNDRIP to progress Indigenous development is likely to be minimal. Having said this, it will be interesting to see if pressure from international organisations such as the UN, with its different mechanisms for supporting Indigenous rights (including the UN Special Rapporteur on Indigenous Rights), will have any influence.

UNDRIP Article 16 (Part 3) speaks to the government encouraging privately-owned media to reflect Indigenous culture. Of the three UNDRIP articles reviewed, only UNDRIP Article 16 (part 3) was found to have insufficient evidence to provide an assessment against. Potentially, this is because the strategy, policy and legislation selected for review were not targeted at

privately owned businesses (in this case media), and therefore did not feature in the documents. Alternatively, it could be that the government does nothing to encourage privately owned media to reflect Māori cultural diversity. Either way, this could be an area for potential future development.

In the conceptual literature review presented in Chapter 3 of this report, international trade agreements were discussed as being an important mechanism to advance Indigenous rights. However, the links between international trade agreements, the UNDRIP and te reo Māori were not discovered during the review of documents undertaken for this research. Therefore, the conclusion is that the link between the mechanism of trade agreements and the UNDRIP (as it relates to te reo Māori) have either not been considered in the documents reviewed, or not considered relevant or important enough to include in those documents, and therefore not incorporated. Again, an area for potential exploration in the future.

The positive progress we have made towards revitalising te reo Māori using legislation, strategy and policy can also be undone, either through repealing existing legislation or creating new laws and policy that have a detrimental effect on te reo. This includes the potential to repeal sections of legislation that refer to the Treaty of Waitangi, and its principles, which is currently being advocated for by the ACT Party (ACT Party, n.d.), one of the government's coalition partners. While this thinking is worrying, particularly for those people who have fought hard and long for te reo Māori, unfortunately, the policy priorities of the current Aotearoa New Zealand coalition government make it a very believable scenario.

6.3: LIMITATIONS OF THIS STUDY

One limitation of this study is that it is based on a document review. While a document review is considered a systematic method within qualitative research (Bowen, 2009), the ability to probe for additional understanding is not possible, as it would be if interviews or focus groups were incorporated. However, because this research has a limited word count, including additional methods would have led to a lengthier report and was beyond the scope of this research.

A second limitation is related to the development process of the rubric used to assess the government's compliance with the UNDRIP. The task of developing the rubric would ideally be undertaken with a wide range of stakeholders in a group-based activity, with people that had knowledge of this topic and could therefore speak to what 'good' looks like in this context. That undertaking was also not realistic within the scope of this current research project.

A third limitation of this research is that the focus has been on what the government said they were going to implement through policy, legislation, and strategy documents, rather than what has actually been implemented. Understanding the difference would require a different scope and methodological approach (probably a full evaluation), and would likely result in a much lengthier report and an extended period of time to do this.

A fourth limitation is that the research timeframe occurs before the 2023 election. The National-led/ACT Party/New Zealand First coalition government that recently came into power has disadvantageous policy positions for Māori, both in terms of te reo Māori and the UNDRIP. These views will likely radically slow down, halt, or reverse progress made thus far. For example, Aotearoa New Zealand First's position is that Aotearoa New Zealand should withdraw from the UNDRIP and stop using te reo Māori names for government departments (policy.nz, 2023). As part of their 100 Day Plan, after the election the coalition government had a list of 49 actions. This included stopping all work on He Puapua, the plan to implement the UNDRIP in Aotearoa New Zealand (National Party, 2023).

6.4: RECOMMENDATIONS

This research provides insight into the progress Aotearoa New Zealand has made towards fulfilling its responsibilities under the articles of the UNDRIP that relate to Indigenous languages and more specifically, te reo Māori. This research is unique in that it has adapted an existing UNDRIP monitoring tool produced by Smith & Mitchell (2020), to assess the degree to which the government here is complying with selected UNDRIP articles related to Indigenous language.

The contribution that this research makes to Indigenous development which is relevant to the field of development studies is two-fold. Firstly, by identifying the gaps between current

practice in Aotearoa New Zealand, and the ideal state, this research can support government departments with responsibilities for te reo Māori to better understand what additional actions need to be taken to successfully implement UNDRIP Articles 13, 14 and 16. Unfortunately, the policy positions set by the current government, mean that any further progress in this regard is unlikely to happen within the current political term. Secondly, monitoring and evaluation is an important aspect of international development, and the United Nations (2023) has identified a lack of understanding about how to monitor implementation of the UNDRIP. The tool used in this research contributes to filling that gap, by providing an example of how progress towards implementing the UNDRIP articles that are related to Indigenous languages might be monitored. The potential for others to use this tool for their own purposes is feasible, particularly because this research is based on the adaptation of a similar tool produced by researchers in Canada (Smith & Mitchell, 2020).

