

REFLECTIONS FROM THE PANEL CO-CHAIRS

Dame Lowell Goddard QC
Associate Professor Andrew Erueti

TE TAPEKE
FAIR FUTURES
IN AOTEAROA

ROYAL
SOCIETY
TE APĀRANGI

Royal Society Te Apārangi convened a diverse, multidisciplinary panel* to examine issues of fairness, equality, and equity in Aotearoa New Zealand. The spirit with which the panel approached its work on fairness in Aotearoa is Te Tapeke, from ‘ka tapeke katoa te iwi’.[†] This concept of inclusion conveys the importance of valuing and including all people. The panel’s task has been to identify and highlight some of the important choices New Zealanders face in determining how to shape te tapeke fair futures in this country.



* royalsociety.org.nz/fair-futures † Joshua 4:11–13. ‘Including all people, without exception’.

Dame Lowell Goddard QC and Associate Professor Andrew Ērueti

Fairness is a complicated subject with deep philosophical issues at its root. Fairness is not easy to define, and the human perception of what is and is not fair is instinctual and shaped by lived experience, along with moral reasoning and debate. However, it is necessary (as Lord Cooke of Thorndon said in 1989 [1]) for society to have a more or less common set of values with fairness high among them.

The aim of the panel at the outset of this project was to stimulate thinking and discussion about the nature of fairness (and the related concepts of equity and distributive justice), to identify the various principles of fairness, and provide examples of where these principles are breached in practice by drawing on contemporary cases and robust data. This is a complex field of endeavour philosophically, conceptually, and morally. Many data gaps exist that require addressing in future work. For now, we have attempted to provide cogent examples, to the extent possible, in the spotlights and expert commentaries we have published. These are not intended to cover the entire range of issues, and nor did the panel have capacity to cover every aspect of fairness in the time available.

Each panel member brought their particular disciplinary views of equity to the table and the panel was not always in agreement, with tensions between a Western, individualistic, equal-citizenship view of fairness and a more community or connected view of the world, that is, a more holistic view of fairness¹. Such differing views simply reflect the natural tensions evident in an interdisciplinary and philosophically diverse research community and a multicultural society. The panel's foundational paper *Key Concepts: Te Tapeke Fair Futures in Aotearoa (2)* articulated the panel's collective view of equity as key to a person's ability to enjoy their rights as a citizen, to fully participate as a member of society, and to flourish as a human being – socially, spiritually, intellectually, and physically.

¹Other words that could be used for 'holistic' are 'communitarian' and 'collectivist'.

This concept includes the rights of individuals to belong to communities and peoples, and for these collectives to be given appropriate public recognition. Ultimately, a fair society benefits everyone.

The focus of the panel's deliberations was very much on what fairness means in contemporary New Zealand, and on the identification of relevant ways of measuring existing fairness and equity, while accepting there are no single or absolutely correct ways of doing so. The panel, however, agreed that, whatever differing lens was used to measure the current situation, contemporary New Zealand is now a society with significant levels of disadvantage and deprivation, with the available evidence indicating that such deprivation is disproportionately concentrated in ethnic minorities, especially among Māori and Pacific peoples (3).

Intergenerational issues are critical to conversations about fairness and involve looking forward as well as back (4). Young people benefit and suffer from the actions of previous and current generations. Hardships faced by parents and grandparents have made it possible, for example, for their children to have better educational and employment opportunities, and improved health outcomes. But previous generations' ways of living are also having damaging environmental, ecological, and financial consequences.

Evidence presented in the panel's *Spotlight on Housing* (5) shows that levels of home ownership in New Zealand are currently the lowest since the 1950s, and are lower for Māori and Pacific peoples than for other ethnicities. This affects equity because home ownership has links to greater wellbeing over a lifetime. The panel's *Spotlight on Poverty* (3) highlights an increase in poverty in this country in recent decades, with some children experiencing severe and persistent poverty. Childhood poverty often has negative effects on the rest of a person's life. In the *Spotlight on Health* (6), data showed that some groups are more vulnerable than others to particular diseases at different stages of the lifecycle. It is evident from these spotlights that inequity and deprivation in a person's life are detrimental to their wellbeing, and in the case of health, can affect how long they live.

