

# The iwi environmental management system





# Objectives

1. A mutually satisfactory relationship is developed and maintained between the Wellington Regional Council and the iwi of the region.
2. The principles of the Treaty of Waitangi are taken into account in resource management.
3. There are increased opportunities for tangata whenua to exercise kaitiakitanga in the region.
4. There are increased opportunities for the cultural aspirations and tikanga of tangata whenua with regard to natural and physical resources to be met.



# Doing well

- Iwi and Greater Wellington are positive about the relationship and both parties feel it has matured over the last ten years.
- Some of the factors seen as important to the relationship are:
  - Strong commitment from the Chairperson and senior managers, kaumatua and iwi leaders.
  - Recognition that the relationship needs to be both among 'rangatira' and at the operational levels.
  - Recognition that the relationship needs to be between the Council and each iwi.
  - A willingness to acknowledge on-going differences of opinion and priority.
  - A commitment to resourcing for resource consent handling, and participation in working parties and technical exchanges.

# Must improve

- Greater Wellington is not taking the principles of the Treaty into account in a systematic way in resource management decision-making.
- Education and awareness of the Treaty principles need to be improved so that they can be taken into account more effectively.
- There is not enough communication about how iwi views have been taken into account or acted on.

## Introduction

Maori know the Wellington region as a special place: Te Upoko o te Ika a Maui – The Head of the Fish of Maui. Over the centuries, many different tribes have lived here and the lands around Wellington Harbour, or Te Whanganui a Tara, saw much upheaval.

The first European settlers landed at Petone in 1839, a year before the Treaty of Waitangi was signed. Today, the Treaty finds expression in most legislation, including the Resource Management Act 1991 (RMA), which requires regional councils to:

- take into account the Treaty's principles
- recognise and provide for, as a matter of national importance, the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, wahi tapu, and other taonga (precious things)
- have particular regard to kaitiakitanga (the exercise of guardianship).

After the RMA was enacted, Greater Wellington established a relationship with six tribes in the region:

- Ngati Kahungunu o Wairarapa
- Te Atiawa/Taranaki ki te Upoko o te Ika a Maui
- Ngati Toa Rangitira
- Te Atiawa ki Whakarongotai
- Ngati Raukawa ki te Tonga
- Rangitaane o Wairarapa.

While preparing the Regional Policy Statement, Greater Wellington talked to representatives of these tribes about resource management issues of importance to tangata whenua, and what to do about them.

Together, we set the objectives for this chapter, and the Council adopted policies and methods to achieve them. Iwi also contributed to other chapters – although only the Coastal Environment chapter has an objective specifically recognising tangata whenua.

Ara Tahī, November 2005.



## What's being done

Greater Wellington and tangata whenua work together on resource management issues through Ara Tahī, an inter-iwi representative group made up of two representatives from each iwi authority and two from the Council. The group's first Chairperson, the late Te Pehi Parata, suggested the name, which means "The group proceeding down one road."

Tribes are represented by the following organisations:

- Ngati Raukawa ki te Tonga by Te Runanga o Raukawa Inc.
- Te Atiawa ki Whakarongotai by Te Runanga o Ati Awa ki Whakarongotai Inc.
- Ngati Toa Rangatira by Te Runanga o Toa Rangatira Inc.
- Te Atiawa/Taranaki ki te Upoko o te Ika a Maui by the Wellington Tenths Trust (Nga Tekau o Poneke) and Te Runanganui o Taranaki Whanui ki te Upoko o te Ika a Maui Inc.
- Ngati Kahungunu by Ngati Kahungunu o Wairarapa.
- Rangitaane by Rangitaane o Wairarapa Inc.

Ara Tahī meets at least five times a year, allowing tangata whenua to discuss resource management policy and strategic environmental management issues. Over the last two years, Greater Wellington has used the forum to engage with tangata whenua on other, non-environmental issues.

In 1993, Greater Wellington and the region's tangata whenua signed a Charter of Understanding. Since the last *Measuring up* in 1999, tangata whenua and the Council reviewed the terms of the Charter and signed an updated document in November 2000. This was at the request of Ara Tahī who advocated for stronger recognition of the Treaty of Waitangi, and its application to all Greater Wellington business.

The revised charter goes beyond environmental management under the RMA to include all of Greater Wellington's activities - from the planning and management of rivers, parks, and public transport to water supply. Although the Charter was signed collectively, it recognises the fundamental relationship between the Council and each of the tangata whenua tribes and their independence from one other.