It would be an interesting and worthwhile task to undertake similar research in three years' time, once the policies of the current National-led coalition government in Aotearoa New Zealand have run their course. The supposition is that, sadly, progress would have halted, or potentially gone backwards. Undertaking comparable research in other similar countries (for example Australia, Canada, or the United States of America) who are signatories to the UNDRIP would also be worthwhile, as this would provide Aotearoa New Zealand with an international benchmark. Future research could be strengthened by addressing the methodological limitations mentioned above. Additionally, undertaking an evaluation of actual progress against the relevant UNDRIP articles would provide a fuller understanding of what has been achieved, and where work still needs to happen.

6.5: CONCLUDING REMARKS

This research has discussed the extent to which the Aotearoa New Zealand government's approach to the revitalisation of te reo Māori aligns with its responsibilities as a signatory to the UNDRIP. Three themes were considered: te reo Māori revitalisation; te reo Māori education; and te reo Māori and the media. These themes were analysed against the conceptual framework of Indigenous rights and the different mechanisms available for addressing these rights. While an Indigenous rights conceptual framework was used for this

research, there are others that are very relevant to this topic, in particular post-development, the decolonisation of development and a Treaty of Waitangi rights approach to development.

In Aotearoa New Zealand, policy, legislation, and strategy have been the primary vehicles used by the government to support and protect te reo Māori. Te Ture mō te reo Māori (the Māori Language Act) 2016 was assessed as being particularly effective in setting up the systems and structures to progress the revitalisation of te reo Māori. The inclusion of Treaty of Waitangi clauses in policy and legislation is also a mechanism frequently used. While incorporating te reo aspirations into policy, legislation and strategy has been effective in many ways, there is still a reliance on government systems and processes to progress development. These systems and processes are not always in alignment with Kaupapa Māori ways of working or conducive to Māori self-determination.

Four limitations of this study were identified – one limitation related to methodology, another two related to scope and a fourth limitation noted was the timeframe under consideration. These limitations could be addressed if further research on this topic was to take place. One recommendation of the research is that a follow-up study be conducted once the current National-led coalition government has completed their first term in three years' time. The reo Māori policy positions of the current government are likely to lead to a stagnation or reversal of progress made to date. Similar research or an evaluation undertaken in three plus years' time would confirm or refute this supposition.

There is also an opportunity for the UNDRIP monitoring tool adapted for this research to be used in other contexts and countries – particularly in relation to Indigenous language revitalisation and protection. Such an undertaking would be a welcome contribution to the UN Decade of International Indigenous Languages; and would provide a benchmark for where countries currently are, to support progress going forward.

In Aotearoa New Zealand, this study has shown that, prior to the 2023 election, consecutive governments had made steady progress towards both supporting and revitalising te reo Māori, thus progressing towards achievement of their relevant UNDRIP obligations by doing so. There are early signals from the current National-led coalition government that further

progress is likely to be halted, if not reversed. However, Māori and their supporters have fought for over 100 years for the survival of te reo Māori and will continue to do so. In addition, support from (and to) other Indigenous people internationally will endure, with the UNDRIP providing a focal point of solidarity for this action.

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APPENDICES

APPENDIX 1: LIST OF DOCUMENTS INCLUDED IN DOCUMENT REVIEW

A document review was the primary method used in this research. The list of documents reviewed is presented below:

1. *Broadcasting Act*. (1989).
2. Charters, C., Kingdon-Bebb, K., Olsen, T., Ormsby, W., Owen, E., Pryor, J., . . . Williams, G. (2019). *He Puapua: Report of the Working Group on a plan to realise the UNDRIP in Aotearoa New Zealand*. Te Puni Kōkiri.
3. *Education and Training Act*. (2020).
4. *Education Early Childhood Services Regulations*. (2008).
5. Land Information New Zealand. (n.d.). *Treaty of Waitangi claims settlement place names*.
6. *Māori Television Service (Te Aratuku Whakaata Irirangi Māori) Act*. (2003).
7. Ministry of Education. (2022). *Licensing criteria for kōhanga reo affiliated with Te Kōhanga Reo National Trust*.
8. Ministry of Education. (n.d.). *Ka Hikitia: The Māori Education Strategy*.
9. Ministry of Education. (n.d.). *Tau Mai Te Reo: Māori Language in Education Strategy*.
10. *New Zealand Geographic Board Act*. (2008).
11. New Zealand Law Society. (2020). *Speaking te reo Māori in court*.
12. New Zealand Parliament. (2017). *Debate in parliament*.
13. New Zealand Parliament. (2022, June 16). *New Zealand parliament's bilingual bills*.
14. Te Mātāwai. (2017). *Maihi Māori 2017-2040*.
15. Te Puni Kōkiri. (2019). *Maihi Karauna: The Crown's Strategy for Māori Language Revitalisation 2019-2023*.
16. *Te Rūnanga o Ngai Tahu Act*. (1996).
17. *Te Ture Mō Te Reo - The Māori Language Act*. (2016).
18. United Nations. (2007, September 13). *United Nations Declaration on the Rights of Indigenous Peoples*.