The expert commentaries, each written from the perspective of an individual panel member, further explored the equity experiences of various groups. These included Māori (7), refugees (8), migrants, and rainbow people (9). The commentary on the economic effects of the Covid-19 pandemic underlined how economic outcomes will be experienced unfairly, not only by this generation but also by generations to come (4). The commentary on fair access to justice explored transformative change in the legal system (10). A piece focusing on voting in

the general election revealed that the system could be fairer (11). In citing these examples, the panel does not overlook the critical effect of climate change on the future viability of humanity and the urgent need to achieve net zero carbon emissions globally and locally, amongst other critical measures required.

At the heart of any debate about our commitment to enhancing fairness in Aotearoa are the principles in our founding document, Te Tiriti o Waitangi The Treaty of Waitangi. Te Tiriti guaranteed Māori equal rights as New Zealand citizens, but also recognised prior sovereign rights as tangata whenua. The right to tino rangatiratanga under Article 2 of te Tiriti can sometimes clash with principles of equal citizenship. A key challenge for this country is how to balance the two principles in critical areas of public policy, not least resource management, criminal justice, and social policy. There are positive signs though, as exemplified by the negotiation by Māori and the Crown of numerous Treaty settlements. The Waitangi Tribunal and the Courts have established a set of te Tiriti principles, including partnership and active protection of Māori interests, which guide and direct official decision-making and action. Legislation that particularly affects Māori interests invariably refers to te Tiriti principles and increasingly ngā tikanga Māori.

These te Tiriti principles, together with New Zealand's commitment to various international frameworks and agreements, provide impetus and a strong basis on which to pursue a fairer, more inclusive, and more sustainable society and economy. For example, our commitment to fundamental human rights as guaranteed under the Universal Declaration of Human Rights, the United Nations (UN) Declaration of the Rights of Indigenous Peoples, and to achieving the UN Sustainable Development Goals, all reflect our willingness to find an equitable and sustainable way forward.

The panel's work has shown that when it comes to equity, many areas intersect – such as health, housing, poverty, and justice. Significant improvements in outcomes are possible in these and other policy areas, if sound, evidence-based decisions are made. Governments must take a long-term view and be guided by principles of fairness when considering policy, recognising that most decisions have distributional implications, whether intragenerational or intergenerational in nature. It is clear to the panel that te Tiriti must be at the centre of policy-making. The extension of te Tiriti's fundamental partnership principle across the multicultural society New Zealand has become, and an understanding of the importance of this, is critical to achieving a fairer society.

Targets for achieving greater equity must be made and met. These targets should not overlook the historic and structural drivers that influence current inequities, including land ownership and the right (or lack of) to participation in work. We also need better data and clearer measurements to help make decisions for the future.

New Zealand is a small country of five million. As a forward-thinking, culturally diverse nation with a Tiriti foundation, we have, as the panel wrote in its *Key Concepts* document, 'a whāriki platform from which we can realise te tapeke fair futures in Aotearoa New Zealand, and show leadership in the pursuit of fairness globally' (2). New Zealand has long defined itself by its commitment to a 'fair go' for all (12). In that spirit, Te Tapeke Fair Futures panel believes that a fairer and more just society is within reach.



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Co-chair, Te Tapeke Fair Futures Panel



Associate Professor Andrew Erueti

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Nā te iahia kia titiro, ā,
ka kite ai tātou te mutunga.

You must understand the beginning
if you wish to see the end.



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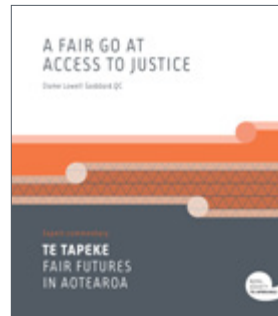
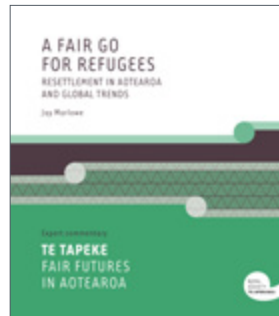
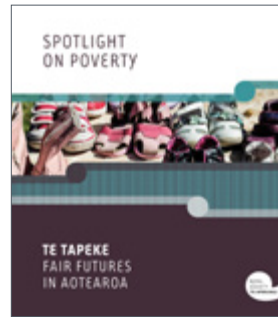
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Our sincere thanks go to the members of the panel, the contributors and reviewers, and all those that helped develop and articulate the spotlights and expert commentaries. Our hope is that the panel's work will be widely distributed, and that it will provide a useful resource for informing people's views on the issues and implications of fairness, equity, and equality in Aotearoa New Zealand.

HE RĀRANGI PUKAPUKA

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