

RMLA Conference “Improving Maori Involvement in Environmental Management”

1. RMA Reform Proposals

Proposed reforms to achieve greater clarity and action on the role of iwi/hapu in local government resource management planning is a welcome possibility

However proposed changes to s.6 and 7 in favour of economic development may weaken the environmental outcomes

New requirements for s.32 evaluations would add transparency to how iwi/hapu advice is considered

A requirement for councils to invite iwi/hapu to enter into an arrangement that details how they will work together through planning processes would be constructive

Providing greater status to IRMP's would be an important step forward, a requirement for councils to negotiate with the iwi/hapu on how an iwi plan is to be factored into planning processes has much merit also

2. Otakou

In the Otakou takiwa where I am from, connection to our lands, waters and other taonga are centuries old.

Connection is of a kinship nature, reflected in our stories, whakapapa, waiata, haka, placenames, mahika kai, values, associations and a myriad of other interconnections

Management and use mirrored that kinship, it is what we are and reflects our identity.

The great challenge is to uphold and exercise that kinship duty.

3. Treaty

Successive generations had agitated the Crown since 1848 over land and natural resource issues and threats to and alienation from our taonga.

The 1877 declaration by Chief Justice Prendergast that the “Treaty was worthless” and “a simple nullity” influenced government decision making for decades

Maori activism over land and resource loss from the late 60’s propelled the Treaty back into the limelight

With the arrival of the RMA Act in 1991 we were observers rather than active participants in the environmental management of nga taonga

4. RMA

Part II of the new RMA Act gave hope for iwi /hapu involvement and recognition in the way natural resources were to be managed

Ensuing engagement with councils and their planning processes opened a new door

But translating that to actual effect on the ground and through the decision making processes was cosmetic at best the idea of co-management has not been fully if at all realized in Otago

Many of the resources or taonga of value to our people were environmentally challenged and under threat

5. Iwi Resource Management Plans (IRMP)

To articulate publicly our resource management values and connection we developed IRMP's for the Otago region in (1995 and 2005)

The second edition was advanced to include policies for various resources or activities

Developing the IRMP's was a significant exercise not commensurate with the effect they have had on resource management decision-making in the region

Ngai Tahu locally are not likely to review the current IRMP given the weak statutory provision for iwi plans and the ease with which they can be sidelined

But this is not to over look the gains made locally with local government in district plans and positive relationships that are building outcomes

6. Ngai Tahu Claims Settlement Act 1998

By the time the Ngai Tahu settlement negotiations were under way in 1997 there was a realization that the RMA was not being applied consistently and engagement with our whanau and hapu across the regions was variable

The Ngai Tahu Claim Settlement introduced;

- Statutory Acknowledgments
- Annual visits by MfE to councils and for MfE to investigate how councils were dealing with iwi resource management plans

both of these have had limited effect, in particular SA's were meant to be used as examples a template that could be

applied to other areas of importance, this has not occurred and has in instances been taken to confine our interests to the SA's areas only

Some wetlands, the bed of Te Waihora (Lake Ellesmere) and nohoanga were part of the settlement package

Both Crown and Ngai Tahu agreed water "ownership" was off the table to a later date, a bridge too far at the time

7. Best and Worst

Possibly the worst and best of the engagements with councils are exemplified in Canterbury

The current relationship with ECAN is exemplary, at the time of the appointment of the commissioners it was its lowest ebb

The ECAN and Ngai Tahu relationship includes capacity building, joint agreements, involvement in decision making and a range of participation roles.

8. Other Iwi Settlements

Post the Ngai Tahu settlement the ball has been carried forward to include examples of co-management and joint management agreements, in the case of the Waikato River settlement, direct decision making powers are included.

The Waitangi Tribunal has made recommendations seeking to enhance opportunities, improve mechanisms and build Maori capacity

Treaty settlement negotiation at government level is resulting in improved iwi / hapu involvement and co-management models and is providing valuable examples or possibilities

The advent of the Iwi Leaders advocacy role in conjunction with the Maori Party has had a positive influence on the National Governments freshwater planning proposals re enhancing iwi/Maori involvement

9. National Policy Statements (NPS)

The use of NPS may be a way to avoid 'death by a thousand cuts' through the myriad of planning and decision processes and differing interpretations

The recent King Salmon decision by the Supreme Court reduces the scope for the Part II "overall judgement" notion to water down key provisions of the NZCPS

The national policy statement route could assist in achieving more uniform and consistent uptake by councils and enhancing involvement of iwi/hapu in environmental management processes.

Conclusion

20 years on the promise of the RMA has produced mixed results for iwi/hapu despite plenty of good intention and endeavor on all sides

The ECAN example shows what can be achieved when commissioners are appointed, and pertinent to that, negative politics being removed temporarily at least, resulting in remarkable growth in the relationship between Ngai Tahu and ECAN

Gains have been made and tools grown or identified through Treaty processes and Waitangi Tribunal recommendations

National instruments such as NPS's and NES's can provide greater direction and consistency to iwi / hapu involvement in resource management

National Government RMA reforms could be a bob both ways