APPENDIX 2: UNDRIP COMPLIANCE ASSESSMENT TOOL (Smith and Mitchell, 2020)

Presented below is the UNDRIP Compliance Assessment Tool that was developed by Smith and Mitchell (2020). This tool formed the basis from which I developed the assessment rubric I used in my research.

The evaluation metric consists of four designations ranging from 0 to 3 with the higher scores reflecting an increased level of compliance with the UNDRIP. A general provision of what each designation entails is as follows:

0. An absence of compliance of the UNDRIP: An active violation of Indigenous Peoples' rights. This can also reflect negative actions to reverse compliance efforts.

1. Limited compliance or the beginning of uptake: Some efforts are made by the government and/or third-party actors in order to comply with the UNDRIP. The efforts do not have a specific approach with Indigenous Peoples. No domestic laws are in place to enforce or reinforce the implementation of the UNDRIP.

2. Partial compliance or evidence of gradual implementation: State has made efforts to address Indigenous issues. State has legal frameworks related to Indigenous rights, but they do not comply with the standards set by the UNDRIP. Existing legal frameworks and Indigenous rights mechanisms are not employed in practice.

3. Full compliance of the UNDRIP: State has well-developed domestic legal frameworks that comply with international standards for the particular rights. Legal frameworks and Indigenous rights mechanisms are employed in practice. State demonstrates appropriate levels of partnership working in good faith with Indigenous Peoples towards the protection and exercising of their rights.

D/K. For instances where there is a lack of information to accurately assess compliance with a particular Article, the label D/K is used to indicate that we do not know.

APPENDIX 3: RUBRIC TO ASSESS THE GOVERNMENT’S UNDRIP COMPLIANCE AS IT RELATES TO TE REO MĀORI

This rubric was established to measure the New Zealand government’s compliance under the UNDRIP as it relates to te reo Māori across three articles. Key legislation, policy and strategy documents were reviewed using this rubric.

Theme 1: Revitalisation, use, development, and transmission of te reo Māori	
<i>Article 13 – Indigenous peoples have the right to revitalise, use, develop and transmit to future generations their histories, languages, oral traditions, philosophies, writing systems and literatures, and to designate and retain their own names for communities, places, and persons. States shall take effective measure to ensure that this right is protected and also to ensure that indigenous peoples can understand and be understood in political, legal, and administrative proceedings, where necessary, through the provision of interpretation or by other appropriate means.</i>	
Score	Description of Indicator
0	The right of Māori to revitalise, use, develop and transmit our language is not recognised by the government.
1	The government has made minimal attempts to recognise the right of Māori to revitalise, use, develop, and transmit our language.
2	The government encourage revitalisation, use, development, and transmission of te reo Māori through mechanisms and funding streams that are suitable to them, but not always in the ways that Māori advocate for.
3	Māori have autonomy and leadership over the revitalisation, use, development, and transmission of te reo Māori and are fully supported by the government in this endeavour, through any and all means possible.
1	Māori people have no rights over retaining our own names for communities, places, and persons.
1	Māori have very limited rights over retaining our own names for communities, places, and persons.
2	Māori have some rights over retaining the traditional names of communities, places, and persons, in consultation with government and other stakeholder groups.
3	Māori have full rights to use te reo when naming communities, places, and persons, and are supported by the government to do so.
1	The government is taking not steps to protect te reo Māori. There are examples where government is taking measures that threaten the survival of te reo Māori.
1	The government is taking token steps to protect te reo Māori, which are unlikely to have any long-term impact.
2	The government is taking some steps to protect te reo Māori, but without fully meeting the aspirations of Māori.
3	Māori are setting up the expectations about how government will work to protect te reo Māori, and these are consistently being delivered on.