Greater Wellington has two Maori policy advisors who continue to provide a key link with iwi. Their role was expanded after changes to the Local Government Act 2002. The policy advisors:

- liaise with tangata whenua and support the relationship between each iwi and Greater Wellington's operational staff on operational matters
- advise the Council on specific issues of tikanga
- provide policy advice and support to Ara Tahī
- provide policy advice to Greater Wellington about Treaty implications and obligations.

In resource management decision-making, Greater Wellington provides iwi with copies of all non-notified resource consent applications in their rohe so they can provide feedback to staff considering the application. Assessing consents takes time, and this is paid for by Greater Wellington. Maori commissioners on most resource consent hearings ensure that iwi matters receive greater attention in consent applications.

Capacity funding has streamlined the working relationship with iwi by ensuring they are resourced to be available to Greater Wellington to discuss matters beyond resource consents.

This helps staff understand the implications of their decisions on tangata whenua.

Iwi are only occasionally involved in environmental monitoring. Two examples are when Te Ati Awa ki Whakarongotai monitored shallow bores on the Kapiti coast, and when Te Runanganui o Taranaki Whanui led manual weeding of Waiwhetu Stream.

Iwi have also been involved in the development of all five of the Council's regional plans, and in subsequent plan changes.

Tangata whenua and Greater Wellington share a common interest in sustainable resource management and better environmental performance. For tangata whenua, however, sustainable resource management is important for cultural, social and economic development, and they don't always have the resources to participate effectively.

Greater Wellington has recognised this and responded with an iwi project budget, to which Ara Tahi members can apply for resource management project funding. The budget has funded work by the Wellington Tenths Trust and Rangitaane o Wairarapa on geographic information systems (GIS) mapping projects, work towards the development of an iwi management plan for Te Atiawa/Taranaki ki te Upoko o te Ika a Maui, a groundwater monitoring project undertaken by Te Atiawa ki Whakarongotai, and a walkway to an urupa by Ngati Toa Rangatira.

Dane Rimene and Joseph Potangaroa at the controls of the computer based GIS system they used to record 250 historic sites.



Each year, there is a programme of technical workshops for Ara Tahi. These are to share information between Greater Wellington staff and iwi representatives on issues such as environmental monitoring and indicators, geographic information systems, water management, transfer of powers under the RMA and management of aquaculture under the RMA.

Besides Ara Tahi, iwi and Greater Wellington also relate through iwi presence on advisory groups, for example for flood protection, and recently through representation on standing committees such as the Regional Land Transport Committee.

Greater Wellington departments such as Parks and Forests, Consents Management, and Flood Protection are in regular, informal contact, and technical workshops offer iwi ways to improve their involvement at all levels of Greater Wellington business.

In 2004, Greater Wellington, with the city and district councils in the region, began working together under a joint committee known as the Wellington Regional Strategy Forum. The Forum's aim is to build an internationally competitive region, and at the same time, enhance the quality of life of people who live here. Iwi - via Ara Tahi - are partners in this process.

Te reo Maori and seminars about the Treaty of Waitangi have been offered to staff over the past five years, but uptake, which is voluntary, remains quite low.

Over the past decade, critical innovations have been the:

- Ara Tahi Committee
- Charter of Understanding
- establishment of the Maori Hearing Commissioners
- technical workshops for Ara Tahi
- establishment of two Maori Policy Advisor positions
- extension of the Treaty response by Council to areas of Greater Wellington activity outside the RMA.

## Where we are now

When the Regional Policy Statement was being developed, Greater Wellington's relationship with iwi was new and something of an arranged marriage. We wanted to find out what iwi and Greater Wellington staff thought of this relationship ten years down the track, and whether it's as "mutually satisfactory" as we aimed for.

Representatives of Ara Tahi, some Greater Wellington staff and two councillors gave their views on whether we're meeting the Regional Policy Statement objectives.

### A mutually satisfactory relationship

A mutually satisfactory relationship is fundamental to Greater Wellington and iwi working together to address resource management issues of significance to iwi – their participation in RMA processes lies at the heart of our relationship.

All those interviewed were positive about the relationship, and felt it had matured over the last ten years.

Iwi noted that the length of the relationship, the adoption of the Charter of Understanding, consultation through Ara Tahi, and funding for resource management advice and iwi projects have all helped improve the way we work together. Some commented that staff they regularly deal with now have a better understanding about what iwi do and the role they have.

Two iwi commented that their relationship with Greater Wellington was better than with other local authorities.

Some suggested the relationship could be improved with regular reviews of the Charter, to keep it a living document, and by looking at ways to build capacity together with training and increased resourcing.

Greater Wellington staff and councillors felt there was greater trust between the two parties, and some felt that a better understanding of Greater Wellington issues and processes on the part of iwi would allow them to become even more involved in resource management matters.

