

Iwi and Resource Management

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 have seen many changes to the lands they occupy around Wellington and Porirua Harbours, the Kapiti Coast, the Hutt Valley and the Wairarapa.

The first European settlers landed in 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 “all persons” exercising functions and powers under the Act to:

- Take into account the principles of the Treaty;
- Recognise and provide for the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, wāhi tapu, and other taonga;
- To have particular regard to kaitiakitanga (the exercise of guardianship) and the ethic of stewardship.

Specifically in relation to regional policy statements, the RMA (in section 61) says that in preparing or changing a regional policy statement, the regional council must “take into account any relevant planning document recognised by an iwi authority, and lodged with the council, to the extent that its content has a bearing on resource management issues of the region”. Further, section 62 (contents of regional policy statements) says that the policy statement “must state... the resource management issues of significance to... iwi authorities in the region.

There are seven iwi authorities in the region.

When the Regional Policy Statement (RPS) was being prepared, iwi identified a diverse range of resource management issues which were generally incorporated in the topic-based chapters of the document (e.g. coastal environment, freshwater, landscape and heritage, and ecosystem management).

In addition to specific issues, the operative RPS has an iwi vision for the future and a specific chapter that sets out the basis of a relationship between iwi and Greater Wellington on resource management matters.

How successful has the RPS been?

Since the RPS became operative in 1995, considerable effort has been put into developing a mutually satisfactory relationship between iwi and Greater Wellington by all parties. Iwi and senior Greater Wellington staff generally feel positive about a maturing relationship not only with Greater Wellington but with the other iwi in the region. Some of the other successes include:

- Charter of Understanding between iwi and Greater Wellington, setting out how all Greater Wellington activities will be subject to the terms of the Charter;
- Ara Tahi, a forum that meets at least five times a year, allowing tangata whenua to discuss resource management policy and a diverse range of other strategic and environmental management issues;
- Employment by Greater Wellington of two Maori Policy Advisors and programmes of training for staff on a range of relevant issues to raise awareness;
- Provision of copies of resource consent applications to Greater Wellington to all iwi for their comment and feedback;
- Iwi project funding.

However, in early discussions as part of the review of the RPS and in consultation undertaken in the preparation of the 2005 state of the environment report, *Measuring up*, iwi have indicated that there are also some areas where improvements are still needed. For example, the preference of all iwi was that the existing objective in the RPS about the principles of the Treaty should go further and refer to the actual Treaty text. Comment has also been made that, even though the principles are recognised in the RPS and other documents, they should be taken further - into policy and especially into practical action.

This last frustration finds particular expression in relation to the damage and degradation of resources valued by Maori. This concern about environmental quality is nicely summed up in a concern expressed by one iwi representative about the loss and degradation of mahinga kai (the customary gathering of food and natural materials and the places where those resources are gathered).

What's changed, and what are the issues for iwi now and in the future?

When both the operative RPS and the Charter of Understanding were first developed, the principal legislation relating to iwi involvement with Greater Wellington was the RMA. Subsequently, Ara Tahi has advocated for stronger recognition of the Treaty and its application to all Greater Wellington business. This, together with provisions in the Local Government Act (2002) has broadened the range of matters for consultation and liaison between Greater Wellington and iwi and also other Maori.

Measuring up documented iwi views on the relationship with Greater Wellington, and also provided feedback on other key issues for iwi. These relate to concerns about exercising kaitiakitanga, how far councils recognise cultural aspirations and tikanga, and as noted above, iwi preference for the text of the Treaty to be taken into account.

Through the development of *Measuring up*, a series of meetings and workshops were held with Ara Tahi and individual iwi. We will continue this process of involvement and consultation for the RPS review, the first step of which is to identify the issues that iwi wish to see addressed in the next RPS.

Comments and questions for you to consider

The operative RPS has handled the responsibilities and requirements of the RMA by addressing Maori history, an iwi vision for the future, and “The Protection of ‘Mauri’”. There was also a chapter called “The Iwi Environmental Management System” that focused on Greater Wellington’s relationship with the iwi of the region. In addition, resource-based issues for iwi were scattered throughout other resource management chapters of the RPS (e.g. the freshwater, coastal environment, landscape and heritage).

Should the next RPS adopt a similar approach? Does there need to be a chapter dealing with the relationship between iwi and Greater Wellington, or could this now be addressed in the Charter of Understanding? The RPS is a statutory document which is not open to easy or frequent change, and there may be pros and cons in spelling out the relationship in such a formal and essentially fixed document.

Should the RPS merely restate what the RMA says about how to work with Maori in terms of the Treaty principles, and what the Act identifies as relevant matters?

The RMA requires that the RPS “take into account any relevant planning document recognised by an iwi authority”. At present there is only one such document finalised, and it is for only part of rohe of one iwi. There is also one other draft Management Plan. How do these plan provisions get “taken into account”?

The RMA also requires that the RPS “must state the resource management issues of significance to iwi authorities in the region”. Taken together with the requirement about iwi management plans, how do we address issues of significance? Is it preferable to have a separate chapter dealing with all these matters (combined with provisions that deal with the relationship between iwi and Greater Wellington), or can the significant issues identified by iwi be effectively handled within the chapters dealing with particular resources? Or is the best option some combination of both approaches?