1	The government is taking no steps to ensure that Māori can understand and be understood in political, legal, and administrative proceedings. No interpretation services are available.
1	The government provides very limited access to te reo Māori services that support Māori to understand and be understood in political, legal, and administrative proceedings – including interpretation services.
2	The government provide access for te reo Māori services that support Māori to understand and be understood in political, legal, and administrative proceedings, plus interpretation services in some situations.
3	Te reo Māori support services are available to all who seek them, to ensure that Māori understand and are able to be understood in political, legal, and administrative proceedings, including full access to interpretation services.
D/K	For instances where there is a lack of information to accurately assess compliance with a particular Article (or section of an Article), the label D/K is used to indicate that I do not know.

Theme 2: Education through te reo Māori

Article 14 – *Indigenous peoples have the right to establish and control their educational systems and institutions providing education in their own languages, in a manner appropriate to their cultural methods of teaching and learning. Indigenous individuals, particularly children, have the right to all levels and forms of education of the state without discrimination. States shall, in conjunction with Indigenous peoples, take effective measures, in order for indigenous individuals, particularly children, including those living outside their communities, to have access, when possible, to an education in their own culture and provided in their own language.*

Score	Description of Indicator
0	Māori have no rights to establish and control their own educational systems and institutions that provide an education in te reo Māori, using culturally appropriate pedagogy.
2	Māori have limited rights to establish and control their own educational systems and institutions that provide an education in te reo Māori, using culturally appropriate pedagogy. The state provides no support.
2	Māori have the right to establish and control their own educational systems and institutions that provide an education in te reo Māori, using culturally appropriate pedagogy, within the boundaries set out by the state. The state provides some support.
3	Māori have full rights to establish and control their own educational systems and institutions that provide an education in te reo Māori, using culturally appropriate pedagogy, in ways that we see fit. The state provides full support for this.
0	Māori have no right to an education from the state.
1	Māori, particularly children, have limited right to an education provided by the state. Discrimination is present.
2	Māori, particularly children, have most of the rights that non-Indigenous people have, to some levels and forms of education of the state. Some discrimination is present.
3	Māori, particularly children, have equal rights to all levels and forms of education provided by the state, without discrimination.
0	The state provides no access to Māori, to an education grounded in tikanga and te reo Māori.

1	The state, with limited input from Māori, provides limited access to Māori, to an education grounded in tikanga and te reo Māori, in a few of locations.
2	The state, in conjunction with Māori, provides access to some Māori to an education grounded in tikanga and te reo Māori, particularly across main centres and areas of high Māori population.
3	The state, in conjunction with Māori, provides full access to all Māori nationally who seek an education grounded in tikanga and te reo Māori.
D/K	For instances where there is a lack of information to accurately assess compliance with a particular Article (or section of an Article), the label D/K is used to indicate that I do not know.

Theme 3: Te reo Māori and the media

Article 16 – *Indigenous peoples have the right to establish their own media in their own languages and to have access to all forms of non-indigenous media without discrimination. States shall take effective measures to ensure that state-owned media duly reflect indigenous cultural diversity. States, without prejudice to ensuring full freedom of expression, should encourage privately owned media to adequately reflect indigenous cultural diversity.*

Score	Description of Indicator
0	Māori have no right to establish their own media in their own languages. Access to non-indigenous media is very limited.
1	Māori have no right to establish their own media but can access non-indigenous media.
2	Māori have the right to establish their own media within the boundaries set by the state. Access to non-indigenous media is without discrimination.
3	Māori have the right to establish their own media in te reo and iwi dialects in ways that they see fit and with support from the state. Access to non-indigenous media is without discrimination.
0	State-owned media does not reflect any Māori culture.
1	State-owned media reflects Māori culture in a limited and tokenistic way.
2	State-owned media reflects Māori culture across some platforms.
3	State-owned media fully reflects the diversity of Māori culture across all its platforms.
0	The state does nothing to encourage privately owned media to adequately reflect Māori cultural diversity.
1	The state provides minimal encouragement to privately owned media to adequately reflect Māori cultural diversity.
2	The state encourages privately owned media to adequately reflect Māori cultural diversity, but no disincentives or incentives are provided.
3	The state has high expectations in terms of privately owned media adequately reflecting Māori cultural diversity. Incentives are provided to businesses who do.
D/K	For instances where there is a lack of information to accurately assess compliance with a particular Article (or section of an Article), the label D/K is used to indicate that I do not know.