There were both iwi and Greater Wellington interviewees who commented that in the early days of the relationship, councillors and iwi had robust arguments and discussions that helped us grow and learn about each other. There was some feeling that things have quietened down and the relationship is no longer growing. Some felt that the relationship needs to extend beyond certain “iwi-friendly” staff members into the organisation as a whole.

Mist on Rangitumau  
– tears of the tupuna of  
Rangitaane cloak the earth  
and her secrets. Rangitaane  
believe that when they die  
their spirits first ascend  
their tribal mountain  
– Rangitumau, before  
travelling on to Te Rerenga o  
Reinga (Cape Reinga).



## The principles of the Treaty

The RMA requires the principles of the Treaty to be taken into account in resource management decisions as a bottom-line statutory obligation.

The preference of all iwi was that the objective should refer to the actual Treaty text, instead of the principles, but that the principles provide a good starting point. The point was made that taking the principles and adding them to local government protocols was fine for regional councils, but that it doesn't do anything for Maori.

Two iwi commented that the central principle was partnership, and one said the basis of partnership was a good relationship. Another felt that despite genuine efforts, the partnership principle still wasn't taken into account in resource management



decision-making. In the context of partnership, one stated that Greater Wellington was all talk and no action. For example, Maori have always been against discharging sewage to water, and Greater Wellington could demonstrate partnership by standing with Maori on this matter.

It was commented that Greater Wellington could do more by recognising and understanding the principles, and developing policy in line with them. Two iwi felt that education and awareness of the Treaty principles needs to be improved for both iwi and Greater Wellington, so they can genuinely be considered from a common understanding. Another felt that education should extend to the public as well.

Greater Wellington's five regional plans were made operative between 1999 and 2001, providing a framework for resource consent decisions. Greater Wellington processes most consent applications – more than 95 per cent – without public notification, but they are passed to iwi for their information so they can raise any concerns.

Greater Wellington staff tend to view this process as a sign of our commitment to the principles of partnership and consultation.

Levels of feedback about non-notified consent applications has dropped. Most iwi said this was because they either receive no feedback from Greater Wellington about how their views have been taken into account, or their views have been ignored.

One commented that Greater Wellington needs to monitor consent conditions that have been specifically requested by iwi, and that the results of that monitoring should be relayed to iwi.

For their part, the response from Greater Wellington interviewees ranged from a professed ignorance of the principles through to acknowledgment that we don't accommodate them in any procedural way. No one thought the principles were fully understood and taken into account in a systematic way.

Publicly notified applications are decided by a hearing committee and, since 2000, Maori commissioners have sat on almost all hearings. Some Greater Wellington interviewees saw the involvement of Maori commissioners as demonstration of working within the principles.

One example of how the principles were taken into account in resource management is the decision on applications by Kapiti Coast District Council in 2001 to take groundwater from beside the Otaki River to supply water to Waikanae. In its decision, the hearing committee said that *the way in which the WRC [Wellington Regional Council] will take into account the principles of the Treaty of Waitangi are set out in the Regional Policy Statement, the Regional Freshwater Plan and the Charter of Understanding.*

It went on to say

*The Regional Policy Statement and Regional Freshwater Plan incorporate provisions that are pertinent to the interests of Ngati Raukawa and Nga Hapu o Otaki in the Otaki River environment and they should be given due weight - they are significant in this case.*

*Ngati Raukawa's response to the proposal is clearly understood - its conclusions have been arrived at after careful consideration and are sincere. Knowing that, a consent authority that acted to disregard those conclusions, could not be said to be actively protecting tangata whenua interests in the terms explained in the Charter of Understanding.*

The committee declined the applications because the proposal was not consistent with the purpose of the RMA. One factor in its decision was that relevant matters set out in Part II of the RMA, which includes section 8 - Treaty of Waitangi, took precedence over the need to supply water to Waikanae.

Apart from isolated examples of major consent applications like this, it seems that consultation is the measure by which many at Greater Wellington consider we accommodate Treaty principles.

While a lot of work is going on, we recognise that Greater Wellington is not taking the principles of the Treaty into account in a systematic way. Greater Wellington needs to look into how meeting this objective can be improved.

## Exercising kaitiakitanga

Kaitiakitanga (the exercise of guardianship) is an inalienable part of what it means to be tangata whenua – being a kaitiaki is not so much a role as an identity. The RMA requires regional councils to have “particular regard” to kaitiakitanga, and Objective 3 of the Regional Policy Statement looks to maximise opportunities for tangata whenua to exercise that right in the region.

This is an enabling, if challenging, objective with a positive, relationship-building intent, yet it drew the strongest reaction from iwi. They were unimpressed at the apparent inference that Greater Wellington could somehow influence kaitiakitanga – a right to be exercised regardless of whether the Greater Wellington provided opportunities for it or not.

The iwi view was that kaitiakitanga is and always will be their own responsibility, therefore Greater Wellington’s role in this process will always be limited. They felt Greater Wellington shouldn’t get involved in processes it has no control over.

One commented that iwi lack the capacity for ‘total’ guardianship, so options like co-management need to be investigated. Another expressed frustration because, to be an effective kaitiaki, tangata whenua need control over the entire process of resource management decision-making.

In 2004, Greater Wellington helped Ngati Toa improve this path from the marae to the urupa. It is now wider and easier to carry people to their final resting place overlooking the sea.



There is plenty of scope to improve on the status quo. For example, acknowledging the history at Battle Hill Farm Forest Park means letting the Iwi tell their story and practise kaitiakitanga without Greater Wellington influence. There was also a view that there is not a lot of understanding within the community about the role that iwi play in resource management, and Greater Wellington should take some responsibility for changing that.

The responses from Greater Wellington people generally reflected that they could not see any ways for Greater Wellington to increase opportunities for tangata whenua to exercise kaitiakitanga. One thought we could take steps towards this objective by integrating water management plans with Iwi Management Plans, but acknowledged that to date, there had been no moves to do this.

## **Cultural aspirations and tikanga**

The exercise of tikanga over natural resources is clearly bound to kaitiakitanga, and taken together, the two represent a way of articulating the Maori environmental management system. The notion of cultural aspirations has been presented to allow room for iwi future visions to be included in resource management. Practically, this is meant to allow iwi to exercise their Treaty right of self-determination.

As could be expected iwi comments on this objective revolved around tikanga, as they feel that cultural aspirations are a part of that concept. Tikanga guides everything they do as Maori – and it is their responsibility to dictate what is appropriate, and for what circumstances.

Iwi hope, not only that Greater Wellington will recognise a greater role for tikanga in the future, but for a clearer Maori expression of life in all areas of Greater Wellington's business in the future, even as they recognise that negative media portrayal of tikanga influences Greater Wellington's openness to its inclusion.

Greater Wellington interviewees wanted to understand tikanga, but were unsure as to how to pursue this. It was clear from Greater Wellington staff and councillor interviews that understanding the different world views of Maori and non-Maori can be difficult. Greater Wellington understands the processes that Maori wish to observe, such as karakia and mihi at significant events, but not all of them recognise those processes as a reflection of a spiritual world view that will integrate into all levels of decision-making.

## **Where to from here?**

For more than a decade, the region's tangata whenua and Greater Wellington have worked hard to build the framework for an ongoing working relationship.

Continuity of leadership in Greater Wellington, both at the governance level and among senior council officers, has been critical. There are sometimes tensions in the relationship at both governance and operational levels, but there is also a reservoir of goodwill on which the parties draw to manage those tensions. The tangata whenua consider that Greater Wellington is showing very real leadership to city and district councils in the region.

Several factors appear to be important in generating and maintaining successful relationships:

- Greater Wellington's acknowledgement that the Treaty of Waitangi is their responsibility, not just a Crown responsibility
- strong commitment to the relationship from Greater Wellington's Chairperson and senior managers, kaumatua and iwi leaders
- recognition that the relationship between tangata whenua and Greater Wellington needs to be both among rangatira and at the operational levels
- recognition that the relationship between tangata whenua and Greater Wellington needs to be between the Council and each iwi
- willingness among all parties to acknowledge on-going differences of opinion and priority, but to respond to the others' concerns
- Greater Wellington's commitment to funding, fees and resourcing tangata whenua for resource consent handling, and participation in working parties and planning and technical exchanges.

Now, in 2005, Greater Wellington and iwi are involved in reviews that seek to move forward and address the concerns identified in the interviews. These reviews include the ongoing Iwi Relationships Review, the Consents Review and Hui-a-Ara Tahi. Hui-a-Ara Tahi is a meeting of all iwi who relate to Greater Wellington to discuss and agree pan-tribal responses to Greater Wellington's work.

The challenge ahead lies in enacting the commitments captured in the revised Charter of Understanding, particularly around the effective engagement of tangata whenua in decision-making and resource planning.

## More information

Cameron, Graham. 2005. *The Iwi environmental management system – background report*. Greater Wellington.

Local Government New Zealand, Te Puni Kokiri. 2002. *Local Government Relationships with Maori*.