APPENDIX 4: TE WHARE O TE REO MAURIORA

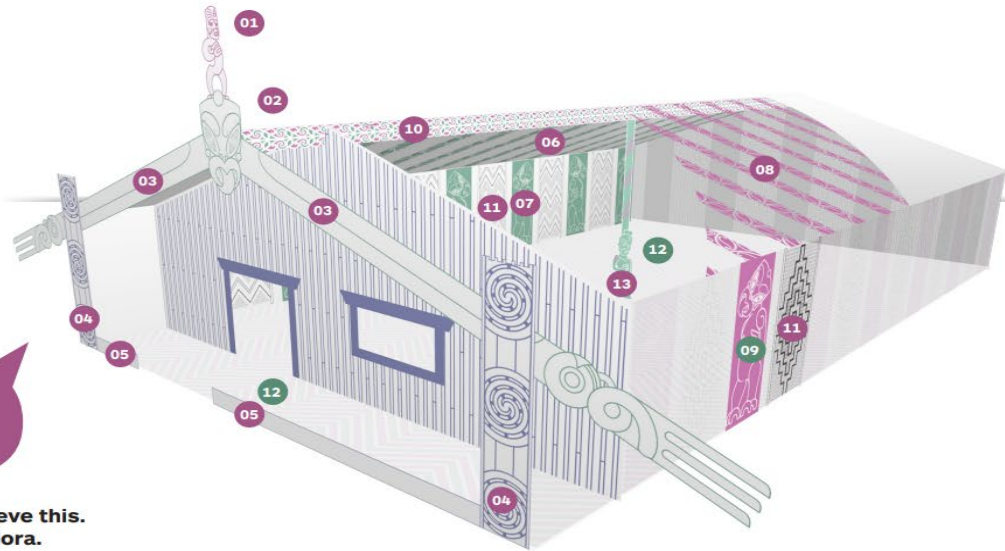
Te Whare o te Reo Mauriora

The purpose of the **Māori Language (te reo Māori) Bill** should be to:

1. Establish clear direction and strategies for te reo Māori.
2. Create opportunities for Māori to determine and drive outcomes for te reo.
3. Clarify the roles and functions of both Māori and Crown in respect to te reo Māori.
4. Encourage and support greater collaboration through agreed values and principles.

The Minister for Māori Development is reviewing the current Māori Language (te reo Māori) Bill to help ensure the future of te reo Māori.

A house is used to describe the new proposed structure to achieve this.
Nau mai, hara mai ki te whare o te reo Māori, he whare reo Mauriora.



- 01 Tekoteko**
The Māori Language Act – a guardian for the language and helps safeguard our aspirations for te reo Māori.
- 02 Koruru**
the overarching vision for a reo Māori strategy to which both Māori and the Crown have specific roles.
- 03 Maihi**
Māori and the Crown strategies that will be developed to support the overarching vision for te reo.
- 04 Amo**
The focus areas of the partnership model. Māori will focus on communities and homes. The Crown will focus on support at the larger public or society level.
- 05 Paepae**
Symbolize all peoples of Aotearoa both Māori and non-Māori who are critical to achieve our aspirations for te reo.
- 06 Heke Taraiti – Te Mātāwai**
Te Mātāwai is a new statutory entity being proposed to allow Māori to determine and drive outcomes for te reo.

- 07 Poupou Taraiti**
represent the different groups that Te Mātāwai are drawn from: Seven of members elected from iwi. Four will be from Māori language stakeholder groups Up to two further positions will be available for Te Mātāwai to co-opt people with important skills and attributes required in the Board.
- 08 Heke Taranui**
Represents Crown Ministers with a responsibility to te reo.
- 09 Poupou Taranui**
These are the various Crown entities and departments i.e. TTW, TMP, MTS, C&H, MOE DIA, MoH, MBIE, MPI etc.
- 10 The Tāhuhu**
Where Te Mātāwai and Ministers come together to collaborate and plan. The role of Te Rūnanga Reo is to develop and support strategic approaches for te reo Māori and monitor outcomes against those strategies.

- 11 Tukutuku**
Located both sides of the whare between the poupou. They represent the various Statements of Intent, and annual workplans of the Crown and the office of Te Mātāwai in relation to te reo
- 12 Te Papa Kōrero**
The Interface between the CEO of Te Mātāwai and CEO's of Government agencies – this forum encourages greater alignment and collaboration between these groups to achieve joint reo outcomes.
- 13 Poutokomanawa**
Te reo Māori.



This whare represents a partnership model, where there are two sides.
 A. Te Taraiti - the left side of the whare represents iwi, hapū, whānau and communities
 B. Te Taranui - the right side of the whare represents the Crown.